

**Central Coast Regional Water Quality Control Board**

**MINUTES**

**Central Coast Regional Water Board**

**REGULAR MEETING**

Thursday, December 6, 2012

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Thursday, December 6, 2012 in Santa Barbara.

**1. Roll Call – Board Members..... Kenneth A. Harris Jr., Interim Acting Executive Officer**

**Present:**

Chairman Jeffrey Young  
Bruce Delgado  
Monica Hunter  
Mike Johnston  
Mike Jordan  
Jean-Pierre Wolff

**Absent:**

Vice Chair, Russell Jeffries

**2. Introductions.....Ken Harris**

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

**3. Discussion of Agenda Structure and Board Management.....Board Discussion**

Mr. Harris pointed out changes made to the agenda format to allow the Board more time for substantive discussion. Board members discussed pros and cons of changing the agenda structure to allow for two Public Comment sessions.

**5. Approval of Meeting Minutes.....Board Motion**

- . August 28, 2012
- . September 6-7, 2012
- . September 11, 2012
- . October 3, 2012
- . October 16, 2012

**MOTION: Mr. Jordan moved to approve the minutes as listed on the agenda.**

**CARRIED: (5-0) Unanimously (Note: Mr. Delgado abstained.)**

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

- Dr. Hunter discussed her recent reappointment to the Central Coast Water Board.
- Dr. Hunter, Board member on the Governor's Safe Drinking Water Stakeholder Group, provided an update on that project.
- Mr. Young announced that Mr. Jeffries is also reappointed to the Central Coast Water Board.

- Dr. Wolff, CalPoly San Luis Obispo Executive Advisory Board member, College of Ag, Food, and Environmental Science, summarized their November meeting.
- Mr. Young and Mr. Johnston attended a conference at CSUMB on regulation versus the free market using the Agricultural Waiver as the focal point.
- Mr. Delgado voiced appreciation of the quality of Water Board staff work.

**7. Report by State Water Resources Control Board Liaison..... Status Report**  
State Water Resources Control Board Liaison Steven Moore reported on recent State Water Board activities.

**8. Waste Discharge Requirements for Monterey Wine Company ...Order No. R3-2002-0058**  
Steve Shimek of the Otter Project requested to speak. He asked why the staff report did not include a compliance history. He also said that he had spoken to Water Board staff about potential permit violations that were not discussed in the staff report. Staff was unaware of the potential violations and said that the lack of compliance history was an oversight.

The Board continued the item until the next meeting and asked staff to include the compliance history. The Board also asked staff to invite the winery owner to the meeting.

**9. Waste Discharge Requirements for Montecito Sanitary District. Order No. R3-2012-0016**  
The Montecito Waste Water Permit was originally on the consent calendar but was taken off consent due to a request to speak by Dr. Edo McGowan. Dr. McGowan was supportive of adopting the permit and said that Montecito is a well-run facility. Dr. McGowan however is concerned about the potential for antibiotic resistant pathogens to proliferate in the beach sands of waste water facilities, like Montecito, that have shallow near-shore outfalls. Board members Monica Hunter and Jeff Young had a couple of questions during and following Dr. McGowan's presentation. Jeff Young suggested that Dr. McGowan's concerns were better addressed at the State Board and U.S. EPA because the Central Coast Water Board adopts these agencies standards in the NPDES permits and that we do not have the expertise to directly address Dr. McGowan's concerns. Dr. McGowan said that he has attempted to contact the State Board and EPA regarding his concerns and left a packet of information for the Central Coast Water Board to read. Chairman Young asked for an EO Report to include information regarding wastewater. He specifically wanted to know the agency regulatory response (e.g. Regional Board 8, State Board, and USEPA) regarding is there a concern of bacteria resistant pathogens getting into drinking water supplies or affecting human health. Dr. Hunter asked a question regarding sediment monitoring conditions in permits based on Southern California Bight sediment studies. Dr. Hunter was questioning whether there was a summary table for parameters to be analyzed in sediment for discharges in the Southern California Bight. Jeff Young asked if there were any objections to the Regional Board adopting the permit, which there were none. A typo was fixed to correct the expiration date of the new permit from January 2017 to January 2018 and the permit was adopted by the Regional Board as in the agenda.

**Motion: Mr. Johnston moved to approve with the errata**  
**Second: Mr. Jordan**  
**Carried: (6-0) Unanimously**

**10. Waste Discharge Requirements for California Men's Colony ....Order No. R3-2012-0027**

**Motion: Mr. Young moved to approve**

**Second: Mr. Johnston**  
**Carried: (6-0) Unanimously**

**11. Battery Disposal Site Closure, Santa Barbara Harbor ..... Information/Discussion**

Water Board staff member Diane Kukol provided Board members with the informational staff report for Board Item 11, a supplemental sheet containing a letter from Mr. William Nash (an individual opposing site closure), and a record of an email exchange from the day before the Board Meeting (December 5, 2012) between staff and Mr. Nash. Staff explained that Item 11 was informational and it focused on closure of the marine battery disposal issue and the determination of no further action associated with sediments containing anti-fouling paint debris below a former dry dock operation. Board members asked staff a few clarifying questions, but did not request a presentation.

Board Chairman Mr. Jeffrey Young and Board member Mr. Michael Johnston asked if staff was comfortable with the City of Santa Barbara (City) Water Front Department's use of the turbidity curtain to adequately contain sediments containing anti-fouling paint debris during pile driving associated with an upcoming Marina 1 expansion. Ms. Kukol indicated that information provided by the Waterfront Department did provide a level of comfort for assuring the adequate containment of the sediments.

Board member Dr. Monica Hunter asked what the Waterfront Department is doing to address continued marine battery disposal into the Harbor. Both Ms. Kukol and Mr. Karl Treiberg of the Waterfront Department reported that there were receptacles available around the Harbor into which boat owners were encouraged to dispose of their batteries. In addition, the Waterfront Department will include more frequent reminders of proper battery disposal in their monthly billing statements to slip owners. The Harbor newsletter currently includes information on proper battery disposal. Dr. Hunter also asked for clarification regarding dredging that has occurred in the Harbor. Ms. Kukol identified the parts of the Harbor under federal and City jurisdiction, and indicated the federal portion of the channel is dredged on a regular basis under an Army Corps of Engineer permit for dredging and dredged spoils placement. The City has a 401 Water Quality Certification from the Water Board to conduct maintenance activities within the internal parts of the Harbor, including minor dredging around the Harbor periphery on an as-needed basis. Ms. Kukol and Mr. Treiberg explained that dredging below the dry dock operation has never occurred, and it is highly unlikely it would become necessary in the future due to the documented static conditions within the Harbor as well as the proposed expansion of Marina 1 to accommodate more boat slips in that area. Staff also responded to Dr. Hunter's question regarding what assurance staff has that the location of the sediments of concern will not be forgotten. Ms. Kukol explained our inter-program discussions between Site Cleanup, Permitting, and Ambient Monitoring programs about the constituents of concern in sediments. Staff noted that information about the site would continue to be available on the GeoTracker database, and internal memos would be recorded in Harbor project files associated with 401 Water Quality Certification, Stormwater, and the Central Coast Ambient Monitoring programs. Staff also reported that as a follow-up to the 2004 Central Coast Harbor Study, Central Coast Ambient Monitoring Program (CCAMP) staff will monitor the Harbor for various parameters in areas of concern when the monitoring rotation returns to Santa Barbara County in 2014. Dr. Hunter asked for a link to the Harbor Study report, and staff indicated a link to her and the other Board members would be provided following the meeting.

Board Chairman Mr. Young asked how large an area was impacted by the anti-fouling paint debris. Ms. Kukol reported that the area within which any metals or organotins were detected was approximately 100 feet by 100 feet, or less than one percent of the entire Harbor area.

Board member Mr. Bruce Delgado asked what staff is doing to respond to Mr. Nash's comments regarding a faulty sewage management system at Marina 1. Assistant Executive Officer Michael Thomas stated that although the issue of sewage management is not related to the site closure and no further action determination, staff from our Permitting program, as well as staff from other appropriate agencies, are looking into Mr. Nash's allegations, and will follow up as necessary.

Mr. Michael Sheehy and Ms. Kira Redmond of the Santa Barbara Channelkeepers indicated their opposition to Water Board staff not requiring the Waterfront Department to clean up the sediment below the former dry dock. Both Mr. Sheehy and Ms. Redmond urged staff to require the City to monitor turbidity before and after pile driving associated with the Marina 1 expansion, and requested that additional sediment sampling and analysis occur. In response, Mr. Treiberg explained how a turbidity curtain works and stated that the City would conduct visual turbidity monitoring within the turbidity curtain in accordance with standard marine construction practice. Ms. Redmond also expressed dissatisfaction with staff closure of the marine battery disposal issue without a public hearing, as well as not being contacted about the City's proposal to expand the Marina 1 slip area prior to Water Board staff issuance of a 401 Water Quality Certification for the project. Mr. Mick Kronman of the Waterfront Department explained the Harbor's Clean Marina Program and annual volunteer Harbor clean up events, and Mr. Treiberg explained the Marina 1 expansion project (scheduled to occur in 2016) and their 401 Certification requirements. Mr. Treiberg also discussed the Harbor's Sediment Management Plan that is a requirement of their Army Corps of Engineers permit. Interim Executive Officer Ken Harris stated that staff will make sure the City is in compliance with their 401 Certifications and will report back to the Board.

The Board made no recommendations to change staff's closure of the marine battery disposal issue and the no further action determination for the sediments below the former dry dock.

**12. Enforcement Report..... Status Report**

Enforcement Coordinator Harvey Packard provided a brief summary of the written enforcement report. Mr. Packard mentioned violations ascribed Montecito Sanitary District and Carpinteria Sanitary District were actually not violations. Dr. Hunter asked some questions about Ag Order enrollments and accuracy of information in the database. Mr. Johnston asked about cooperative monitoring fees still outstanding. Mr. Johnston also asked why Paso Robles had so many violations. Mr. Johnston asked about flow violations at the city of Salinas.

Kira Redmon of the Santa Barbara ChannelKeeper provided information about ChannelKeeper's Clean Water Act citizens' suit against the city of Santa Barbara.

**13. Water Resources Management Efforts in the Region..... Information/Discussion**

Deferred to the January 2013 Regional Board Meeting.

**14. Public Forum ..... Board Direction**

Public Speakers:

- Joy Hufshmid, Santa Barbara
- Larry Meyer, Goleta West Sanitary District
- Craig Steward, Santa Barbara
- Abby Taylor-Silva, Salinas
- Steve Shimek, The Otter Project

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

Mr. Harris and Water Board staff updated the Board on the following issues:

- Water Quality Certifications
- Groundwater Protection Section Case Closures
- General Order and Waiver Enrollments
- Technical/Status Reports
- Updated Standard Provisions for NDPEs Permits
- Administrative Reports
- Budget Update
- Presentations, Training and Significant Staff Meetings

At approximately 2:30 p.m. Chairman Young announced the Board, and any public who wished to attend, would proceed to the field trip portion of the meeting. The next regularly scheduled Water Board meeting will be held on January 31-February 1, 2013 meeting in San Luis Obispo.

This meeting was audio recorded; the minutes were reviewed by management and will be considered for approval by the Board at the January 31-February 1, 2013 meeting in San Luis Obispo.

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Jeffrey Young, Chair