

Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, March 14, 2013

REGULAR MEETING

Friday, March 15, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, March 14, 2013 in San Luis Obispo.

1. Roll Call – Board Members Michael Thomas, Assistant Executive Officer

Present:

Jeffrey Young, Chair
Jean-Pierre Wolff, Vice Chair
Monica Hunter
Russell Jeffries
Mike Johnston
Mike Jordan

Absent:

Bruce Delgado

2. Introductions Kenneth A. Harris Jr., Interim Executive Officer

Mr. Harris introduced Board staff and Jessica Jahr, Board Council.

3. Approval of January 31-February 1, 2013 Meeting Minutes Board Motion

MOTION: Jean-Pierre Wolff moved to approve the January 31-February 1, 2013 Meeting Minutes

CARRIED: (5-0) Unanimously (Note: Russell Jeffries abstained as he did not receive a copy of the draft minutes prior to the meeting.)

4. Reports by Water Board Members Status Reports

- Mr. Jeffries reported that he attended the Marine Sanctuary Board meeting in Santa Cruz.
- Dr. Hunter announced that she and Dr. Wolff have been appointed to the sub-committee to focus on the Los Osos sewer project.
- Mr. Johnston joined the drinking water stakeholders group and attended his first meeting in February.
- Chair Young reported that there was a Chair's meeting in March.

5. Report by State Water Resources Control Board Liaison Status Report

SWRCB Liaison Steven Moore was unable to attend the meeting. Ken Harris reported on recent appointments to the State Board as announced by Governor Brown.

6. TMDLs for Nitrogen Compounds and Orthophosphate Board Motion

This agenda item was a continuation of the January 31, 2013 hearing. Water Board Engineering Geologist Pete Osmolovsky presented a brief summary of the proposed TMDLs and associated Basin Plan amendment and reported on the minor administrative changes made to the basin plan amendment language subsequent to the January 31, 2013 hearing.

Board member Mr. Michael Johnston moved to adopt staff’s recommendation for Resolution No. R3-2013-0008. Dr. Monica Hunter seconded.

Board members Mr. Jeffries and Dr. Wolff stated that, in the absence of any urgency, it might be prudent to defer approving the TMDL pending the outcomes of petitions of the Agricultural Order.

Board Member Dr. Hunter stated that her impression is that there is sufficient flexibility and accommodations in the basin plan amendment language to provide for future contingencies on the basis of changes to the agricultural order, or on the basis of changes in state policy.

Board members and staff discussed implications of the Ag Order petition on the TMDL.

MOTION: Mr. Michael Johnston moved to adopt staff’s recommendation for Resolution No. R3-2013-0008.

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

7. Enforcement Report..... Status Report

Mr. Harris introduced the enforcement report as a written report and asked for Board questions. Chair Young inquired about enforcement of the Ag Order. Mr. Jordan suggested a table or list of ag operators who haven’t paid fees. Enforcement Coordinator Harvey Packard responded that he would include a section on ag enforcement in future reports.

The Board asked for follow-up information on Ventana Inn and Petit Auto Wrecking.

8. Supplemental Environmental Projects Status Report

Harvey Packard gave a brief presentation and summary of the staff report.

The Board suggested that staff look into expanding the Low Impact Development Initiative’s scope of work to coordinate with Integrated Regional Water Management groups and accept SEP money to perform projects recommended through the IRWM process. The Board directed staff to have a balanced approach and look for ways to approve good projects. However, the Board agreed with staff’s recommendation to continue to use CCAMP and LIDI as the primary recipients of SEP funds.

9. Stormwater Post-Construction Requirements Status Report

Staff member Phil Hammer provided an update on the Central Coast Water Board Post-Construction Requirements and how they are affected by the State Board’s reissuance of the Phase II Municipal Stormwater Permit. Staff presented the strategy for moving forward with Post-Construction Requirements implementation, including a proposed Board action item in July

2013. Municipal representatives commented on the Post-Construction Requirements, primarily focusing on deadlines for implementation and the appropriateness of the retention standards. Board members discussed information provided by staff and stakeholders.

Public Speakers

- Alex Halperin
- Tamara Doan
- Steve Wagner
- Tricia Wotan
- Cathleen Garnand
- Erin Maker
- Steve Kahn
- Steve Shimek
- Tricia Wotan
- Noah Garrison
- Leroy Cadema

10. Public Forum.....Board Direction

Public Speakers

- Steve Shimek

Uncontested Items* (Items 11-12) Board Motion

***11.TMDL for Arroyo Paredon: Chlorpyrifos**

***12. Emergency, Abandoned and Recalcitrant Fund Account**

Dr. Hunter asked if staff kept a list of cases which could benefit from using the EAR Account funding.

Mr. John Goni, P.E., staff in the Underground Tanks Unit, responded. The EAR Account is a last resort to fund orphaned or abandoned underground tank cases. The process is cumbersome and requires attempting to recapture the cleanup costs, which is done by the use of a lien against the parcel on which the leak occurred. Staff does not keep a formal list of such cases eligible for the Account.

Regional Board staff and State Board staff solicit nominations to the EAR Account each year from the local agencies each year, Regional Board staff also evaluates each case needing funding and considers the EAR funding option.

MOTION: Russell Jeffries moved to approve the Uncontested Items Calendar

SECOND: Monica Hunter

CARRIED: (6-0) Unanimously

13. Board Meeting Agenda Format.....Information/Discussion

No minutes for this item.

14. Executive Officer’s ReportInformation/Discussion

Point-Source Salinity and Nutrient Control Strategy

The Board asked if any salt and nutrient management plan would be completed by the May 2014 deadline. Mr. Packard responded that probably not.

Mr. Harris reported on his March 5, 2013 presentation to the State Board.

Friday, March 15, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Friday, March 15, 2013 in San Luis Obispo.

17. Roll Call – Board Members Michael Thomas, Assistant Executive Officer

Present:

- Jeffrey Young, Chair
- Jean-Pierre Wolff, Vice Chair
- Monica Hunter
- Russell Jeffries
- Mike Johnston
- Mike Jordan

Absent:

- Bruce Delgado

18. Public Forum.....Board Direction

Public Speakers

- Gail Delihant

18a. Executive Officer Search.....Information/Board Direction/Decision

Pamela Derby, Executive Recruiter with CPS HR Consulting, provided an update on the executive officer search outreach efforts. Board members discussed desirable qualifications.

19. Agricultural Order-Program Implementation Status Status Report

Staff provided a general overview and status regarding the implementation of the Agricultural Regulatory Program, focused on implementation timing and priorities. Staff also updated the Board on the status of establishing a Technical Advisory Committee. In addition, staff addressed questions concerning requests for time extensions concerning the development and implementation of Sampling and Analyses Plans (SAP)/Quality Assurance Project Plans (QAPP) required for Tier 3 Individual Surface Water Discharge Monitoring.

Staff described that they have responded to questions regarding development of the SAP/QAPP from growers with Tier 3 farms and their consultants. Agricultural representatives commented on the SAP/QAPP extension requests and described that the Water Board’s template for developing SAPs/QAPPs is too complex for growers. Other stakeholder indicated that existing Water Board templates describe a simplified approach in comparison to standard SAP/QAPP requirements.

Kirk Schmidt, Central Coast Water Quality Preservation, Inc. described that he is unable to identify new enrollees in the electronic-Notice of Intent (eNOI) data that he receives from the Water Board. Staff indicated that they will coordinate with Mr. Schmidt to confirm that he has the data necessary for his billing purposes.

Board members discussed the limited staff resources available for the implementation of the Agricultural Order. Executive Officer Ken Harris described that he is working with State Board staff to get additional support for GeoTracker and is also evaluating staff resources dedicated to database management. In addition, Board Members also discussed the issue of accumulation of non-compliance in the future.

Public Speakers

- George Adam
- Norm Groot
- Steve Shimek
- Gail Delihant
- Ben Pitterle
- Abby Taylor-Silva
- Darlene Din
- Kirk Schmidt

20. Agricultural Order-Cooperative Groundwater Monitoring Program..... Status Report

Staff presented information to update Board members on activities related to groundwater monitoring - focusing on cooperative groundwater monitoring. Staff summarized the cooperative groundwater monitoring requirements, described proposed edits to the Monitoring and Reporting Program, and described staff coordination with agricultural representatives who are developing cooperative groundwater monitoring programs. Staff clarified that cooperative groundwater monitoring proposals were due March 15, 2013 and that staff would review and comment within approximately 30 days and then provide approximately 45 days for groups to resubmit proposals, with response to comments. Staff emphasized the importance of timely implementation and adherence to deadlines and also described the minimum criteria applicable to cooperative groundwater monitoring proposals. Staff also addressed questions raised during recent farm tours.

Staff described participation in several meetings with agricultural representatives to discuss the criteria for cooperative groundwater monitoring program proposals. During these discussions, staff emphasized the priority and urgency of monitoring groundwater used for drinking water and agricultural representatives identified confidentiality of well locations and water quality data as a primary concern.

Board Members discussed how non-compliance issues would be handled where third parties are involved in implementing cooperative groundwater monitoring programs, on behalf of individual growers. Board Members also discussed the Executive Officer's proposed changes to the Monitoring and Reporting Program (MRP) that would allow additional growers to elect to participate in approved cooperative groundwater monitoring programs. Board members expressed support for allowing growers more time to elect approved cooperative groundwater monitoring programs and discussed suggested edits. In addition, Board Members expressed their desire to obtain groundwater data as soon as possible, especially for drinking water wells. Board Members requested that staff provide an update on the cooperative groundwater program proposals during the May Board Meeting.

Agricultural representatives made presentations to the Board regarding the following cooperative groundwater monitoring proposals:

- 1) North Central Coast Area (Presentation made by Abby Taylor-Silva, GrowerShipper Association);
- 2) Southern Central Coast (Presentation made by Claire Wineman, GrowerShipper Association of Santa Barbara and San Luis Obispo Counties).

Stakeholders representing environmental justice and rural communities commented on the importance of timely implementation of the Agricultural Order. Commenters expressed concern regarding the existing and ongoing pollution of drinking water domestic wells, particularly in rural areas and disadvantaged communities and farm labor camps. Commenters objected to agricultural representatives' request to keep groundwater data confidential, as they are relying on groundwater monitoring programs to assist their efforts and explained that aggregated and low resolution data will make it much more difficult to assist people that are most at risk to

drinking water pollution. Commenters indicated that groundwater data and well locations must be made available to the public.

Public Speakers

- George Adam
- Steven Deverel
- Ann Myhre
- Abby Taylor-Silva
- Gail Delihant
- Michael Johnson
- Jeanette Pantoja
- Claire Wineman
- Jennifer Clary
- Parry Klassen
- Steve Shimek

Chairman Young adjourned the meeting at approximately 4:15 p.m. Friday, March 15, 2013. The next regularly scheduled Water Board meeting will be held on May 30-31, 2013 in San Luis Obispo.

Minutes were reviewed by management and will be considered for approval by the Board at the May 30-31, 2013 meeting in San Luis Obispo.



Jeffrey Young, Chair