



California Regional Water Quality Control Board Central Coast Region



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MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, December 1, 2011

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, December 1, 2011, at Central Coast Regional Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

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

Present:

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

Absent:

Bruce Delgado

2. Introductions.....Jeffrey Young, Board Chair

Chair Young introduced staff and welcomed new Board members Mike Johnston and Mike Jordan. Mr. Johnston and Mr. Jordan each provided a brief summary of their background.

Chair Young explained that Executive Officer Roger Briggs was at the staff table so Supervising Water Engineering Geologist John Robertson could gain experience by taking the role of advisor to the Board for this meeting. Other staff will have the opportunity for this experience at some subsequent meetings.

Mr. Robertson welcomed the new Board members and introduced and welcomed Board Counsel Frances McChesney and Jessica Newman. State Water Resources Control Board Liaison Frances Spivey-Weber was not present at the meeting. Mr. Robertson asked parties who wished to speak to complete testimony cards and turn them in. He also informed the audience that there were supplemental materials for items 7, 11, 12, 17, and 18.

Although former Board member John Hayashi was not present at the meeting, Chairman Young recognized his many years of service to the Board. Mr. Hayashi served as a member of the Central Coast Regional Water Quality Control Board from December 14, 1999 to November 30, 2011. Vice Chair Jeffries stated that Mr. Hayashi's input to the Board has been very pertinent to the decisions made by the Board and that his common sense approach has been a great support to the Board.

Roger Briggs and John Robertson recognized John Mijares for twenty-seven and one-half years working at the Water Board. Mr. Robertson thanked Mr. Mijares for his creativity, excellent writing and excellent communication. The Board thanked him for his years of service and wished him all the best in retirement.

3. Report by State Water Resources Control Board Liaison Status Report
Frances Spivey-Weber was unable to attend the meeting.

4. Approval of September 1, 2011 Meeting Minutes Board Motion

MOTION: Vice Chair Russell Jeffries

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (4-0) Note: Mike Johnston and Mike Jordan abstained.

5. Uncontested Items Calendar Status Report
John Robertson summarized the uncontested items 7 through 20.

Item 12: Board questioned why effluent limits were removed. Water Board staff Cecile DeMartini explained requirements to monitor groundwater (the receiving water) rather than effluent.

Item 17: Board asked if permits are needed for landscape discharges, swimming pools, hot tubs, sprinkling systems, etc. Water Board staff Sheila Soderberg explained that individual permits for these types of discharges are not required and said staff will add clarifying language, "...not for residential." Board also questioned prohibition on brine discharges. Staff previously explained that brine discharges are not allowed via this permit, but could be permitted individually. Board Counsel Frances McChesney explained that "prohibited" is the proper term, but clarification is needed. Roger Briggs explained the edited version of the document. Board directed staff to provide clarifying language "brine discharges not permitted under this permit."

Item 19: Board Counsel Frances McChesney recommended adding a comment by the Lompoc attorney to the staff report comments section.

Items 9 and 11 were pulled from consent calendar for further discussion.

MOTION: Vice Chair Russell Jeffries moved to approve consent items 7, 8, 10, 12, 13, 14, 15, 15, 16, 17 (with modifications to the language and added column per supplemental sheet), 18, 19 (with modifications to the response to comments), and 20.

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

6. Low Threat and General Discharge Cases Information/Discussion/Board Approval
John Robertson summarized the low threat items.

The Board asked about groundwater treatment methods at underground tank sites. John Mijares explained the treatment approach, rationale, methods, status of pilot project technology, and controls.

The Board asked a question on the Whittaker facility and selenium treatment; what is adjacent property and what is the selenium threat? Board staff Kristina Seley explained that the discharge area (about one acre) is a neighboring ranch property used for grazing. Weekly monitoring for selenium in the discharge is required, and discharge can be stopped immediately.



9. Frank Capurro and Sons, Order No. 95-21Information/Discussion/Board Approval

A member of the public; Steve Shimek, representing Monterey Coastkeeper and The Otter Project; opposed the proposed rescission. Discussion ensued about the Discharger's statement of cessation of wash water discharge and that future resumption of discharge would likely be more suitably regulated through the general order for vegetable wash water.

MOTION: Dr. Monica Hunter motioned to rescind the order subject to a peak season inspection and a letter to the discharger informing the discharger that any future waste discharges be preceded by the submittal of a Report of Waste Discharge.

SECOND: Vice Chair Russell Jeffries

CARRIED: Unanimously (6-0)

11. Support of Water Softener Ordinance, San Benito County Information/Discussion

John Robertson introduced the item and Board staff Cecile DeMartini explained to the Board that what is being proposed is a resolution that supports the control of salt discharges. Ms. DeMartini went on to explain that the resolution will empower local agencies to act and that the Board has the authority in the future to further limit discharges but not say how they limit them. The Board asked about percent reductions and to whom they are attributed. Staff responded that reductions are based on softener user surveys and evaluation of eliminating softeners. The Board asked general questions about treatment methods and water quality conditions.

Public comment:

Michael Mecca, Pacific Water Quality Association, stated the chloride issue is a real problem. His company manufactures water softeners. Bans have been found to be ineffective. Equipment is 80% more efficient today. Resolution is local, which is good, but would prefer to not have it.

Kenneth Girouard, Sunnyslope County Water District, stated Sunnyslope is participating in a coordinated plan to provide quality water and supports the resolution.

Mr. Briggs suggested the resolution be changed to include a brief reference to the relevant Health and Safety Code section. He also suggested that the transmittal letter should include language regarding technologies and incentive programs and elaborate on the relevant Health and Safety Code section.

MOTION: Vice Chair Russell Jeffries moved to adopt Resolution R3-2011-0215 with the addition of reference to the Health and Safety Code.

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

21. Enforcement Report Status Report

Board asked about how penalty amounts are determined. Board staff Harvey Packard explained the methodology in the State Enforcement policy.

Public Comment:

Al Barrow, Coalition for Low Income Housing, stated that Monarch Grove Wastewater Treatment Plant has a record of failure; the design of the treatment plant is not adequate. He also stated that Wallace Group is overseeing the facility and they have had many other problems in other areas. Mr. Barrow said it seems uneven to allow the facility to have violations while having Cease and Desist Orders for Los Osos residents; Enforcement Policy seems unequal.



Linde Owen, Los Osos CSD Water Committee & Advisory Council, spoke on local groundwater conditions and Monarch Grove's loading to groundwater.

Board asked about Monarch Grove violations and what they are doing to come into compliance and the role of Wallace Group. The Board asked staff to follow up with a report back to the Board in next EO report. Staff member Dave LaCaro stated that Monarch Grove is adjusting their system to deal with the violations and they are discussing the possibility of hooking up to the larger planned Los Osos wastewater treatment system. Board asked about the frequency of violations. Staff said nitrate violation is frequent.

Board asked staff to provide more information on the facility at a future Board meeting, including follow up on the role of the Wallace Group.

Public Forum..... Board Direction
Robert Johnson, Monterey County Water Resources Agency, introduced himself to the Board and welcomed the new Board members. Described the MCWRA as a special district in Monterey County with the primary focus of solving local issues locally.

Gwynn Taylor, Los Osos, discussed historical issue of federal funding, pollution of estuary (no pollution from septic), salt water intrusion, and testing of groundwater wells for nitrate.

Al Barrow, Coalition for Low Income Housing, discussed financial situation in Los Osos and requested an economics benefit analysis.

Richard Margetson, Los Osos, discussed need for groundwater testing in Los Osos.

Elaine Watson, Los Osos, discussed concern that Los Osos will not be sustainable, groundwater pollution has stabilized, no evidence of estuary pollution from septic systems, treatment at wellhead is one-tenth the cost of wastewater treatment.

Ben Difatta, Los Osos, stated that people are being ripped off due to incompetent employees and that a pressure sewer is a much cheaper treatment system alternative.

Linde Owen, Los Osos, discussed salt water intrusion and related costs, said the Board should rescind 83-13, implement 83-12, issue a waiver for a phased collection system project (do a five-year phased system starting with low lying areas first).

Chairman Young reported that he and Dr. Hunter met with Office of Chief Counsel (OCC) representatives about the Regional Board becoming parties in the Interlocutor Stipulated Judgment (ISJ) intervention, and they are waiting for a response from OCC. Board staff David LaCaro provided a status report on the ISJ process. Board asked about groundwater monitoring. Staff will investigate monitoring requirements and report to the Board in the next EO report.

Reports by Regional Board Members Information/Discussion
Dr. Wolff reported on a meeting of the Resource Conservation Districts and their decision to establish mobile irrigation labs, assistance to growers, leveraging and coordination of assistance, and EQUIP grants requiring irrigation efficiency standards as a condition of the grants. Chair Young reported on the Water Quality Coordinating Committee (WQCC) meeting and the emphasis on protecting groundwater.

22. Executive Officer's Report Information/Discussion



The Board asked about the Chevron, Morro Bay, pipelines traversing wetlands, 401 Certification project. Staff member Phil Hammer summarized the project. Board directed staff to provide additional project information in the next EO report. Mr. Briggs summarized efforts to hire an additional administrative staff person via an exemption.

John Robertson summarized recent activity related to the Agricultural Regulatory Program to renew the Agricultural Order, and the Executive Officer Order to extend the existing Agricultural Order and update the Monitoring and Reporting Program. John Robertson indicated that it was likely that staff would bring a recommendation to the Board to renew the Agricultural Order in March of 2012. In addition, John Robertson summarized efforts related to high priority groundwater cases. In response to questions from Board Member Monica Hunter about staff coordination with the Department of Public Health (DPH), Angela Schroeter described staff efforts to coordinate with DPH, local county environmental health agencies, and local water purveyors to discuss areas where groundwater is impacted by nitrate, identify public and private drinking water supplies that are affected, and share water quality data and information. John Robertson and Angela Schroeter also summarized recent efforts to manage enrollment information submitted by growers for the Agricultural Regulatory Program using the electronic Notice of Intent (eNOI) in GeoTracker. Mr. Kirk Schmidt, Executive Director of the Central Coast Water Quality Preservation, Inc. (CCWQP) – addressed the Board and indicated that accurate enrollment information is critical to bill growers for the cooperative monitoring program (CMP). Mr. Schmidt expressed his appreciation of staff's efforts to actively manage the enrollment data using the eNOI and GeoTracker and stated that the data reflects adequate grower participation to fund the CMP. Ms. Abby Taylor-Silva, representing the Grower-Shipper Association, addressed the Board and described recent efforts by the agricultural community to focus on water quality improvements. Ms. Taylor-Silva described a pilot project lead by Dr. Marc Los Huertos that demonstrates the third-party option for regulating agriculture. Ms. Taylor-Silva requested new workshops prior to a new hearing to consider the Agricultural Order Renewal. Chairman Jeff Young stated that staff's door is always open but the Board would likely not hold additional workshops. Board Member Monica Hunter indicated that she is interested in Dr. Los Huertos' pilot project and that he had developed a positive relationship with the agricultural community. Mr. Steve Shimek, Executive Director of the Monterey Coastkeeper, addressed the Board and indicated that he had not recently heard of this third-party pilot project, but that the last time it was brought to the Board – staff indicated it does not meet legal requirements. Mr. Shimek also indicated that the agricultural community had not engaged his organization or other environmental organizations he is aware of. Mr. Shimek expressed concern that CCWQP is run exclusively by agriculture and that broader stakeholders should be represented in that organization. He also indicated that agricultural representatives have not been transparent and that he was asked not to attend a recent workshop organized by agricultural representatives to discuss the Agricultural Order. Mr. Shimek indicated that he appreciates the Water Board's transparent public process.

Chairman Young adjourned the meeting at approximately 2:15 p.m. The next Board meeting will be held on February 2, 2012, in Salinas, CA. (note: A February 1 afternoon session has been added)

This meeting was audio recorded; the minutes were reviewed by management and will be approved by the Board at its February 2, 2012 meeting in Salinas, CA.

Jeffrey Young, Chair

