

Central Coast Regional Water Quality Control Board

MEETING MINUTES

**Central Coast Regional Water Board
REGULAR MEETING**

**Thursday, July 31, 2014, 8:30 a.m. - 5:00 p.m.
Friday, August 1, 2014, 9:00 a.m. - 5:00 p.m.**

**Santa Barbara County Offices
Supervisors' Board Hearing Room – 4th floor
105 East Anapamu Street, Santa Barbara**

Chair Dr. Jean-Pierre Wolff called the meeting to order on July 31, 2014, at 8:30 a.m.

Board Business

1. Roll Call

Tammie Olson, Clerk to the Board

Water Board Members Present:

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

2. Introductions:

Kenneth A. Harris Jr., Executive Officer

Mr. Harris introduced Jessica Jahr, Board Counsel, and Michael Thomas, Assistant Executive Officer.

3. Approval of May 22, 2014 Meeting Minutes

Motion: Water Board Member Jeffries moved to approve

Second: Water Board Member Hunter

Carried: (7-0) Unanimous

Correction: Mr. Young – Reports by Boards Members – Mr. Young met with the growers and shippers on May 5th.

Motion: Water Board Member Jeffries moved to approve the corrected minutes

Second: Water Board Member Hunter

Carried: (7-0) Unanimous

4. Report by Regional Water Board Members

- Water Board Member **Bruce Delgado**: On July 7, 2014, met with Perry Klassen and Abbie Silvia Taylor regarding the Central Coast Ground Water Coalition concerns about agenda item 13.

- Water Board Member **Michael Jordan**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and the members of the Grower Shipper Association.
- Water Board Vice Chair **Monica Hunter**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and members of the Grower Shipper Association. Dr. Hunter also gave a brief report on the committee for Environmental Justice for Safe Drinking Water.
- Water Board Member **Jeffrey Young**: Nothing to report at this time.
- Water Board Member **Michael Johnston**: On July 30, 2014, met with Perry Klassen of the Central Coast Ground Water Coalition and members of the Grower Shipper Association. On July 22, 2014, attended a Stakeholder meeting in Watsonville to start the TMDL process for nutrients and toxic algae at Pinto Lake.
- Water Board Member **Russell Jeffries**: On June 30, 2014, met with Grower-Shipper Association.
- Water Board Chairman **Jean-Pierre Wolff**: Met with the Ground Water Coalition on June, 23, 2014. In June and July he met with the Central Coast Salmon Enhancement to discuss various projects. He went to a meeting sponsored by the Country Board of Supervisors to try to help mitigate the problems of the Paso water basin with the San Luis Obispo County Agriculture Advisory Board. He met with some stakeholders of the Paso Robles groundwater coalition. He had a meeting with the Coastal San Luis San Luis Resources Conservation district.

5. Report by State Water Resources Control Board Liaison

Steve Moore gave an overview of several recent State Water Board actions, focusing on drought related activities.

6. Drought Conditions Update by Regional Liaison to Water Rights Division [Lisa McCann 805/549-3132] Ken Harris, Executive Officer, gave a summary of drought related activities in the Central Coast Region.
7. Meet and Greet Southern California Section Chief, Division of Drinking Water [Kurt Souza 805/566-4745] Kurt Souza gave an overview of the Division of Drinking Water.

8. Uncontested Items

9. Reissue Waste Discharge Requirements for Class I Waste Water Surface Impoundments and Renewal of Exemption to the Toxic Pits Cleanup Act
Dynergy Moss Landing LLC, Moss Landing Power Plant, Moss Landing, Monterey County [David Schwartzbart 805/542-4643; David.Schwartzbart@Waterboards.ca.gov]

There was no discussion

Motion: Water Board Member Jeffries moved to approve all uncontested items
Second: Water Board Member Delgado
Carried: (7-0) Unanimous

Discussion/Informational Items

10. ~~TMDL Program Update~~ This item was not heard due to limited time.

[Chris Rose, 805/542-4770, Chris.Rose@waterboards.ca.gov]

11. CCAMP-Groundwater Assessment and Protection (GAP) Update and Summary of Groundwater Basin Data with Respect to Nitrate

[Matthew Keeling 805/549-3685; Matt.Keeling@Waterboards.ca.gov]

Matthew Keeling, Water Resources Control Engineer, presented an overview and summary of the groundwater and drinking water nitrate data from the Item No. 11 staff report, and responded to several general questions from various Board members about the data and follow-up actions. Claire Wineman, with the Grower Shipper Association of Santa Barbara County, provided public comments associated with the agricultural communities commitment to address the nitrate problem and concerns over how the nitrate non-detect data were evaluated. Board members Jeff Young and Mike Johnston suggested that staff provide the nitrate drinking water information to county health officials and follow-up with periodic updates in an effort to get the counties to act on the public health threats, issue a press release, and collaborate with the State Water Board's Drinking Water Program staff. Chair Dr. Wolff, confirmed Board member consensus to provide this direction to staff, and Executive Officer Ken Harris reiterated the directive for the record.

Speakers:

- Kay Mercer, KMI
- Claire Wineman, Grower-Shipper Association

Watershed Management and Planning

12. Recommendations for Expenditure of Guadalupe Settlement Funds

[Matthew Keeling 805/549-3685; Matt.Keeling@Waterboards.ca.gov]

Matthew Keeling, Water Resources Control Engineer, provided an overview of the Central Coast Water Board's priorities and goals, and the State Water Board's priorities and initiatives, and summarized how the Groundwater Assessment and Protection (GAP) program is implementing these priorities and initiatives. Mr. Keeling recommended that the Board allocate all remaining Guadalupe Settlement Funds to the GAP program. Mr. Keeling also provided a general introduction to the Pismo Preserve Project, and indicated that land acquisition projects for conservation purposes could be in alignment with Water Board priorities and the Guadalupe Settlement Fund criteria as long as they resulted in tangible water quality benefits. Matthew Keeling further stated the Board would need to apply appropriate conditions and restrictions on the allocation of settlement funds to the Pismo Preserve Project to document and realize tangible water quality benefits.

Kaila Dettman, Executive Director of the Land Conservancy of San Luis Obispo County, gave a presentation describing the Pismo Preserve Project and requested that the Board allocate \$800,000 to the project. Members of the Land Conservancy and the public comments in favor of allocating Guadalupe Settlement Funds to the project. San Luis Obispo County Board of Supervisor, Adam Hill, also provided testimony in support of the Board allocating funds to the project.

Jeanette Pantoja, California Rural Legal Assistance (CRLA), read a letter by Colin Bailey, Executive Director of the Environmental Justice Coalition for Water, in support of funding

the GAP program. Pearl Kahn, with CRLA, provided public testimony in support of allocating the funds to the GAP program.

After deliberation, the Board member Bruce Delgado put forth a motion to allocate \$350,000 to the Pismo Preserve Project and the remaining balance to the GAP program. Jessica Jahr, Water Board staff legal counsel suggested adding to the motion that the remaining balance of the funds would be allocated to the GAP program if the Pismo Preserve Project fell through. The Board agreed and member Russ Jeffries seconded the motion. All remaining Board members voted in favor of the motion, except member Mike Johnston who voted no. As discussed during the Board's deliberation, this motion would require staff legal counsel to coordinate with the Land Conservancy to develop and put in place appropriate conditions and restrictions to ensure the project resulted in tangible water quality benefits and indemnified the Water Board from any responsibilities or potential liabilities associated with the ongoing maintenance and management of the project.

Speakers:

- Wende David, Director of Development, Land Conservancy Staff
- Daniel Boulman, Land Conservancy
- Steph Wald, Central Coast Salmon Enhancement/Land Conservancy
- Christopher Helenius, Land Conservancy
- Greg Bettencourt, Central Coast Concerned Mountain Bikers
- Herb Kandel, Land Conservancy
- Penny Rappa, Land Conservancy
- Bok Rhohard, Land Conservancy
- Josh Esporaz, Nipomo High School/Land Conservancy
- May Bettencourt, Cayucos Land Conservancy
- Peter Jenny, Land Conservancy
- Supervisor Adam Hill, San Luis Obispo Board of Supervisors

- Jeanette Pantoja, CLRA
- Kay Mercer, KMI
- Claire Wineman, Grower-Shipper Association

Motion: Water Board Member Delgado moved to allocate \$350,000 to the Pismo Preserve Project and the remaining balance to the GAP program

Second: Water Board Member Jeffries

Carried: (6-1) Water Board Member Johnston voted no.

13. Irrigated Lands Regulatory Program: Water Board Review of Central Coast Groundwater Coalition's Drinking Water Notification Process

[Hector Hernandez 805/542-4641; Hector.Hernandez@Waterboards.ca.gov]

John Robertson and Hector Hernandez, Water Board staff, introduced and summarized the item, and reiterated staff's recommendation to make the CCGC's drinking water notification process equivalent to the Water Board's notification process for individual growers. The Board heard a presentation from Parry Klassen and Tim Borel, and heard comments from Tess Dunham, Abby Taylor-Silva, Claire Wineman, Steve Schimick, Kenia Acevedo, and Pearl Kan. The Board asked questions of Water Board staff, Parry Klassen, Abby Taylor-Silva, Tess Dunham, Tim Borel, and Kenia Acevedo regarding the CCGC's Drinking Water

Notification process. The Board did not complete discussion of the item and indicated that discussion concerning this item will resume during the September Board meeting. In the interim, the Board asked Water Board staff to work with CCGC staff to reach consensus concerning this item.

Speakers:

- Jeanette Pantoja, CLRA
- Tim Borel, Chair, Central Coast Ground Water Coalition
- Kara Stuart, Membership Manager, Central Coast Ground Water Coalition
- Tess Dunham, Legal Counsel, Samach Simmons Dunn/Central Coast Ground Water Coalition
- Pearl Kan, California Rural Legal Assistance, Inc.
- Steve Shimek, The Otter Project
- Perry Klassen, Executive Director, Central Coast Ground Water Coalition
- Kay mercer, KMI
- Norm Groot, Executive Direction, Monterey County Farm Bureau
- Clair Wineman, President, Growers-Shipper Assoc.
- Abbgly Taylor-Silva, Vice President, Grower Shipper Assn

14. This Item Intentionally Left Blank

15. **Closed Session** – Discussion of Cases in Litigation, and Personnel Issues.
[Staff Counsel Jessica Jahr]

Friday, August 1, 2014, 9:00 a.m.

Board Business

16. Roll Call

[Tammie Olson, Clerk to the Board 805/549-3140, Tammie.Olson@Waterboards.ca.gov]

Water Board Members Present:

Jean-Pierre Wolff, Chair, Monica Hunter, Vice Chair, Bruce Delgado, Michael Johnston, Michael Jordan, and Jeffrey Young.

Water Board Members Absent:

Russell Jeffries

17. **Public Forum**

There were no speakers for the Public Forum

18. Santa Barbara County Local Agency Management Plan for Onsite Wastewater Treatment Systems

[David LaCaro 805/549-3892; David.LaCaro@Waterboards.ca.gov]

Staff Environmental Scientist David LaCaro introduced the item providing a brief introduction on the onsite wastewater treatment policy (OWTS Policy), the current status of Santa Barbara County staff efforts to develop a local agency management plan (LAMP)

as allowed by the OWTS Policy, and the stakeholder advisory committee process utilized to develop the draft LAMP. Mr. LaCaro explained that a copy of the County's draft LAMP was not available for the Water Board members as the LAMP has not formally gone through the County's public vetting process. However, the LAMP, once approved by the Santa Barbara County Board of Supervisors, would require review and approval by the Water Board at a later date. Santa Barbara staff continues to fine tune the draft LAMP with the help of the stakeholder advisory committee.

Mr. LaCaro added that Santa Barbara County Environmental Health Services staff, Mr. Larry Fay, would be providing a short presentation on the County's LAMP efforts to date. Hillary Hauser, Executive Director of Heal the Ocean, was present to provide a brief presentation on the Rincon Septic to Sewer Project.

During the presentations, Water Board staff answered questions from Water Board members requesting clarification on the OWTS Policy and Tiers 1 and 2, timelines for LAMP implementation, and specific issues related to the draft language of the LAMP. Staff explained that Tier 2 OWTS Policy allows for a local agency (such as Santa Barbara County) to develop a LAMP, which would be used to manage new and existing onsite wastewater treatment systems in its unincorporated areas. Further, local agencies that elect not to develop a LAMP would be subject to the siting and design criteria established in Tier 1 of the OWTS Policy, which are very restrictive. Further, local agencies have 3 years from the effective date of the policy to develop and submit a LAMP to the Water Board for review and approval (~June 2016). Staff explained that Santa Barbara County was the furthest along in the development process.

Water Board members provided initial feedback for Santa Barbara County staff, the development of the LAMP, the process, and expectations. More specifically, the Water Board requested that the LAMP contain a discussion of focus/problematic areas (areas identified to have existing system with less than favorable conditions) and establish timelines in an effort to address potential or exiting water quality concerns. Further, the Water Board expressed that funding for such improvement should also be addressed. Chair Wolff expressed that the definition of a failed system should incorporate significant contributions to groundwater impacts and could be identified by further monitoring or the use of existing groundwater monitoring data.

Members of the public provided comment on the County's draft LAMP asking the County to consider existing problem areas and the County strategic approach to address the areas, which would include funding for system repairs. Additional discussion between the Water Board members and staff continued. Santa Barbara County staff concluded by explaining that the draft LAMP is still in the process of development and that the requests and expectations from the Water Board will be considered. Finally, Mr. Harris suggested that a LAMP workshop be provided to the Water Board members. Water Board staff would invite all local agencies to the workshop for the opportunity to review draft LAMPS and discuss basic expectations for LAMPS. This workshop would be conducted in late 2014.

Ms. Hillary Hauser provided a presentation regarding the Rincon Septic to Sewer Project to the water Board. The presentation discussed the history of the project, funding, and completion dates (August 2014). Water Board members acknowledged Heal the Ocean and Carpinteria Sanitary District in their efforts to improve water quality in the coastal area of Carpinteria.

This item was informational and no Board action was taken.

Speaker list:

Hillary Hauser, Executive Director, Heal the Ocean - presenter

James Hawkins, Heal the Ocean

Clay Barks, CEO, Clays Septic

Lawrence Fay, Director of Environmental Health, Santa Barbara County

David Brummond, Supervisor, Onsite Wastewater Program, Santa Barbara County

Enforcement

19. State Water Board Office of Enforcement Report: Discussion Regarding Settlement Negotiation Process and Enforcement Policy Update
[Cris Carrigan, Director]

Cris Carrigan provided a summary of the enforcement settlement process. The Water Board directed staff to schedule formal settlement conferences by changing the written hearing procedures to include a new requirement for the parties to meet for a mandatory settlement conference 3 working days prior to the submission deadline for rebuttal.

20. Consideration of a Resolution Updating the Central Coast Water Board's Delegation of Authority to its Executive Officer
[Harvey Packard 805/542-4639, Harvey.Packard@waterboards.ca.gov]

Mr. Harris introduced the item. Board member Jordan asked how staff would report on actions taken by the Executive Officer pursuant to his delegated powers. Mr. Harris responded that the enforcement report in each agenda would include information on actions taken by the Executive Officer.

Motion: Water Board Member Johnston moved to adopt resolution
Second: Water Board Member Delgado
Carried: (7-0) Unanimous

21. Enforcement Report
[Harvey Packard 805/542-4639, Harvey.Packard@waterboards.ca.gov]
The Board accepted the report as written. No discussion.

Discussion/Informational Items

Information items are items presented to the Board for discussion only and for which no Board action or vote is taken. The Board may, however, provide direction to staff. The Board usually will hear a presentation by staff, and comments by interested persons shall also be allowed. Time limits may be imposed on interested persons.

22. Executive Officer's Report
[Kenneth A. Harris Jr., 805/549-3140, Ken.Harris@waterboards.ca.gov]
23. Central Coast Water Board Strategic Planning Discussion
[Kenneth A. Harris Jr., 805/549-3140, Ken.Harris@waterboards.ca.gov]

The Board may discuss discretionary, non ex parte meetings with stakeholders including blackout periods prior to agendized board meetings. The chair directed staff to add the following wording to all X-Parte communication request that go through the Clerk of the Board.


If this is an agenda item with allowable ex parte communications- By way of courtesy and fairness we encourage you to please make an effort to include every board member in either a meeting or a communication related to the topic that you are asking to discuss with the board member.

It is our intent to include all board members in all communication pertinent to items that are on the agenda.

Closed Session

24. Discussion of Cases in Litigation, and Personnel Issues. [Staff Counsel Jessica Jahr]

Chair Wolff adjourned the meeting at approximately 2:23 p.m. August 1, 2014. The next regularly scheduled Water Board meeting will be held on September 25, 2014, 2014 in San Luis Obispo.



Dr. Jean-Pierre Wolff, Chair