

Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, July 11, 2013

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Friday, July 12, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Thursday, July 11, 2013 in Watsonville.

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

Present:

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

Absent:

Mike Jordan

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

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

3. Approval of May 30-31, 2013 Meeting Minutes.....Board Motion

The Board approved the May 30-31, 2013 Meeting Minutes pending the inclusion of additional information reported by Dr. Hunter and Mr. Johnston on Item No. 4, Reports by Regional Board Members.

MOTION: Bruce Delgado

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

4. Reports by Water Board Members.....Status Reports

- Mr. Johnston reported the following:
 - On June 12, 2013, he and Russell Jeffries met in Salinas with the representatives of the City of Goleta and with the County of Santa Barbara where the representatives discussed their concerns with the Post Construction Stormwater Requirements for Phase II Municipalities order.
 - On June 21, 2013, he attended the Governor’s Drinking Water Stakeholder Group meeting in Sacramento. Mr. Johnston explained that the Group delivered a report to the Governor and Legislature six months ago and then decided to

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM EXECUTIVE OFFICER

work further with a particular focus on funding sources and more detailed recommendations in terms of a focus on disadvantaged communities in the Tulare Lake and Salinas River basins affected by nitrates in groundwater.

- Chair Young reported that he met with two representatives from the City of Goleta and one from the County of Santa Barbara in June 2013 in Santa Barbara to discuss the Post Construction Stormwater Requirements for Phase II Municipalities order.
- Dr. Wolff reported the following:
 - On behalf of Chair Young, he participated in the Monthly Updates Meeting with the Regional Boards and the State Board. One item of discussion was the preparation of the Water Quality Coordination Committee Meeting scheduled for October 24-25, 2013 in Sacramento. At Mr. Wolff's suggestion, the topic of climate change has been added agenda. Other items on the agenda include environmental justice issues and relationships with disadvantaged communities.
 - He has been in conversation with the representative of the Water Resource Advisory Committee of San Luis Obispo County specifically relating to the issue of the Paso Robles groundwater basin concerns.
- Dr. Monica Hunter reported that she has committed to working with the newly developed Data Collection Working Group as part of the Governor's Drinking Water Stakeholder Group. She acknowledged Water Board staff Matthew Keeling for his timing in terms of the work undertaken to develop a groundwater sampling program. Mr. Keeling has submitted a preliminary draft of language that the working group can use to identify the tasks they want to accomplish. The focus of the group is to identify data needs for communities and water systems between two and fourteen connections. Those are small disadvantaged communities that are not documented or assessed by Public Health or County Health departments.

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

State Water Resources Control Board Liaison Steven Moore provided brief updates and information on the following:

- San Clemente Dam Removal and Carmel River Reroute Project
- Integrated Water Management
- Increases to permit fees
- Improvements to the State Revolving Fund Program
- Pending Industrial Stormwater General Permit
- Hydraulic fracturing
- Biotoxins in waterbodies
- AB145

Uncontested Items Calendar* (Item 6)Board Motion

***6.Master Reclamation Requirements for Costanoa Lodge, R3-2013-0010**

Dr. Wolff suggested the need for a dedicated power supply backup system at the Costanoa facility as opposed to having it as one of three power supply alternatives as described in the proposed Order. He further suggested incorporating the updated Standard Provisions for National Pollution Discharge Elimination System (NPDES) in the Costanoa reclamation requirements. Water Board staff Cecile DeMartini responded that the Power Supply section of the Costanoa Order is taken directly from California Code of Regulations. Mr. Harvey Packard stated that updating the Standard Provisions for Waste Discharge Requirements is on the Water Board staff's agenda. Discharger representatives described the current power backup supply system and continuous on-site personnel to the Board Members.

MOTION: Mike Johnston moved to approve

SECOND: Dr. Jean-Pierre Wolff

CARRIED: Unanimously (6-0)

7. City of Salinas and Monterey Regional Municipal Stormwater Implementation Status Report

Staff member Jennifer Epp provided an update on the City of Salinas and Monterey Regional municipal stormwater implementation. Staff presented the stormwater unit's overall compliance assessment strategy as well as the history, recent audit findings, and next steps for staff's compliance assessment of the City of Salinas, City of Monterey, and Monterey County's programs. Municipal representatives commented on the recent audit findings and their plans to address the violations and deficiencies.

Public Speakers:

- Gary Petersen
- Steve Shimek
- Tricia Wotan
- Benny Young

8. Enforcement Report Status Report

Staff member Harvey Packard provided a summary of the Enforcement Report; there were no questions from the Board.

9. Agricultural Order-Cooperative Groundwater Monitoring Program Status Report

Executive Officer, Ken Harris summarized the status of efforts to review and approve cooperative groundwater monitoring programs for the Agricultural Order. Mr. Harris reminded Board Members that the Board received proposals from four cooperative groundwater monitoring efforts in March 2013. He described that in June 2013, he approved a cooperative groundwater monitoring program for growers in the Santa Rosa Creek Valley watershed, which is north of Cambria, CA.

Mr. Harris also described that he granted conditional approval for a workplan submitted by Grower-Shipper Association of Central California (GSA) and that staff has since worked closely with GSA to address the conditions required for approval of the Central Coast Groundwater Cooperative Program. This effort would be available to growers in the Monterey, Santa Cruz, Santa Clara, and San Benito Counties. Mr. Harris described that many of the issues under discussion related to the public disclosure and display of groundwater information to the public, and that he expected GSA to submit a revised workplan in the near future to address the Water Board's conditions. Mr. Harris also indicated that he views the workplan as a starting point that will change over time – and that it requires several subsequent approvals at various stages in the future.

Mr. Harris stated that he did not approve proposals submitted by agricultural representatives for the Morro Valley and Southern part of the region (primarily the Santa Maria watershed).

Ms. Abby Taylor-Silva of GSA commented that her group would submit a revised workplan for final approval as Mr. Harris described. She thanked staff for working with GSA to improve the workplan for the Central Coast Groundwater Cooperative Program.

Mr. Steve Shimek commented that the workplan submitted by GSA has several flaws and fails to address the requirements and objectives described in the Monitoring and Reporting Program. He also brought to the Board's attention the recent comment letter submitted by environmental

justice and environmental groups that describes in detail the concerns they have regarding the workplan.

Staff did not make a formal presentation to the Board but was available to answer questions.

Public Speakers:

- Abby Taylor-Silva
- Steve Shimek

10. Pinto Lake..... Information/Discussion

Robert Ketley, City of Watsonville, summarized the history and problem associated with cyanobacteria blooms and toxicity from microcystin in Pinto Lake. Mr. Ketley provided a narrative as well as photographs of algal blooms in Pinto Lake. He also introduced researches from California State University, Monterey Bay (CSUMB), Erin Stanfield and Dr. Marc Los Huertos. Ms. Stanfield summarized findings of the recently completed Clean Water Act section 319(h) grant that funded research of the potential causes and solutions of cyanobacteria blooms in Pinto Lake. Ms. Stanfield concluded that phosphorus is the primary driver of the algal blooms with the three primary sources of phosphorus being sediment in Pinto Lake, surface water tributaries to the Lake, and a potential fractional source from groundwater. Dialogue ensued between board members and CSUMB researchers, including the potential for alum treatment in the Lake. Several members of the public provided oral comment, sharing concern about public health associated with microcystin toxicity. The Executive Officer, Ken Harris Jr., suggested that Mr. Ketley consider sharing the presentation with the State Water Resources Control Board members. Mr. Harris also suggested that treatment be implemented only when sources of phosphorus to the Lake have been addressed.

Public Speakers:

- Laura Dickie
- Patrick Orozco
- George Ribeiro
- Steve Shimek
- Marc Los Huertos
- Heidi Perlmutter
- John Ricker
- Patricia McQuade
- Esteban Quintero
- Tom Schot

11. TMDL for Chlorpyrifos and Diazinon in the Pajaro River Watershed Board Motion

Water Board TMDL program staff Shanta Keeling presented the recommendation for the proposed resolution that would establish TMDLs for chlorpyrifos and diazinon in the Pajaro River watershed.

Ms. Abby Taylor-Silva of the Grower Shipper Association (GSA) reiterated written comments that were submitted by GSA during the public comment period. Ms. Taylor-Silva's requested a delay in board approval of the TMDL until more samples could be gathered that could potentially lead to delisting some of the impaired waters. Ms. Taylor-Silva offered that GSA could pay for the extra samples.

Mr. Steve Shimek of the Otter Project and Monterey Coast Keeper provided oral comment supporting adoption of the TMDL, lauding the toxicity target aspect of the TMDL that could help mitigate potential pesticide switching.

Board chair Jeffrey Young asked staff to comment about the potential for pesticide switching. Board member Michael Johnston asked staff to comment about Ms. Abby Taylor-Silva's written comments pertaining to LC₅₀S. Board members Russell Jeffries and Bruce Delgado asked staff for clarification about delisting in the event that the TMDL were approved or not approved.

Board member Michael Johnston asked Ms. Abby Taylor-Silva to describe what the negative impact to agriculture would be if the TMDL were approved. Board chair Jeffrey Young asked staff to respond about the potential negative impacts to agriculture if the TMDL were approved.

MOTION: Mike Johnston moved to adopt staff’s recommendation for Resolution No. R3-2013-0011.

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

12. Public Forum Board Direction
No speaker requests received.

13. Discussion 2014 Board Calendar..... Information/Discussion
Executive Officer Ken Harris and Board members set the offsite Board meeting for October 9, 2013 and discussed the 2014 Board Calendar.

14. Executive Officer’s Report Information/Discussion
Ken Harris presented the item to the Board; Board members had no questions.

15. Discussion of Cases in Litigation Closed Session
No minutes for this item.

Chair Young adjourned the meeting at approximately 4:30 p.m.

Friday, July 12, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Friday, July 12, 2013 in Watsonville.

16. Roll Call – Board MembersMichael Thomas, Assistant Executive Officer

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

17. Public Forum Board Direction
Public Speakers:
• Steve Shimek

18. Post Construction Stormwater Requirements for Phase II Municipalities. Board Motion
Dominic Roques summarized revisions to the previously adopted Resolution approving post-construction stormwater management requirements for development projects in the Central Coast Region. Mr. Roques recommend that the Board adopt Draft Resolution R3-2013-0032 incorporating the revisions. Representatives of municipalities, consulting firms, and environmental organizations provided comments on the Draft Resolution and the post-construction requirements. Key issues raised by commenters included the technical feasibility of the requirements, the difficulties with implementing alternative compliance strategies, and the

need for the requirements to protect water quality. In response to comments received, Water Board members discussed various topics that were raised during public comment, including the feasibility of infiltration requirements and the need for Water Board staff to continue working with stakeholders to resolve outstanding issues around implementation of the requirements.

Water Board staff responded to key issues raised in public comment and proposed a revision as part of the final recommendation for approval of the Draft Resolution. The revision clarifies that in certain Watershed Management Zones, compliance with retention requirements must be achieved by optimizing infiltration, but that remaining runoff may also be stored on-site, harvested and/or evapotranspired.

The Water Board also requested Water Board staff to report back to the Water Board after March 6, 2014 on progress in implementing the post-construction requirements.

Public speakers:

- Steve Kahn
- Valerie Huff
- Dan Cloak
- Steve Wagner
- Sean Bothwell
- Steve Shimek
- Kira Redmond
- Robert Ketley

MOTION: Russell Jeffries moved to approve the resolution with the noted revision

SECOND: Dr. Monica Hunter

CARRIED: Unanimously (6-0)

19. Discussion of Cases in Litigation Closed Session

No minutes for this item.

Chairman Young adjourned the meeting at approximately 1:00 p.m. Friday, July 12, 2013. The next regularly scheduled Water Board meeting will be held on September 12, 2013 in Santa Barbara.

Minutes were reviewed by management and will be considered for approval by the Board at the September 12, 2013 meeting in Santa Barbara.

Jeffrey Young, Chair