



Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING

January 30, 2014

Chair Young called the meeting of the Central Coast Water Board to order at 9:12 a.m. on Thursday, January 30, 2014 in Watsonville.

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

Present:

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

Absent:

2. Introduction and Staff Recognition/AwardsKenneth A. Harris Jr., Executive Officer
Mr. Harris introduced Board staff and Jessica Jahr, Board Counsel.

3. Election of Chair and Vice Chair
Dr. Jean-Pierre Wolff confirmed as Board Chair.

Motion: Russell Jeffries
Second: Bruce Delgado
Carried: (7-0) Unanimous

- Board members Jeffries, Delgado, Wolff, Hunter and Johnston expressed appreciation for Mr. Young's role and effort as Board chair.

Dr. Monica Hunter confirmed as Vice-Chair.

Motion: Russell Jeffries
Second: Bruce Delgado
Carried: (7-0) Unanimous

4. Approval of December 5-6, 2013 Meeting Minutes
Dr. Hunter expressed appreciation of the detail of the minutes.

DR. JEAN-PIERRE WOLFF, CHAIR | KENNETH A. HARRIS JR., EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast

Motion: Russell Jeffries
Second: Bruce Delgado
Carried: (7-0) Unanimous

5. Report by Regional Board Members

- Dr. Hunter indicated the Governor's Drinking Water Stakeholder group data collection recommendations were submitted to the Governor's office. Dr. Hunter acknowledged Matt Keeling's efforts, assistance and his work on the Region 3's GAP program
- Dr. Hunter attended a two-day fracking workshop, discussed that fracking could be used on up to 4000 active oilfield acres in Monterey County, and indicated that an initial EIR covering this project was insufficient.
- Mr. Johnston attended a work shop at the Pajaro Valley Water Management District to assist Driscoll growers in completing their annual compliance forms. Mr. Johnston forwarded specific comments to Mr. Harris and staff. Some of the issues discussed at the work shop included
 - The inability to look at partially complete and save/review historical versions of the compliance form.
 - A number of Cantonese speaking agriculturalists were contacted regarding non-payment of fees, language barrier presented problem,
 - Concern that grant applicants/recipients would be subjected to inspections by water board staff.

6. Report by State Water Resources Control Board Liaison [Steven Moore 916/341-5624] Mr. Moore was unable to attend the meeting.

7. Public Forum

- Kay Mercer stated that growers have to go to multiple documents to fill out the Annual compliance form (ACF). This can be potentially confusing to some growers as they don't know where to go to find out what is expected in the forms.
- Norm Groot (Monterey County Farm Bureau) stated that the present drought has unanticipated impacts, and asked staff and board to consider effects of drought going forward with respect to the burden of regulation.
- Dave Feliz (California Department of Fish and Wildlife [DF&W]) stated he manages Elkhorn Slough Reserve, invited board members to visit reserve of 1700 acres. Mr. Feliz indicated that the National Oceanic and Atmospheric Administration (NOAA) and the Elkhorn Slough Foundation are partners with DF&W and that the Reserve receives 50,000 visitors per year. Board member Young encouraged board members who have not toured to do so.
- John Haskins (Elkhorn Slough Reserve) encouraged board members who have not toured to visit the slough. He indicated that ongoing research including real-time water quality monitoring of the slough. He also stated that at the March Regional Board meeting, he will return and present some of their water quality data.

8. Uncontested Items

9. Watsonville WWTP tributary collection systems, Watsonville, Santa Cruz County
Rescind Waste Discharge Requirements Order No. R3-2003-0041
10. Santa Cruz WWTP tributary collection systems, Santa Cruz, Santa Cruz County
Rescind Waste Discharge Requirements Order No. R3-2005-0043
11. Casmalia Resources and Casmalia Resources Site Steering Committee,
Casmalia, Santa Barbara County; Rescind Waste Discharge Requirements Order No.
R3-2004-0124 NPDES Permit No. CA0049972
- 11a. City of Paso Robles Wastewater Treatment Facility, San Luis Obispo County
Delegate Authority to Executive Officer to Approve Expedited Payment Letter
No. R3-2014-0005

- Regarding item 11, Chairman Wolfe asked if there is ongoing groundwater monitoring associated with the Casmalia Hazardous Waste site. John Robertson (Water Board Staff) affirmed there is a robust groundwater monitoring system surrounding the various waste cells and this monitoring is not associated with the order proposed for rescinding; the treated discharge permitted under this order never actually occurred.
- Regarding Item 11a, Mr. Harris indicated that staff plans to bring back a memo delegating approval/signature authority to the Executive Officer for all Mandatory Minimum Penalty (MMP) settlements due to limited flexibility associated with these penalties. Dr. Hunter asked if a community that meets specific disadvantaged criteria could use some portion of the settlement money for projects. Harvey Packard (Water Board Staff) indicated that the City of Paso Robles does not meet the criteria for this allowance. Dr. Hunter stated that Exhibit A refers to group 1 and group 2 pollutants but does not explain the difference. Mr. Packard explained that Group 1 compounds are considered greater environmental threats than those listed in Group 2. Mr. Packard indicated that he could provide a list of chemicals in each group. Dr. Wolff said that during the discussion of Supplemental Environmental Projects (SEPs) at the March 2013 Water Board meeting, he agreed that primary consideration for settlements would be directed toward CCAMP /GAP/LIDI, but not exclusively. Mr. Packard indicated that to simplify the expedited payment letter (EPL)/settlement process, we have provided these as options in the EPL, but we still allow the discharger to select other projects, although this would require the board to issue an order which would have to come before the Board, eliminating efficiency for MMPs.

Motion: Mike Jordan

Second: Monica Hunter

Carried: (7-0) Unanimous

12. Total Maximum Daily Loads for Toxicity and Pesticides in the Santa Maria River Watershed Consideration of Proposed Basin Plan Amendment, Resolution No. R3-2014-0009

TMDL program manager Chris Rose and TMDL program environmental scientist Peter Meertens provided a presentation to the board and public summarizing the TMDL.

Members of the public provided oral comment at the hearing. Commenters included the following:

- Steve Kahn, City of Santa Maria
- Kay Mercer, consultant, KMI
- Mary Whittlesey, Public Works Department, County of San Luis Obispo
- George Adam, President, Innovative Produce
- Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties
- Theresa A. Dunham, Attorney, Somach Simmons & Dunn Attorneys at Law, representing the Pyrethroid Working Group
- Brian Anderson, Department of Environmental Toxicology, University of California, Davis
- Tessa Fojut, PhD, Environmental Scientist, Central Valley Water Board
- Deborah Denton, PhD, Environmental Scientist, US EPA Region 9
- California Stormwater Quality Association, read by Lisa McCann

Discussion ensued regarding the applicability of pesticide TMDLs in man-made channels, how the TMDL will be implemented, crop loss from not using pesticides, the meaning, derivation, and implementation of TMDL numeric targets and allocations, and policy decisions leading to findings that surface waters are impaired due to pesticides. Board members asked staff for clarification regarding TMDL allocations, CEQA, how current regulation will be used to implement the TMDL, how non-regulatory options will be implemented, how municipalities control residential pesticide use, and how staff prioritizes implementation efforts geographically. Board member Jeff Young made a motion to adopt the TMDL with changes recommended by staff, board vice-chair Dr. Monica Hunter seconded the motion. The board unanimously approved the proposed basin plan amendment to incorporate the TMDL into the basin plan, thereby adopting the TMDL.

13. Irrigated Lands Regulatory Program Update

Parry Klassen, Steve Deverel, and Abby Taylor-Silva, representatives of the Central Coast Groundwater Coalition (CCGC) made a presentation to the Board on the status of the cooperative groundwater monitoring program. The presentation included status of groundwater sampling, preliminary results, and a description of how the CCGC conducts notification in cases where drinking water wells exceed the drinking water standard.

The Board directed staff to make the CCGC notification to well users and reporting of maximum contaminant level (MCL) exceedances and follow-up reporting equivalent to the Water Board's non-coalition process. The Board also directed staff to document (maintain a written record) regarding drinking water follow up actions and to require ongoing reporting regarding the use of contaminated water wells and adequacy of replacement water.

Public Speakers:

- Parry Klaasen, Central Coast Groundwater Coalition
- Steve Deverel, Central Coast Groundwater Coalition
- Abby Taylor-Silva, Central Coast Groundwater Coalition and Grower-Shipper Association of Central California

- Kay Mercer, Consultant
- Pearl Kan, California Rural Legal Assistance
- Jeanette Pantoja, California Rural Legal Assistance
- Kenia Acevedo, California Rural Legal Assistance
- Steve Shimek, Otter Project
- Tess Dunham, Somach Simmons and Dunn

14. Enforcement Report

Executive Officer Ken Harris presented the item to the Board.

15. Preliminary Discussion for a Future Strategic Planning Meeting

Executive Officer Ken Harris provided a summary of the item to the Board.

16. Executive Officer's Report

Executive Officer Ken Harris provided a summary of the item to the Board.

Chair Wolff adjourned the meeting at approximately 4:40 p.m. January 30, 2013. The next regularly scheduled Water Board meeting will be held on March 6-7, 2014 in Salinas.

Minutes were reviewed by management and will be considered for approval by the Board at the March 7, 2014 meeting in Salinas.



Dr. Jean-Pierre Wolff, Chair