

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 9, 2008

Prepared on April 7, 2008

ITEM NUMBER: 24

SUBJECT: Executive Officer's Report to the Board

This item presents a brief discussion of issues that may interest the Board. Upon request, staff can provide more detailed information about any particular item.

WATER QUALITY CERTIFICATIONS

[Dominic Roques 805/542-4780]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must ensure that beneficial uses will be protected, and water quality standards will be met.

Conditional Certification is appropriate when a project may adversely impact surface water quality. Conditions allow the project to proceed under an Army Corps permit, while upholding water quality standards.

Staff will recommend "No Action" when no discharge or adverse impacts are expected. Generally, a project must provide beneficial use and habitat enhancement for no action to be taken by the Regional Board. A chart on the following pages lists applications received from February 1, 2008 to March 31, 2008.

WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM FEBRUARY 1, 2008 THROUGH MARCH 31, 2008

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage ¹	Mitigation ²	Certified
Gene Gonzalo-Caltrans	Uvas Creek Bridge Replacement Project	Replacing the existing Uvas Creek bridge on State Route 152.	SR 152	Santa Clara	Uvas Creek	0.24	5.4	To be determined
Steve Weisner-Santa Cruz County DPW	Corralitos Creek Fish Passage PM 2.95	Retrofitting a culvert to improve steelhead passage.	Corralitos	Santa Cruz	Corralitos Creek	0.2611	0.2981	To be determined
Steve Weisner-Santa Cruz County DPW	Shingle Mill Gulch Fish Passage PM 4.8	Improving fish passage by replacing a concrete apron at the culvert outlet and constructing 3 rock vortex weirs downstream of existing culvert and notching the concrete sill at the outlet.	Corralitos	Santa Cruz	Shingle Mill Gulch	0.12	To be determined	To be determined

¹ Total Acreage includes both temporary and permanent impacts to riparian, streambed, and/or wetland environments within federal jurisdiction.

² Mitigation acres are reported only for Certified projects. Water Board compensatory mitigation requirements are determined based on area impacted. They are generally 2:1 for streambed impacts, 1:1 for riparian impacts, and 3:1 for wetland impacts. Mitigation acreage is final upon issuance of certification and not shown unless the Water Board has issued certification.

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage ¹	Mitigation ²	Certified
Chris Perri	The Meadow at Falcon Ridge Residential Development	Permanently impact 0.44 acres of wetlands and 0.025 acres of an unnamed drainage to construct a small housing development.	Scotts Valley	Santa Cruz	Unnamed drainage to Carbonera Creek	0.465	0.854	To be determined
Gareth Conway-- Conway Vineyards, Inc.	Galatea Winery At-Grade Crossing	Installation of an at-grade crossing 20ft wide, 60ft long concrete structure with a silt pond, and a riprap apron. The crossing spans an ephemeral tributary to Phoneix Creek	Arroyo Grande	San Luis Obispo	Unnamed tributary to Phoenix Creek	0.02	To be determined	To be determined
Richard Dore-Foxen Winery and Vineyard	Foxen Canyon Spring Development and Bank Restoration	After-the-fact certification: applicant installed a 36-inch standpipe in the ground around a spring. Applicant graded along the creek bank and access roads were graded. Applicant proposes to restore the site with willows and regrading.	Santa Maria	Santa Barbara	Foxen Canyon Creek	0.42	0.425	To be determined
Glen Priddy-- County of San Luis Obispo	Airport Road Low Water Crossing Repair Project	Repair existing low water crossing over the Estrella River at Airport Road.	Estrella	San Luis Obispo	Estrella River	0.8	To be determined	To be determined

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage ¹	Mitigation ²	Certified
Caltrans	Highway 46 Drainage Facility Repair	To abandon a failing culvert at PM 5.43 on Hw 46 and fill the depression at the inlet with imported borrow. A concrete ditch will be created to allow water to flow to an existing culvert at PM 5.46.	Highway 46	San Luis Obispo	Unnamed tributary to Green Valley Creek	0.062	To be determined	To be determined
John Devincero	See Canyon Fruit Ranch Bridge Replacement	Replace the existing bridge over See Canyon Creek	San Luis Obispo	San Luis Obispo	See Canyon Creek	150 cubic yards	To be determined	To be determined
County of Santa Cruz	North Rodeo Gulch Road, Storm Damage Repair Project	Restore the roadway and roadway embankment back to pre-disaster configuration that was washed out by heavy storm water flows in Rodeo Gulch Creek.	Soquel	Santa Cruz	Rodeo Gulch Creek	0.24	To be determined	To be determined
San Luis Obispo airport Hotel, LLC	San Luis Obispo Airport Hotel	Fill approximately 0.065 acres of a seasonal wetland to construct access to the hotel.	San Luis Obispo	San Luis Obispo	Unnamed drainage to San Luis Obispo Creek	0.065	0.130	To be determined

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage ¹	Mitigation ²	Certified
John Pehl	Wellsona Sand and Gravel	To surface mine sand and gravel within the Salinas riverbed. Sand will be extracted from the riverbed with a tractor.	Paso Robles	San Luis Obispo	Salinas River	10.5	To be determined	To be determined
Mike Sapunor-- Santa Cruz County Flood Control and Water conservation District	Pajaro River Mouth Sandbar Breaching	Breaching the sandbar to prevent flooding.	Pajaro Dunes	Santa Cruz	Pajaro River	0.056	To be determined	To be determined
California State Parks, Santa Cruz District	Wilder and Peasley Creek Road	Removing obsolete road crossings and the associated culverts on Wilder and Peasley Creek at four creek sites.	Wilder Ranch State Park	Santa Cruz	Wilder Creek, Peasley Gulch	2	To be determined	To be determined

FACILITY REPORTS

Vandenberg Air Force Base, Santa Barbara County [David LaCaro 805/549-3892]

In addition to Central Coast Water Board staff working on the Department of Defense Environmental Restoration Program (i.e., cleanup) as outlined at the February 7, 2008 Water Board meeting, the following presents a brief overview of additional Water Board program activities conducted at Vandenberg Air Force Base (VAFB).

Stormwater

Municipal: VAFB submitted an application (or Notice of Intent) to comply with the terms of the Municipal Storm Water General Permit in April 2003. VAFB has not received official enrollment notification. However, staff plans to include VAFB in the 2009 Storm Water Management Plan enrollment cycle. VAFB has started municipal storm water management plan implementation.

Construction: VAFB manages several construction projects regulated by the Construction Storm Water Permit.

Industrial: VAFB manages several industrial facilities covered by the Industrial General Permit, which include five areas (e.g., hazardous waste, landfill, airport, reutilization yard, and transportation facility). Private agencies, leasing VAFB land, manage two different Space Launch Complexes covered by the Industrial General Permit. Although these launch complexes are not specifically operated by the Air Force, the Air Force retains some environmental oversight. Staff is currently reviewing other Space Launch Complex eligibility for Industrial Storm Water Permit enrollment.

Wastewater

A majority of wastewater generated at VAFB is discharged to the City of Lompoc Wastewater Treatment Facility. Remote facilities discharge wastewater to individual onsite septic systems.

VAFB owns and operates an industrial wastewater treatment plant (IWTP) located in the southern portion of the base. The IWTP treats wastewater from various facilities on the base, which is discharged to two lined evaporation ponds. The IWTP currently is waived of waste discharge requirements, but is required to submit annual monitoring reports. VAFB is compliant with the prohibition and terms set forth in the General Waiver and reporting requirements.

Landfill

The landfill is a 46-acre unlined Class III waste management unit serving the base. VAFB accepts the following residential, commercial, and industrial garbage; rubbish, and inert wastes. Special wastes such as non-friable asbestos and dead animals are disposed of within separate designated areas within the landfill. Central Coast Water Board staff regulates VAFB landfill under Waste Discharge Requirements R3-2004-0151, and its associated Monitoring and Reporting Program. VAFB is compliant with the requirements set forth in their Waste Discharge Requirements.

REGIONAL REPORTS

Ag Regulatory Program Update [Alison Jones 805/542-4646]

Presentations and Outreach

Staff gave brief overviews of our Irrigated Agriculture Program at the March meetings of the Morro Bay City Council and Public Works Advisory Board. Staff was invited to speak about the Morro Bay Nitrate Study agenda items. This study identifies agricultural fertilizer as the greatest potential source for nitrate contamination to groundwater at the City well field along Hwy 1. The City Council adopted the nitrate study at their meeting and made recommendations to work with our Irrigated Agriculture Program to address the issue of excessive levels of nitrate in groundwater within the study area. Water Board staff is in the process of developing an approach to address this issue.

Staff made presentations at two grower monitoring workshops and provided an overview of the Irrigated Agricultural Program at a meeting of the general public. Staff has approved 17 classes for agricultural water quality credit this year and posted all classes on our website.

Food Safety

Staff continues our involvement in food safety issues that have the potential to affect water quality. Staff also continues to work with various partner agencies and organizations to increase awareness of the detrimental impact of some food safety practices.

Cooperative Monitoring Program

Staff approved Central Coast Water Quality Preservation, Inc.'s follow-up monitoring proposals to do continuous flow monitoring and upstream monitoring in several watersheds beginning in 2008. Preservation Inc. is also developing a proposal for education and outreach to address toxicity and irrigation improvement issues in several watersheds. Follow-up projects are funded by regular program fees and by a Proposition 40 grant and are a mandatory component of the Cooperative Monitoring Program established by the Conditional Waiver.

Inspections

Staff is continuing inspections throughout the region in order to assess and improve compliance with the agricultural program requirements. Staff has responded to several complaints by conducting inspections and making grower referrals to technical assistance. Staff then schedules follow-up inspections to ascertain whether practices have been implemented. If necessary, staff will issue Notice of Violation letters to non-responsive growers.

Enforcement Actions

We are continuing enforcement actions against farming operations that have not enrolled in the Conditional Waiver for Irrigated Lands. Staff issued five administrative liability complaints in December. So far, four of the farming operations have enrolled

and paid all past due monitoring costs and fees. Many new enrollments have come in during the first three months of this year, possibly as a result of increased awareness due to enforcement actions.

Total Maximum Daily Load Program Report [Chris Rose 805/542-4770]

Board members Monica Hunter and Daniel Press requested an update on which TMDLs have been approved to date and how the implementation activities are proceeding. Staff has provided summary information in this report and will present more detailed information at the July board meeting.

The following table identifies TMDL projects and their associated approval and development status. TMDL staff periodically updates TMDL approval dates on our website at:

<http://www.waterboards.ca.gov/centralcoast/TMDL/303dandTMDLprojects.htm>

TMDL Projects with Final Approval	TMDL Projects with Regional Board Approval
San Lorenzo River Nitrate	San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek Pathogens
Morro Bay, Chorro Creek and Los Osos Creek Pathogen	Soquel Lagoon, Soquel Creek, and Noble Gulch Pathogens
Morro Bay Estuary, Chorro Creek, Los Osos Creek Sediment	Aptos Creek, Valencia Creek, and Trout Gulch Pathogens
San Lorenzo River, Carbonera Creek, Lompico Creek, and Shingle Mill Creek Sediment	<u>TMDLs in Development</u>
Clear Creek and Hernandez Reservoir Mercury	Lower Salinas River, Old Salinas River Estuary, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, and Towne Creek Fecal Coliform
Los Osos Creek, Warden Creek and Lake Nutrient	Pajaro River, San Benito River, Llagas Creek, and Tequisquita Slough Fecal Coliform
San Luis Obispo Creek Pathogen	Corralitos Creek and Salsipuedes Creek Pathogen
Pajaro River and Llagas Creek Nitrate	Lower Salinas River and Elkhorn Slough Pesticides
Chorro Creek Nutrients and Dissolved Oxygen	Santa Barbara County Beaches Bacteria
San Luis Obispo Creek Nutrient	Santa Maria River and Santa Maria River

	Estuary Pesticides
Pajaro River, San Benito River, Rider Creek Sediment	Santa Maria River Watershed and Oso Flaco Lake Fecal Coliform
Watsonville Slough Pathogens	Santa Maria River Watershed Nitrate

The Board approved most of the TMDLs listed in the table as Basin Plan Amendments, which also requires approval by State Board and the Office of Administrative Law. Office of Administrative Law (OAL) approval is currently taking about seven months after Regional Board approval.

Regional Board approved implementation plans typically require implementation actions within one year following approval by OAL. However, in many cases, responsible parties have commenced implementation activities even before Regional Board approval of the TMDL. For example, many growers are meeting the requirements of the Conditional Waiver for Agricultural Discharges. Staff has also been setting the stage for early implementation. For example, staff is requiring potential enrollees of phase-II stormwater permits to include actions in SWMPs that address impaired waters. Staff is also identifying and following up on livestock activities that threaten water quality, even before TMDL implementation is required.

Staff has scheduled reviews of TMDL implementation progress. *Triennial reviews* are reviews by staff of implementation efforts by responsible parties, and progress toward achieving the TMDLs. TMDL implementation plans require the first triennial reviews three years after approval of the TMDL by OAL, and more triennial reviews occurring every three years thereafter until the TMDL is achieved. Therefore, since our first TMDLs were OAL approved over three years ago, staff has begun the triennial review process for some OAL approved TMDLs.

The 2008-2009 TMDL work plan has recently been drafted by the TMDL Program Manager. The draft TMDL work plan describes implementation activities TMDL staff will be engaged in during the next fiscal year.

Staff will provide more information regarding implementation activities and reviews of TMDL progress as an agenda item at the July 2008 Board meeting.

ADMINISTRATIVE REPORTS

Presentations and Training [Roger Briggs 805/549-3140]

On March 25 through 27, 2008, Water Resource Control Engineer John Mijares of the Underground Tank staff attended a three-day workshop conducted by UC Extension Program at the UCR Palm Desert Campus. The first day of the workshop was titled "Modern Approaches and Technologies for Subsurface Investigations." This portion of the workshop focused on the technical issues related to site investigation, remediation, and residual risk management of contaminated sites, with an end goal of site closure. Recognizing that each site has its own particular risk factors, the information collected

to make site cleanup and closure decisions should be relevant to the risks the site poses to human health and the environment. The amount and type of data necessary to make these decisions are discussed in the context of the Conceptual Site Model (CSM). Presenters detailed the process of developing and validating a CSM. The rest of the workshop was titled "Application of Risk Assessment for Environmental Decision Making at Contaminated Release Sites." This portion of the workshop examined and discussed exposure assessment, contaminant fate and transport, data quality and quantity needs, vapor intrusion pathways, and risk characterization. Presenters reviewed case studies and examples to explore exposure pathways, toxicity, chemical migration principles and concepts used in risk assessment, investigation, remediation, and risk-management decisions at contaminated sites.

During the week of April 7-10, 2008, all Water Board staff members participated in CalAters training by the State Board for processing online paperless travel expense claims and travel advances. Meanwhile, we are receiving many of our NPDES discharger self monitoring reports electronically rather than via paper, and we continue to work on the Paperless Office project with a goal of using nearly all electronic documents.

On April 1, Harvey Packard, Peter von Langen, and Roger Briggs, and Board members Monica Hunter, David Hodgins, Russ Jeffries, and Gary Shallcross attended the State Water Resources Control Board meeting in Monterey. In the morning session, representatives from Monterey Peninsula Water Management District, Monterey County Water Resources Agency, and Pajaro Valley Water Management Agency presented status reports on their efforts to deal with water quality and quantity problems in the Carmel Valley, Monterey Peninsula, Salinas Valley, and Pajaro Valley areas. Roger Briggs presented an overview of our region, our Vision for Healthy Watersheds, and our work on high priority water quality problems like perchlorate, irrigated ag byproducts, and urban runoff. He also discussed alignment of our organization to be performance based, with measurable goals to achieve our Vision. He summarized his work with the Bay Area and North Coast (BANCCC) regions and many others on a Sustainability / Climate Change group working on ways to reduce greenhouse gas emissions in the water and wastewater world. State Board members asked several questions on these issues. In the afternoon session on the Cal-Am Cease and Desist Order, he summarized his written policy statement supporting the need for more conservation, with suggestions for a multi-basin approach to solving water overdraft problems in the Carmel, Seaside, and Salinas basins. There were about 100 people in attendance, and the State Board's CDO hearing panel or Art Baggett and Gary Wolff heard about an hour and a half of policy statements. The panel will begin the formal evidentiary hearing in June.

At the request of the State Board when the Board scheduled the Monterey meeting, we organized a field trip for April 2. We toured Hopkins Marine Station and discussed their efforts in responding to the Area of Special Biological Significance (ASBS) discharge prohibition, and the Pacific Grove dry weather diversion project, which addresses the same prohibition. Lastly, we toured the Carmel Lagoon and learned about restoration efforts and all the issues involved with the fishery and management of the lagoon. Regional Board Member Monica Hunter and State Board Members Frances Spivy

Weber and Gary Wolff went on the tour, along with several State Board staffers, and reporters and media camera staff.

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