

Priorities and Challenges

Annual Report to the Central Coast Water Board

October 2013

Summary

Focusing on priorities and improving our regulatory oversight process is increasingly important, as our budgeted staff positions decreased about 25% between 2000 and 2010 (from about 80 positions to 60), while the water resource problems we tackle have increased in complexity and the associated workload has increased dramatically. In recent years, we also had furloughs, which further decreased our effective positions to about 54, and we've had a hiring freeze for several years. Furloughs have since ended, and we are at about 60 positions today. Other Regional Water Boards, and other agencies across the country, have experienced the same contraction due to the recession. Our workload will likely continue to increase over the next several years as the State and Regional Water Boards address additional issues, such as groundwater overdraft, grazing, confined animal facilities, marijuana cultivation, impacts from climate change, and other issues. This ongoing dynamic presents a fundamental challenge to the State and Regional Water Boards and how we do business. This report highlights some of our work, and illustrates the challenges we face and how we are managing an ever increasing and more complex workload into the future.

We are also implementing some of the most advanced water quality work in California; including our Central Coast Ambient Monitoring Program, the Groundwater Assessment and Protection Program, and the Low impact Development Initiative. A brief update on these programs is provided in Attachment 1.

Discussion

The Central Coast Water Board established these top priorities in 2011/12:

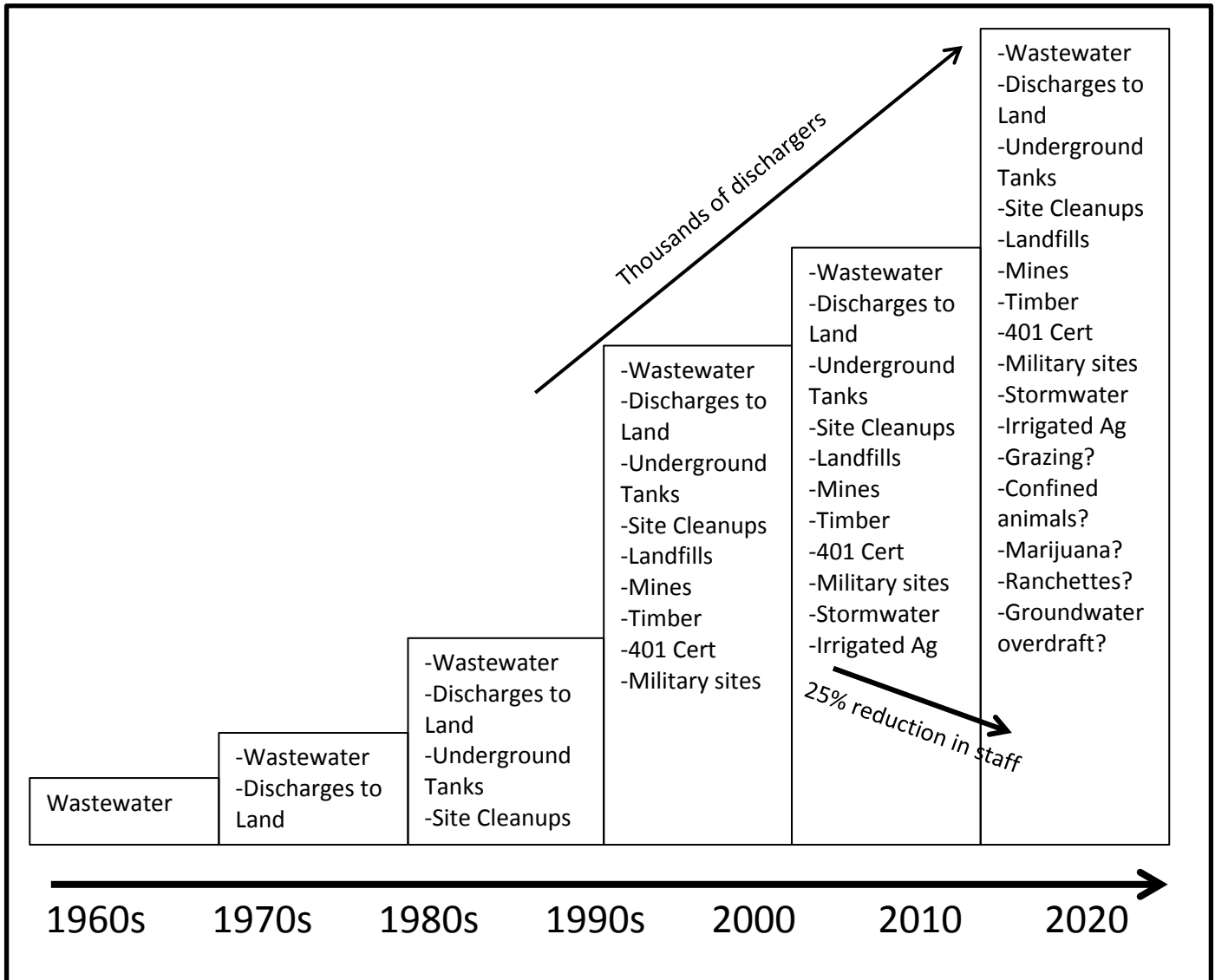
1. Preventing and Correcting Threats to Human Health
2. Preventing and Correcting Degradation of Aquatic Habitat
3. Preventing Degradation of Hydrologic Processes
4. Preventing/Reversing Seawater Intrusion
5. Preventing Further Degradation of Groundwater Basins from Salts

In addition, the Central Coast Water Board emphasized the importance of **outreach and collaboration** as a priority that encompasses all of its water quality work. On a practical level, outreach and collaboration are a significant part of the Central Coast Water Board's work on a daily basis. The Executive Officer and staff at every level spend a significant percentage of their time working with stakeholders and the public to implement approximately 20 programs that include several thousand regulated dischargers. The workload for every program the State and Regional Water Boards implement grows much faster than funding to implement the program. Therefore, in every program we must

choose what to work on and what not to work on, which presents an ongoing balancing act between competing interests, including outreach and collaboration.

Since the State Regional Water Boards were created, the workload has increased dramatically in terms of the sheer number of facilities regulated, the complexity of the cases, and the public process. Figure 1 is an illustration of this concept, showing how the number of programs and associated regulated facilities have grown over time. Initially, the State and Regional Water Boards only regulated a small number of wastewater treatment facilities. The programs have grown to include many thousands of facilities, dischargers, responsible parties, and stakeholders. The State and Regional Water Boards cannot hire their way out of this trend; we have determined that we must change how we do business (e.g., manage groups of like dischargers with single permit/program procedures versus manage individual dischargers uniquely with tailored permits).

Figure 1: Conceptual Illustration of Workload Over Time, from the 1960's to the Near Future



The budget cuts over the past several years have resulted in decreased funding and staff positions across all programs. For example, the Central Coast has an active timber harvesting industry, but our Timber Harvest program funds have decreased to zero. To manage the Timber Harvest program, funds and staff would have to be diverted from other programs. However, there are limits to how program funds can be used (e.g., based on the legislation authorizing the funds); some program funds cannot be diverted, and many other programs have limited funding to the degree that staff can only address the top priority cases in those programs. At this time, diverting funds to timber harvesting is not a realistic option since timber harvesting is low priority in terms of water quality issues relative to all other programs such as the Irrigated Lands Regulatory Program (irrigated Ag). Staff will present an update on the Timber Harvest program in the near future.

As another example, the following is an illustration of workload in the Stormwater program and how we prioritize work relative to the number of staff positions available. We regulate 42 local municipalities under the General Stormwater Permit, plus about 400 construction sites and 400 industrial sites. We have 5 staff implementing this program, which represents one of the largest programs in our office in terms of staff resources and workload. Since there are far too many cases to actively regulate, we prioritize audits and inspections relative to threat to water quality. The yellow highlighted areas in Table 1, below, show the fraction of cases we are working on relative to the total number of facilities. As shown, only a fraction of the total facilities can be audited or inspected in any given year. Table 1 does not include additional work such as enforcement, construction and industrial annual report reviews, construction and industrial Notices of Intent/Termination, complaint responses, Caltrans audits, and Caltrans annual report reviews, all of which are subject to the same limitations in terms of the fraction of work that can be done.

As noted above, municipal permittees totaled 42 for FY 2012-2013. The current number of construction and industrial sites in the region is 433 and 399, respectively. Since these numbers fluctuate over time, 400 sites in each category are used for the purposes of Table 1. Column 1 of Table 1 shows the prioritization for municipal audits for FY 2012-2013. This prioritization changes from year to year, and is based on factors such as: municipal population, evidence of non-compliance, development potential, maturity of the municipal program, potential for municipality to be a source of identified water quality impairment in receiving water, and how recently the municipality was last audited. Also, enforcement actions are not included but can take up significant staff time.

Table 1 shows that we are prioritizing our oversight of post construction requirements for all municipalities. This is because urban development in our Region is likely to grow significantly in the next decades, the impacts to water quality and watershed functions from urban development are permanent, and the post construction design standards that the Central Coast Water Board adopted in 2013 are critical to ensure protection of our watersheds and beneficial uses.

The State Water Board adopted a new General Stormwater permit in 2012, which will increase the number of municipalities we regulate from 42 to 65, another significant increase in workload. As the

programs we implement grow, the State and Regional Water Boards will have to continue to improve their business operations to be more efficient and effective. When the Regional Water Boards were created decades ago, staff could work with dischargers on a one-on-one basis because there were so few regulated dischargers. Today, Central Coast Water Board staff can no longer protect water quality or watersheds efficiently or effectively by working on a one-on-one basis with most of the regulated community. The Storm Water program is an example of a very complex program that is growing and changing significantly. The State and Regional Water Boards will have to determine if they will continue attempting to require a broad suite of "management practices" and the major reporting burden that goes with that, or if it will attempt to more directly and simply regulate compliance with water quality objectives, design standards, and protection of physical watershed features and functions such as riparian and groundwater recharge areas (with buffer or other limited-use zones). Also, to manage these more complex regulatory programs, the State and Regional Water Boards are increasingly developing and relying on general orders that cover hundreds or thousands of permittees (rather than issuing individual permits) and requiring self-reporting into electronic, on-line, comprehensive databases.

Table 1: Storm Water Program Tasks and Implementation for FY 2012-2013 (Highlighted = Task Implemented)

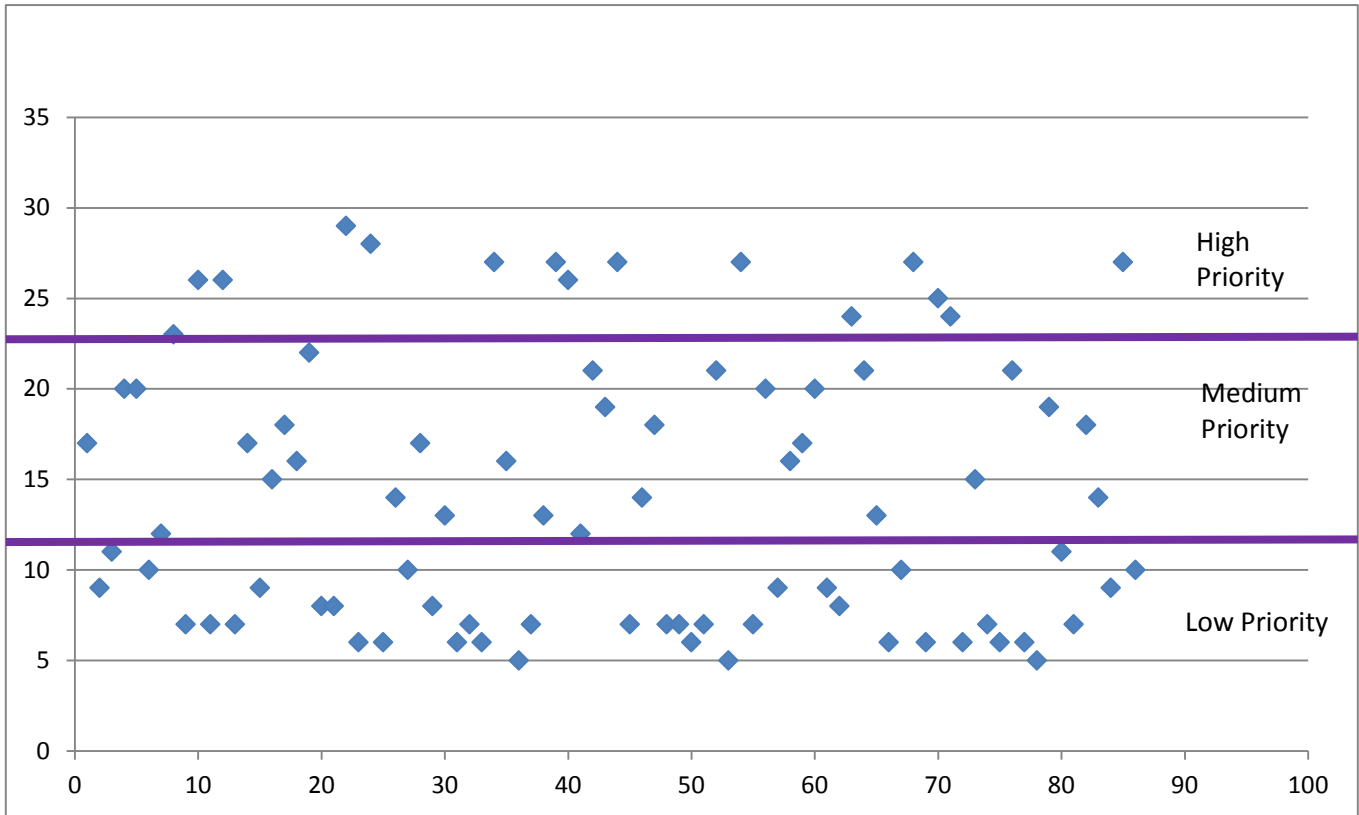
	Municipal Audits	Follow-up on Previous Year's Municipal Audits	Post-Construction Oversight	Municipal Annual Report Review	Construction Site Inspections ~400 total sites										Industrial Site Inspections ~400 total sites									
1	X (Salinas)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2	X (Grover Beach)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3	X (Arroyo Grande)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4	X (Vandenberg AFB)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5	X (Santa Clara Co.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
6	X (Lompoc)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
7	X (Monterey Co.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
8	X (Santa Barbara Co.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
9	X (Atascadero)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10	X (Watsonville)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11	X (San Luis Obispo Co.)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
12	X (San Luis Obispo)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13	X (Hollister)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
14	X (Santa Cruz Co.)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
15	X (Santa Maria)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
16	X (Paso Robles)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
17	X (Monterey)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
18	X (Santa Barbara)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
19	X (Morgan Hill)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
20	X (Santa Cruz)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
21	X (Gilroy)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
22	X (Pismo Beach)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
23	X (Soledad)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
24	X (Del Rey Oaks)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
25	X (Seaside)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
26	X (Marina)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
27	X (Goleta)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
28	X (Pacific Grove)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
29	X (Sand City)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
30	X (Carpinteria)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
31	X (UCSB)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
32	X (King City)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
33	X (Scotts Valley)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
34	X (Morro Bay)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

35	X (Carmel)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
36	X (Templeton CSD)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
37	X (Capitola)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
38	X (UCSC)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
39	X (Buellton)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
40	X (Solvang)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
41	X (Los Osos CSD)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
42	X (Oceano CSD)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
43				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
44				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
45				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
46				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
47				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
48				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
49				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
50				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

As another example, Figure 2 below shows NPDES permits issued by the Central Coast Water Board. These are permits for facilities that discharge treated wastewater directly into a stream or the ocean. This figure does not show the many other Waste Discharge Requirements/permits for facilities that discharge treated wastewater to land-based facilities where the discharge ultimately migrates to groundwater. Each “dot” on the figure represents a permitted NPDES facility in our region, including both individual and general permit enrollees. Each facility is “ranked” based on a criteria including: threat to water quality; waste type/complexity; facility design flow; compliance history; receiving water sensitivity and susceptibility; entrainment; public participation; facility resources; and permit expiration. In our region, there are 23 facilities with individual NPDES permits and the remainder of the facilities are General Permit (Low Threat, Highly Treated Groundwater, or Aquaculture) enrollees. The vertical scale is the ranking criteria. The horizontal scale is simply the number of facilities.

Staff spends the vast majority of their time on high priority NPDES permits, and less time on medium and low priority permits. In most cases, very little staff time is spent on low priority permits, which creates tension when the regulated community expects prompt responses from staff regardless of our internal priorities. We currently have only two staff to implement the NPDES program, and these staff often have other duties as well. The Central Coast Water Board also regulates 746 additional permitted dischargers in the Waste Discharge Requirements Program. The ever increasing number of dischargers requires the State and Regional Water Boards to evaluate improved regulatory oversight mechanisms.

Figure 2: Individual NPDES Facilities Ranking Histogram



The 2012 Ag Order is an example of how we are shifting our regulatory business practices. The Ag Order covers over 4000 farm operations. It would be virtually impossible to oversee these operations directly. Therefore, staff created an on-line reporting system that automatically creates a relational database of information that staff can use to identify and prioritize geographical areas, operations, excess fertilizer use, types of practices, crops, and threats to human health. The Ag Order is already producing data that staff is following up on with growers. This type of interactive database system, whether implemented by the Central Coast Water Board or other third party organizations, must be implemented in the future due to the extraordinary number of dischargers being regulated, and must be continuously developed and improved.

To underscore the point, the State and Regional Water Boards are currently evaluating how to regulate additional categories of dischargers, land use activities, including grazing, marijuana growers, and ranchettes, which would add many thousands of additional dischargers on the Central Coast alone. At 3.2 million acres, grazing is the single greatest land use activity in the Central Coast Region. There are thousands of grazing operations, and the only way to effectively regulate these facilities is via an on-line reporting system similar to the Ag Order, implemented by third parties or the Central Coast Water Board.

As these examples illustrate, it is increasingly important for staff and the Central Coast Water Board to be conscious of priorities and the effective and efficient use of our limited resources. Whenever we consider adding additional work or taking on new programs or projects, we must consciously decide what other work we are not going to do. This regular assessment of priorities, both within and between our regulatory programs, has become a fundamental aspect of our day to day work.

Conclusion

As our workload continues to grow in terms of the number of dischargers and overall complexity, the Central Coast Water Board and its staff should remain focused on priorities and improving our efficiency and effectiveness. This is increasingly challenging due to our limited budget, reduced staffing, and other demands including increasing expectations for public participation, collaboration with stakeholders, enforcement, petitions, lawsuits, and other demands. Whenever we consider taking on additional work, we must also consciously decide what we will stop doing.

The Central Coast Water Board organization will increasingly rely more heavily on advanced database systems and less on individual oversight of individual dischargers, and must continue to experiment with and implement new ways of doing business. The Central Coast Water Board staff is highly dedicated to the Central Coast Water Board's vision of healthy watersheds and to the State and Regional Water Boards' mission; we will continue to innovate and implement the most advanced water quality and watershed protection possible.