

Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, January 31, 2013

REGULAR MEETING

Friday, February 1, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 8:45 a.m. on Thursday, January 31, 2013 in San Luis Obispo.

1. Roll Call – Board Members..... Kenneth A. Harris Jr., Interim 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. Resolution R3-2013-0009 for Michael Higgins Board Motion

Michael Thomas read the resolution to Michael Higgins. Board Members congratulated Michael Higgins on his retirement and thanked him for his many years of service to the Central Coast Water Board

MOTION: The Board moved to approve Resolution R3-2013-0009

CARRIED: (6-0) Unanimously

4. Approval of November 13 and December 6-7, 2012 Meeting Minutes..... Board Motion

MOTION: Bruce Delgado moved to approve the November 13 and December 6-7, 2012 meeting minutes

SECOND: Monica Hunter

CARRIED: (6-0) Unanimously

5. Reports by Water Board Members.....Status Reports

The Regional Water Board members discussed their recent field trips to Ag operations. Mike Johnston emphasized the need for flexibility in dealing with ag issues, such as allowing large scale wetland treatment systems. Bruce Delgado emphasized the need to address all ag-related issues, including emerging technologies. Steve Shimek, Otter Project representative, commented in response that the Water Board appeared to be focusing on ag industry outreach and needed more balance. The Board members emphasized that they are interested in all issues and stakeholders. Ag representatives commented that the Ag Order is not flexible enough to allow projects address water quality issues. Board member Bruce Delgado commented that the Ag Order included extensive language for the purpose of creating great flexibility.

6. 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.

7. Election of Chair and Vice ChairBoard Motion

MOTION: The Board nominated Jeffrey Young as Chair

CARRIED: (6-0) Unanimously

MOTION: The Board nominated Jean-Pierre Wolff as Vice-Chair

CARRIED: (6-0) Unanimously

8. Agricultural Order Update Enrollment and Annual Compliance Form Status Report

Staff presented information describing the process of enrollment and submitting the annual compliance forms per the requirements in the Agricultural Order. Staff also explained the numbers and acres enrolled and numbers of farms/ranches that have submitted annual compliance forms.

Stakeholders commented on the content and online reporting format. Stakeholders further commented on other program implementation issues, opportunities and challenges to complying with requirements, e.g., determining proprietary information.

Board members also discussed the format and content of the online reporting and program implementation and made suggestions for improvement. Board members stated a desire to review reporting and implementation issues as a subcommittee in the future. They also expressed particular interest in more field trips to see water quality improvement projects and follow up on reporting issues raised by stakeholders.

Public Speakers

- George Adam
- Gail Delihant
- Laura Gregory
- Norm Groot
- Dale Huss
- Marc Los Huertos
- Kay Mercer
- Kirk Schmidt
- Steve Shimek
- Abby Taylor-Silva
- Claire Wineman

9. Total Maximum Daily Loads for Nitrogen Compounds and Orthophosphate in the Lower Salinas River and Reclamation Canal Status Report

Central Coast Water Board staff developed Total Maximum Daily Loads (TMDLs) for nitrogen compounds and orthophosphate for streams within the lower Salinas Valley, including the lower

Salinas River and Reclamation Canal Basin and the Moro Cojo Slough Subwatershed. These TMDLs were presented to the Central Coast Water Board for their consideration at the regularly scheduled water board meeting on January 31, 2013. The Central Coast Water Board's goal for establishing these TMDLs is to rectify water quality impairments due to nutrients and un-ionized ammonia, thereby providing for the attainment and support of the designated beneficial uses of municipal and domestic water supply, cold and warm fresh water habitat, groundwater recharge, and agricultural water supply. Available data indicates that the controllable sources contributing to or causing the identified impairments are irrigated cropland and municipal storm sewer system discharges. Public comments provided for the January 31, 2013 water board meeting included concerns that proposed numeric targets and allocations for nutrients would be difficult or impossible to achieve; that proposed TMDL implementation milestones are too aggressive; and concerns that proposed TMDL numeric water quality targets protective of aquatic habitat were an establishment of new water quality standards. Agricultural representatives recommended several minor administrative changes to the proposed basin plan amendment language at the January 31, 2013 board meeting. As a result, the Central Coast Water Board postponed a decision on the TMDLs to the regularly scheduled March 14-15, 2013 board meeting to accommodate minor administrative modifications to the proposed basin plan amendment

Public Speakers

- George Adam
- Gail Delihant
- Laura Gregory
- Dale Huss
- Marc Los Huertos
- Kay Mercer
- Steve Shimek
- Claire Wineman

10. Public Forum Board Direction

Public Speakers

- Steve Shimek

Friday, February 1, 2013

Chairman Young called the meeting of the Central Coast Water Board to order at 9:00 a.m. on Friday, February 1, 2013 in San Luis Obispo.

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

Present:

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

Absent:

Vice Chair, Russell Jeffries

11. Public Forum Board Direction

Public Speakers

- Jeff Edwards
- Steve Shimek
- Julie Tacker

12-16. Uncontested ItemsBoard Motion

There was a question about Item No. 14, Brookdale Lodge. Board member Michael Jordan asked how the Water Board would know if the subject facility becomes active again and discharges resume at the facility. Staff member, Cecile DeMartini, stated the County of Santa Cruz officials are aware of the permit's rescission and prior to any renewed occupancy at the facility, Santa Cruz County permit staff will require the discharger to obtain a waste discharge permit from the Central Coast Regional Water Quality Control Board.

Board member Bruce Delgado asked if the balance of \$14,000 in fees owed by the Discharger have been received by the Water Board and, if not, will rescission of the permit limit our authority to recover the owed fees. Board counsel, Jessica Jahr, stated she does not believe that the fees are unrecoverable even if the owners are in a state of bankruptcy because the fees have been incurred and are still owed.

There were no other questions about uncontested items or requests to remove items from the uncontested calendar.

MOTION: Board member moved to adopt the uncontested items
CARRIED: (6-0) Unanimously

17. Waste Discharge Requirements for Monterey Wine Company.....Board Motion

Jamie Meves, representing Monterey Wine Company, described the facility and the discharge and requested the Board approve staff's recommendation. Steve Shimek said he supports rescission of the current order and enrollment of the facility under the general winery order, but he doesn't agree with staff characterization of the current individual order's flaws. He suggested that the Board review the facility's compliance after a year.

The Board asked for more information about wineries in general, and staff stated that they would be bringing a revised general winery order to the Board in 2013.

Ed Waggoner, also representing the discharger, described facility improvements that have been made in the last year.

Public Speakers

- Jamie Meves
- Steve Shimek
- Ed Waggoner

MOTION: Mike Johnston
SECOND: Bruce Delgado
CARRIED: (6-0) Unanimously

18. Compliance with Revised Ex Parte Rules..... Information/Discussion

Staff Counsel provided the Board information on the updated Ex Parte Rules.

Public Speakers

- Steve Shimek

19. Watershed Resources Management Efforts in the Region Information/Discussion

Board member Johnston expressed interest in learning about integrated water resource management projects being implemented by local agencies throughout the region.

20. Board Meeting Agenda Format Discussion..... Information/Discussion

Board members discussed agreement with the changes to the format of the agenda e.g., public forum and restricting meeting end times. Board members further discussed and requested the Executive Officer to develop strategies to restrict the amount of time spent on agenda items while still accounting for reasonable opportunities for presentation of information, public input and Board deliberation.

21. Enforcement Report..... Status Report

Enforcement Coordinator Harvey Packard briefly summarized the report. Board Member Wolff asked about a sewage spill in Santa Cruz County.

22. Executive Officer's Report Information/Discussion

Public Speakers

- Tom Harty
- Robert Ketley
- Rob Livick
- Steve Shimek
- Alyson Tom
- Courtney Trask
- Tricia Wotan

Technical Status Reports**Groundwater Assessment and Protection (GAP) Six-Month Update**

Board Member Dr. Hunter asked for clarification, and staff Matthew Keeling responded, regarding the number of local agency groundwater monitoring programs that have agreed to upload data to GeoTracker. Matthew Keeling also clarified the next steps required to facilitate data upload.

Post Construction Requirements and Stormwater Phase II Permit for Municipalities

Staff member Phil Hammer provided an update on the Phase II Municipal Stormwater Permit, Central Coast Water Board Post-Construction Requirements, and how those two regulatory efforts interact. Staff proposed to present the strategy for moving forward with Post-Construction Requirements implementation at the March 2013 Board meeting, with a potential Board action item in July 2013. Municipal representatives commented on the Post-Construction Requirements, primarily focusing on deadlines for implementation. Board members discussed information provided by staff and stakeholders.

Morro Bay-Cayucos Wastewater Treatment Plant Update

Rob Livick, representing the city of Morro Bay, described recent developments in their efforts to permit construction of a new treatment plant. Several Board Members had questions about the city's plans for the new plant.

Steve Shimek discussed the existing petition of the NPDES permit and the failure of the Morro Bay and Cayucos to meet the construction schedule. He asked the Board to work with environmental stakeholders.

Los Osos Dewatering Update

Dr. Hunter asked if staff had heard from the county about the timing of excavations requiring dewatering. The Board directed a subcommittee of Dr. Hunter and Dr. Wolff to meet with the county to discuss dewatering and seawater intrusion.

Emerging Contaminants and Bacteria Issues

No discussion.

San Luis Obispo Creek Municipal (MUN) Beneficial Use and De-designation Update

No discussion.

Chairman Young adjourned the meeting at approximately 3:00 p.m. Friday, February 1, 2013. The next regularly scheduled Water Board meeting will be held on March 14-15, 2013 in San Luis Obispo

Minutes were reviewed by management and will be considered for approval by the Board at the March 14-15, 2013 meeting in San Luis Obispo.

Jeffrey Young, Chair