

**Central Coast Regional Water Quality Control Board**

**MINUTES**

**Central Coast Regional Water Board**

**REGULAR MEETING**  
Thursday, May 30, 2013

**REGULAR MEETING**  
Friday, May 31, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Thursday, May 30, 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

**Absent:**

Bruce Delgado  
Mike Jordan

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

Chair Young addressed the public on changes to public comment. The Board will not accept public comment requests after staff has completed their initial presentation of an item.

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

**3. Approval of March 14 – 15, 2013 Meeting Minutes ..... Board Motion**

**MOTION:** Russell Jeffries moved to approve

**CARRIED:** (5-0) Unanimously

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

- Dr. Hunter recognized the Morro Bay National Estuary Program for distributing information on their program, their focus on reducing storm water pollution and the role of the public in that effort.
- Mike Johnston attended a workshop by the State Bar on groundwater nitrates in Davis on April 24, 2013.
- Mike Johnston and Ken Harris attended a community outreach program for Pinto Lake held in Corralitos on April 30, 2013.
- Mike Johnston reported that he, Dr. Hunter and Board staff Matthew Keeling continue their participation in the Governor's Drinking Water Stakeholder Group which is focusing on recommendations for solutions for disadvantaged communities in unincorporated

regions of the Salinas River and Tulare Lake Basins that are impacted by nitrates in groundwater.

- Russell Jeffries attended the Chairs' Meeting on May 13, 2013.
- Chair Young and Russell Jeffries attended a Cooperative Groundwater Monitoring Proposals meeting on April 26, 2013 in San Luis Obispo.
- Dr. Wolff briefly discussed the following issues:
  - Oso Flaco Lake and its DDT levels.
  - County of San Luis Obispo Agricultural Liaison Advisory Board is expressing increased concerns on hydraulic fracturing.
  - Increased/renewed interest in dry farming as part of sustainability because of groundwater depletion concerns and his involvement in an educational workshop on dry farming.

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

Mr. Steven Moore, State Water Resources Control Board Liaison, provided updates on new, pending and proposed legislation.

**6. Waste Discharge Requirements for Uni-Kool Partners, R3-1013-0002 ..... Board Motion**

This item was removed from the uncontested items calendar for comment by Steve Shimek, Monterey Coastkeeper and Otter Project representative, and a question by Board member Michael Johnston. Water Board staff engineer Katie DiSimone provided a brief overview of the facility and proposed permit renewal. Mr. Johnston asked staff to confirm whether the maximum reported flow, 0.8 million gallons per day, as stated in the staff report was correct. Mr. Shimek commented that the monitoring requirements were not stringent enough given the facility's nine reported violations in the previous year. In particular, Shimek requested quarterly effluent toxicity, monthly effluent nitrate, and monthly receiving water sampling. Enforcement Coordinator Harvey Packard reminded the Board that Mr. Shimek's comments are coming beyond the publicly noticed response period and that this is a pattern of behavior. The late comments prevent the discharger from being present to address the Board and Mr. Shimek's comments at the meeting, as the discharger had been anticipating being on the uncontested agenda.

After a meeting break, the item was considered by the Board. Ms. DiSimone confirmed the maximum reported flow was a typographical error in the staff report; actual maximum reported flow was 0.106 million gallons per day. Ms. DiSimone also reported that, after discussions with Mr. Shimek, staff recommended adopting the permit as presented. Mr. Shimek's comments were pertinent to the Monitoring and Reporting Program section of the permit, which can be addressed through subsequent revision by the Executive Officer. Mr. Shimek supported staff recommendations. The Board adopted the permit as drafted.

**MOTION:** Russell Jeffries moved to approve

**SECOND:** Michael Johnston

**CARRIED:** Unanimously (5-0)

**Uncontested Items Calendar\* (Items 7-10) ..... Board Motion**

- \*7. Waste Discharge Requirements for Crazy Horse Closed Landfill ..... R3-2013-0016
- \*8. Waste Discharge Requirements for Yanke Energy ..... 89-117
- \*9. TMDL for Nitrogen in the Bell Creek Watershed ..... R3-2013-0012

\*10. TMDLs for Chloride and Sodium in Jalama Creek.....R3-2013-0030

**MOTION:** Russell Jeffries moved to approve

**SECOND:** Dr. Monica Hunter

**CARRIED:** Unanimously (5-0)

**11. Basin Plan Amendment to Adopt TMDLs for Nitrogen Compounds and Orthophosphate in the Lower Santa Maria River Watershed and Tributaries to Oso Flaco Lake, R3-2013-0013 ..... Board Motion**

Water Board TMDL Program manager Christopher Rose presented the recommendation for proposed basin plan amendments that would establish TMDLs for nitrogen compounds and orthophosphate in the Santa Maria River watershed and tributaries to Oso Flaco Lake.

Mr. Shawn Hagerty and Ms. Shannon Sweeney, representing the City of Santa Maria, reiterated written comments that were submitted by the City during the public comment period. Their comments pertained to the appropriateness of concentration-based TMDLs rather than load-based TMDLs, the appropriateness of beneficial uses designated to drainages within the City, scientific peer review, and CEQA analysis.

Ms. Claire Wineman, representing the Growers' Shippers Association of San Luis Obispo and Santa Barbara counties, commented that methods of compliance with the TMDL have not been demonstrated yet and that vegetative treatments systems present food safety issues.

Mr. Steve Shimek, The Otter Project, stated his support for adoption of the TMDL.

Board member Dr. Wolff asked if there are different economics pertaining to concentration-based and load-based TMDLs to which Mr. Rose stated that load-based TMDLs would be more expensive due to necessary flow monitoring. Dr. Wolff also asked if there would be any unintended consequences due to the use of a load-based TMDL to which Mr. Rose stated that the Agricultural Order may require revisions because the TMDL relies upon the Agricultural Order for implementation and it currently contains concentration-based provisions.

Board member Mr. Michael Johnston inquired about the City's installation of a treatment system for agricultural drainages within City's storm water conveyances and about the City's storm water monitoring requirements. Mr. Johnston confirmed with both Regional Board staff and Water Board Council Ms. Jessica Jahr that the TMDL would not prohibit installation of the City's treatment program.

Water Board Chairman Mr. Jeffrey Young asked Water Board Council Ms. Jessica Jahr if she had any legal concerns relating to the scientific peer review and CEQA analysis to which Ms. Jahr responded no.

**MOTION:** Dr. Monica Hunter moved to adopt staff's recommendation for Resolution No. R3-2013-0013.

**SECOND:** Mike Johnston

**CARRIED:** Unanimously (5-0)

**12. Basin Plan Amendment Regarding Onsite Wastewater, R3-2013-0005 ..... Board Motion**

Mr. Harris introduced the item and briefly summarized the proposed resolution. There were no questions or comments from the Board or from the public.

**MOTION:** Dr. Jean-Pierre Wolff moved to approve Resolution No. R3-2013-0005

**SECOND:** Michael Johnston

**CARRIED:** (5-0) Unanimously

**13. Enforcement Report ..... Status Report**

Enforcement Coordinator Harvey Packard provided a brief summary of the staff report. The board discussed the enforcement process for enrollees of the Ag Order who do not pay required fees. Senior Engineering Geologist Angela Schroeter provided clarification.

Public Comment:

- Steve Shimek

**14. Enforcement Policy Overview ..... Status Report**

Cris Carrigan, State Board Office of Enforcement Director, gave a powerpoint presentation reviewing State Enforcement Policy. Mr. Carrigan and Board members discussed the Office of Enforcement's role in replacement water orders and other enforcement issues.

**15. California Department of Food and Agriculture ..... Status Report**

Ken Harris introduced Sandra Schubert, Undersecretary for California Department of Food and Agriculture (CDFA). Ms. Schubert and her staff gave a presentation on CDFA's fertilizer research and education program.

**16. Public Forum ..... Board Direction**

Public Speakers

- Jeff Edwards
- Steve Shimek
- Claire Wineman
- Shawn Hagerty
- Shannon Sweeney

**17. Executive Officer's Report ..... Information/Discussion**

• **Technical/Status Reports**

Staff engineering geologist Grant Himebaugh responded to questions from Board members regarding his recent presentation at a League of Women Voters panel discussion on hydraulic fracturing. Dr. Wolff, Chairman Young and Mr. Johnston provided specific questions regarding the Board's role in regulating hydraulic fracturing and whether there were significant threats to Central Coast drinking water aquifers.

Mr. Himebaugh described how the risks associated with hydraulic fracturing are site-specific, and how California's risk factors are significantly different from other areas of the country. Specifically, he explained how California's Monterey (shale) Formation is projected to contain oil at depths of at least 10,000 feet – providing a vertical safety margin, that California has relatively little of the more problematic natural gas deposits, that our regulatory framework is tighter, and that our political environment is more responsive than in other states.

Steve Shimek, with Monterey County Coastkeeper and the Otter Project, stated that hydraulic fracturing was only one type oil recovery enhancement method. Mr. Shimek fears there are greater hazards to our water supply from the oil industry's applying acids to oil wells and injecting the acid under pressure. Executive Officer Harris stated he was not aware of any instances where the water supply was impacted by acid and Mr. Shimek agreed he did not know of any either.

Mr. Harris provided information/updates on the following issues:

- Water Quality Certifications
- Groundwater Protection Section Case Closures
- General Order and Waiver Enrollments

### **Friday, May 31, 2013**

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Friday, May 31, 2013 in San Luis Obispo.

#### **19. Roll Call – Board Members ..... Michael Thomas, Assistant Executive Officer**

**Present:**

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

**Absent:**

Bruce Delgado  
Mike Jordan

#### **20. Public Forum..... Board Direction**

**Public Speakers**

- |                |                    |                     |
|----------------|--------------------|---------------------|
| • Joy Fitzhugh | • Jeanette Pantoja | • Abby Taylor-Silva |
| • Kay Mercer   | • Steve Shimek     | • Claire Wineman    |

#### **21. Agricultural Order-Cooperative Groundwater Monitoring Program ..... Status Report**

Interim Executive Officer, Ken Harris, introduced Item No. 21 by providing a general overview and description of the content in the staff report and all attachments. Staff did not make a formal presentation to the Board. Mr. Harris pointed out that the final Cooperative Groundwater Monitoring Proposals are due today and that he would make a final decision on their approval by June 21, 2013.

Abby Taylor-Silva, representing the North Central Coast Area Cooperative Groundwater Monitoring Proposal, presented an updated description of their cooperative program, with a focus on the most significant changes to the group's original proposal. Ms. Taylor-Silva's presentation indicated that the cooperative program will prioritize sampling domestic drinking water aquifers. Ms. Taylor-Silva described that the cooperative program will sample approximately 250 wells to characterize the program area (~150 Salinas/Lockwood Valleys, ~50 Pajaro, ~50 Hollister/Gilroy). She also described that a new organization will be developed to manage and administer the cooperative program on behalf of participating growers. Ms. Taylor-Silva also described the group's proposal to display groundwater data to the public by using contour maps on GeoTracker. Mr. Harris described that staff had discussed options for public reporting on GeoTracker with staff at the State Board.

Board members requested clarification on several issues including the differences between the individual groundwater monitoring requirements versus the cooperative groundwater monitoring option, the responsibility of land owners for implementing the Cooperative Program, and how the program will fill data gaps.

Assistant Executive Officer, Michael Thomas, clarified that cooperative programs will provide all raw data to the Water Board, and that staff will evaluate it and take appropriate action (follow-up) if data shows that people are at risk from exposure to nitrate in drinking water. Additionally,

Water Board will take action to ensure safe drinking water (e.g. require replacement water, as appropriate, for affected individuals and communities that may be drinking polluted water). Board members requested that staff update the Board members on the cooperative groundwater program proposals during the July Board hearing. Mr. Harris indicated that staff will not provide a formal presentation to the Board during the July Board Meeting due to efforts related to preparing for the workshop to discuss the petitions pending before the State Water Board (SWRCB/OCC Files A-2209(a)-(e)), but staff will be available to answer questions and update the Board on the status of the Cooperative Groundwater Monitoring Proposals.

Environmental and environmental justice stakeholders indicated they are concerned with the existing and ongoing pollution of drinking water domestic wells, particularly in rural areas and disadvantaged communities and farm labor camps. They expressed objections to individual groundwater well data not being available to the public on GeoTracker. They described that they are relying on groundwater monitoring programs to inform and assist their efforts and explained that aggregated or contoured information (as proposed by the presenters) and low resolution data will make it much more difficult to assist people that are most at risk. They stated that all domestic drinking water wells must be tested, and groundwater data and well locations must be shared with the public.

Environmental stakeholders also expressed concern with the relatively low proposed number of domestic wells that are planned to be sampled and described that the proposal does not seem to propose any characterization for the shallow aquifer. Stakeholders are concerned that the cooperative programs shift the burden of sampling and protecting drinking water to the affected persons because many domestic wells (depending on their location) may not be sampled.

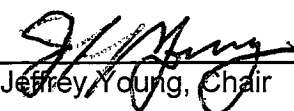
Agricultural representatives also discussed issues related to photo monitoring requirements.

Public Speakers:

- Abby Taylor-Silva, GrowerShipper Association of Central California
- Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo Cos.
- Joy Fitzhugh, San Luis Obispo Farm Bureau
- Steve Shimek, The Otter Project
- Jeanette Pantoja, California Rural Legal Assistance
- Kay Mercer, Consultant
- Heather Golden, Consultant

Chairman Young adjourned the meeting at approximately 4:15 p.m. Friday, May 31, 2013. The next regularly scheduled Water Board meeting will be held on July 11-12, 2013 in Watsonville.

Minutes were reviewed by management and will be considered for approval by the Board at the July 11-12, 2013 meeting in Watsonville.

  
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Jeffrey Young, Chair