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California Regional Water Resources Control Board

Central Coast Region

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Arnold Schwarzenegger
Governor

MINUTES REGULAR MEETING Friday, May 9, 2008 Central Coast Regional Water Board

Chairman Young called the meeting of the Central Coast Water Board to order at 8:38 a.m. on Friday, May 9, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

1. Roll Call..... Executive Assistant Carol Hewitt

Board Members Present:
Chairman Jeffrey Young
Vice Chair, Russell Jeffries
David Hodgkin
Monica Hunter
Gary Shallcross
John Hayashi

Absent:
Daniel Press

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and announced that our State Board Liaison would not be able to attend the meeting. He asked parties who wished to speak to complete testimony cards and turn them in. Supplemental sheets that were prepared after the agenda was sent out are as follows: Items 7, 9, 20, 22, and 25.

3. Approval of March 20-21, 2008 Minutes Board Motion

MOTION: Russell Jeffries moved to approve the March 20-21, 2008 minutes.
SECOND: David Hodgkin
CARRIED: Unanimously (6-0)

4. Uncontested Items Calendar Board Motion

Uncontested items include Items 12 through 20 (with a minor correction on Item 20). There were no questions on the item.

MOTION: Russell Jeffries moved to approve the uncontested items calendar with the correction on Item 20.
SECOND: Monica Hunter
CARRIED: Unanimously (6-0)

Executive Officer Briggs noted that the uncontested items represent a significant amount of work and thanked staff and all involved for their efforts on the items.

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

No report available.

6. Low Threat and General Discharge Cases Status Reports

Executive Officer Briggs stated that items listed on pages 1-3 are notifications that staff enrolled dischargers under various requirements and on page 3 a summary table of small winery waivers is listed. On pages 6-7 items are notifications of staff enrollment under the general permit for low threat discharges. The Board had no questions on the item.

7. Cleanup Cases, Closures, and Corrective Action Plan Approvals Info/Discussion/Board Direction

Water Board Engineering Geologist Rich Chandler summarized the proposed corrective action plan for the Venoco facility in Carpinteria. Mr. Chandler then stated that after reviewing written public comments and Water Board staff responses about plan changes that the responsible parties (RPs Chevron and Venoco) needed to make, the RPs requested the item be withdrawn from consideration at this meeting. Water Board staff recommended direction to the RPs to develop individual cleanup levels for all chlorinated pesticides and a final cleanup plan for the site as soon as possible.

Water Board Chairman Young directed staff to bring the revised cleanup plan back to the Board for review and to make revisions available to the public as early in the process as possible and prior to the agenda item mailing. Board member Hunter added that any temporary safeguards that limit sediment transport at the site should remain in place. Executive Officer Briggs reiterated that the RPs' response should be timely and avoid delays. He recommended the RPs pursue necessary permits in parallel with the cleanup plan rewrite.

Speakers:

Jerry Ros (Pillsbury Winthrop LLP - representing Chevron) supported withdrawing the item and pursuing a more comprehensive and complete cleanup of the site.

Susan Allen (Carpinteria resident) - supported withdrawing the item and said the cleanup should be a final and complete cleanup and not interim measures.

Kira Redmond (Santa Barbara ChannelKeepers) - supported withdrawing the item. She stated that the proposed action was flawed and read a list of recommended changes and improvements for the plan into the record. Ms. Redmond agreed to supply Water Board staff with her recommended changes.

Chairman Young questioned why only 35 of the 70 soil samples from the site were analyzed and if the samples should have been taken at a greater depth. Rich Chandler pointed out that site excavation would not be complete until additional samples below the excavation confirm attainment of cleanup levels. Chairman Young reiterated that Water Board staff should expedite the process of revising the plan and that the public should be involved in the revision.

8. Underground Storage Tank Program and MTBE Cases Status Reports and Program Summary

Mr. Briggs noted that new information in the report is in italics. The Board had no questions on the item.

9. Basin Plan Amendment Updating Onsite Wastewater System Criteria ... Resolution No. R3-2008-0005

Executive Officer Briggs explained that it is legal counsel's opinion that Agenda Item No. 10, (Conditional Waiver for Onsite Systems) cannot be considered today and will be brought back to the Water Board at a later date in the form of a Basin Plan Amendment. Mr. Briggs read a brief letter of support for the proposed Basin Plan Amendment (Item No. 9) sent from Hillary Hauser of Heal the Ocean.

(Chairman Young announced a break at 9:30 a.m. The meeting reconvened at 9:42 a.m.)

Water Board Sanitary Engineering Associate Sorrel Marks summarized the existing Basin Plan criteria for onsite wastewater systems and proposed revisions. Ms. Marks emphasized the need to update the 25-year old criteria in order to clarify vague language and strengthen recommendations to requirements. She also summarized the Staff Report, Supplemental Staff Report, proposed corrections, and public comments. Board member Hunter stated that she would like to see workshops to expand public awareness of the Basin Plan criteria for onsite systems, and expressed concern regarding environmental justice. Responding to questions from Board members, Ms. Marks described local agency implementation of onsite management plans. She also summarized comments from Todd Thompson, State Water Board staff leading development of statewide AB885 regulations for onsite systems. The statewide regulations, in draft form without any anticipated adoption date, are expected to be coordinated with Basin Planning efforts and will not conflict with the proposed amendment. Also, the proposed amendment is consistent with environmental justice policies as it will broadly and equally protect water quality for all. Ms. Marks reviewed corrections (summarized on a supplemental hand-out) and described that larger setback from flood zones (requested by Monterey Co.) could be implemented by the county to be more stringent than the Basin Plan criteria. Chairman Young pointed out a correction (Attachment A, VIII.D.1.a, "Homeowners" to be replaced with "Property owners"). Ms. Marks indicated that the proposed amendment, if adopted today, will be sent to the State Water Board and Office of Administrative Law for review and approval. Water Board Counsel McChesney stated that the public will be notified of State Water Board consideration of the amendment and clarified that there is no separate appeal process for Basin Plan amendments since the State Board will already be reviewing the proposal and considering additional public comments during that required review.

Speakers:

Barry Tolle (SLO Co. Planning Department) restated the comments presented in his letter regarding the proposed criteria update. Mr. Tolle suggested updating the Water Board/County Memorandum of Understanding (MOU) to provide for a three to five year phased implementation schedule for onsite management plans. He also stated his belief that most onsite system owners pump their tanks every 10 to 20 years or as needed. Mr. Tolle expects to receive 300 applications for onsite systems per year and 50 to 75 applications for alternative systems per year. Mr. Tolle stated that San Luis Obispo County's onsite management plan could be complete in approximately one month.

Bruce Buel [Nipomo Community Services District (CSD)] supports adoption of the updated criteria and emphasized the importance of brine discharge limitations. Mr. Buel expressed concern over requirements for additional treatment for discharges to very fast percolating soils. Ms. Marks described the water quality protection treatment needs since adequate treatment would not occur in the soil column if percolation was too fast.

Steve Kahn (City of Atascadero) stated that the City of Atascadero has no known water quality problems resulting from its 4000 onsite systems. He requested delay of the amendment, funding assistance for onsite management plan development, and prefers that bed and banks be included in the definition of watercourse.

David Brummond (Santa Barbara Co. Environmental Health Services) appreciated being included in the draft amendment preparation effort. He expressed concern over the burden of developing onsite management plans, believes flow rates are conservative, and septage disposal options are needed.

Giti White (Carpinteria resident) recommended deferring consideration until statewide AB885 regulations are developed.

Eric Greening (SLO Co. Water Resources Advisory Committee) stated his support for the intent of the amendment, but believes there has been inadequate environmental review of septage management relating to pumping tanks every five years as septage disposal options are limited.

Don Bearden (Los Osos resident) expressed his support for onsite management plans.

David Duggan (Los Osos resident) requested the item be delayed and expressed support for adding recycling requirements to the amendment.

Bruce Payne (Los Osos resident) stated that tank pumping should be determined on a case-by-case basis, supports holding workshops, and supports zero discharge (pollutant-free water) exemptions.

Patrick Sparks (AES attorney) referenced "Reclamator" system already installed and supports onsite systems to protect water quality.

Mark Low (AES project manager) opposed pumping tanks every five years and supports using onsite treatment to recycle every drop of wastewater.

Tom Murphy (AES owner) stated that use of pretreatment devices, such as the "Reclamator", is required by law to be provided on every source or building and should be used throughout the Central Coast Region.

Chris Allebe (Los Osos resident) spoke about unrelated matters.

Joy Fitzhugh (SLO Co. Farm Bureau) indicated many don't currently pump tanks every five years and she is concerned that agricultural planting in areas reserved for backup disposal fields may be limited. Ms. Marks clarified that such planting is not restricted in existing or proposed criteria.

Heather Moreno (Atascadero resident) supports property rights and opposes proposed limitations to secondary units.

Jim Irving (Paso Robles rancher) wants the issue delayed until workshops are held.

Clay Barks (Clay's Septic Service) estimated that his company does 75 repairs per year and that tank pumping is limited by constraints at City of Santa Maria wastewater facility, where septage is hauled for disposal.

Cinthea Coleman (Los Osos resident) stated that Gail McPherson insisted that Ms. Coleman submit an application for use of the "Reclamator."

Gail McPherson (Los Osos resident) incorporated all prior comments and supports public education workshops.

Al Barrow (Coalition for Low Income Housing, Los Osos resident) suggested delaying the proposed amendment until statewide AB885 regulations are developed. Mr. Barrow stated his belief that Santa Cruz County has had no reduction in water quality impacts since implementing its onsite management plan, and believes requirement to repair systems within 48 hours is unreasonable.

Piper Reilly (Los Osos resident) compared California Environmental Quality Act (CEQA) process of statewide AB885 regulations to that of the proposed amendment, expects air quality impacts from tank pumping, and opposes the proposed Basin Plan update.

Keith Wimer (Los Osos resident) supports delaying action until statewide AB885 regulations are adopted. Mr. Wimer believes reuse should be required and that the criteria are too vague and depend too heavily upon Executive Officer approval.

Joe Sparks (Los Osos resident & Los Osos CSD Director) supports onsite management plans, but is concerned about their expense. He believes additional public notice should be provided.

Chuck Cesena (Los Osos CSD) supports the Water Board's goals and supports delayed action. Mr. Cesena recommends notifying existing onsite system owners with postcards and expressed concern regarding the difference in CEQA process between the statewide AB885 regulations and this proposed action. Water Board Counsel McChesney clarified that this proposed action is simply updating existing Basin Plan criteria, whereas the AB885 project is developing new statewide regulations so that it is not reasonable to compare CEQA requirements.

Alon Perlman (Los Osos resident) requests a list of recommended systems.

Roberta Fonzi (Atascadero Planning Commissioner & resident) opposes restrictions on secondary units, supports extended public notice, and believes the documents show a "spirit of coercion." She stated Atascadero doesn't have problems with onsite systems.

Lawson Schaller (Los Osos resident) supports delaying the proposed action, holding workshops, and water conservation.

Beverly DeWitt-Moylan (Los Osos resident) recommends delaying the proposed action until staff reviews the water code, and environmental justice should be addressed.

William Moylan (Los Osos resident) finds the proposed language vague and supports environmental justice.

Julie Tacker (Los Osos resident & Los Osos CSD Director) supports workshops, supports delaying proposed action, and believes an Environmental Impact Report (EIR) should be developed to address economic impacts.

Mladen Bandov (San Luis Obispo resident) supports proposed amendment but does not support pumping requirement. Alternative treatment systems should be pilot tested.

(Chairman Young announced a lunch break and closed session at 12:00 p.m. The meeting reconvened at 1:12 p.m.)

Shaunna Sullivan (Los Osos attorney) reviewed her comments submitted by earlier letter and disagreed with how those comments were paraphrased and responded to in the staff report. Ms. Sullivan objects to proceeding with this item without notice to existing onsite system owners and wants MOUs to be available to the public. She believes CEQA compliance is not adequate.

Water Board Counsel McChesney repeated a description of the CEQA compliance for the proposed Basin Plan amendment, provided in a substitute environmental document included as attachment to the staff report. Ms. Marks reviewed issues of concern presented by the public. She recommended revising the tank pumping criterion from "required" to "recommended" action, clarified that agricultural planting in a

disposal reserve area is not limited, reviewed public participation and environmental justice activities, and summarized the need for strengthening recommendations to requirements.

Water Board members discussed tank maintenance, applicability of requirements to new systems, and long-term septage management. Executive Officer Briggs provided a concluding summary emphasizing the need to update the 25-year old criteria. Public workshops should be part of local agency onsite management plan development, so that they might address locally significant issues and would be more effective than general workshops presented by Water Board staff. Costs associated with proper septage management were noted by several speakers, and Mr. Briggs noted that responsible planning requires managing septage if onsite systems continue to be approved. Mr. Briggs pointed out that without appropriate septage planning, costs for disposal and increased fuel costs will drive the costs to individuals higher. Water Board member Shallcross requested a future summary of the status of septage management, especially in San Luis Obispo County where no disposal facilities exist.

MOTION: Gary Shallcross moved to approve Resolution No. R3-2008-0005 with the corrections described in the Supplemental handout, replacing "Homeowners" with "Property owners", and revising the septic tank pumping requirement to a recommendation.

SECOND: David Hodgin

CARRIED: Unanimously (6-0)

10. General Conditional Waiver of Waste Discharge Requirements for Onsite Systems Resolution No. R3-2008-0006

This item was removed from the agenda and will be brought back to the Board as a basin plan amendment in about six months. The Board suggested that the item should address septage capacity.

11. Enforcement Report Status Report

This is a written report. The Board had no questions on the item.

Speakers:

- Richard Sadowski, resident Morro Bay
- Bruce Payne, resident Los Osos
- Alon Perlman, resident Los Osos
- Marla Jo Baton, resident Morro Bay
- William Moylan, resident Los Osos
- Piper Reilly, resident Los Osos

21. Santa Maria Landfill, Santa Barbara County Status Report

Executive Officer noted that this is a written report. The Board had no questions on the item.

22. Toxicity Problems on the Central Coast: Agricultural and Urban Solutions Status Report

Environmental Scientist Karen Worcester, lead staff for the Central Coast Ambient Monitoring Program, presented toxicity data for the region, followed by presentations on actions by agricultural program and urban stormwater staff to address toxicity problems in their respective areas. Alison Jones, lead staff for the Irrigated Ag Program, and Matt Thompson, senior engineer for the Stormwater Program, both provided information on the current status of their programs' efforts in addressing toxicity. The presentations were followed by public comment.

(Board member Hayashi left the meeting at 3:00 p.m.)

Speakers:

Executive Director Kirk Schmidt for Central Coast Water Quality Preservation, Inc. (which conducts the Cooperative Monitoring Program), raised concerns about the use of the term "problematic" in relation to crops. He noted that the focus of efforts should be on actions farmers can take to improve water quality, rather than on the crops they grow.

Executive Director Donald Funk of the Upper Salinas-Las Tablas Resource Conservation District, spoke about a grant proposal to the Central Coast Water Board on implementing the 1995 Rangeland Management Plan.

President Chuck Pritchard of the Upper Salinas-Las Tablas Resource Conservation District, noted that a million acres of rangeland is enrolled under the 1995 Rangeland Management Plan and urged the Board to give the partnership a chance to succeed.

Kay Mercer, Coordinator for the Southern San Luis Obispo and Santa Barbara Ag Watershed Coalition, stated that many sites monitor mixed land uses, so that referring to "ag data" is misleading. She also noted that while chlorpyrifos and diazinon are banned for urban use, many applicators and homeowners have stockpiles. Finally, she observed that the modes of movement of some chemicals are not well understood, more research is needed, and more research is needed into the types of plants most effective in vegetated treatment systems.

Chairman Young asked John Hunt if effectiveness of plant choice was considered in wetland treatment systems. John Hunt responded that in the studies he has conducted, plants were selected that were appropriate for the habitat of concern, not for pesticide removal potential.

Daniel Diaz, Nipomo citizen, raised concerns about irrigation tubing or drip tape in Nipomo Creek, and lack of state or county response to complaints. Ag staff member Corinne Huckaby responded, noting that she recently met with Mr. Diaz, has conducted inspections in the watershed and is working with the county.

Chairman Young requested that staff investigate the extent of the problem in the region and report back.

Richard Sadowski, Morro Bay resident, commented on the Cleath Associates' Estero Bay Basin Hydrology report, stated that he disagreed with the conclusion about the contribution of sewer lines and was still waiting for a response to his letter.

Marla Jo Bruton, Morro Bay resident, commented regarding the Estero Bay Basin Hydrology report that she submitted an analysis April 9 and was waiting for a response from Morro Bay and Cayucos. She stated that Morro Valley and Chorro Valley are severely impaired and need attention. Mr. Briggs said that staff has the Cleath report and the referenced comments and would be responding to both.

Ralph Bishop, Santa Maria resident, commented regarding the oil spill in Nipomo Creek, that he was having a difficult time getting his point across, even though he has submitted detailed maps and photos.

Chairman Young said this would come back to the Board and asked if we have monitoring sites on Nipomo Creek. CCAMP staff Mary Adams confirmed, and stated that they see trash and toxicity in the creek. Mr. Briggs said we are providing oversight for cleanup of the oily soil site in the creek.

Lawson Schaller, resident Los Osos, expressed interest in getting more involved in urban stormwater runoff issues.

Alon Perlman, resident Los Osos, commented that because the Morro Bay Basin Hydrology Report did not look for toxicity, it did not find it.

Rachel Rosenthal, resident Los Osos, noted the educational value of the Board hearings and strongly urged the Board to televise meetings again.

Board Member Hunter discussed the benefits of televising meetings.

Chairman Young referred back to Kirk Schmidt's comments today and his letter for Central Coast Water Quality Preservation, Inc. He said the attached newsletter indicates the word about needed change is getting out to the ag community, and he appreciates everyone's efforts. Mr. Schmidt agreed and said outreach in six watersheds is addressing the most difficult areas and he anticipates significant water quality improvements in the next year from improved ag practices. Chairman Young said we will hear more from staff on progress when the ag program comes up for review before the Board next year. Mr. Briggs also assured Mr. Schmidt that we did not mean to say that we were targeting crops, but rather looking at the biggest sources of problems, and having a fully sustainable region in terms of both crop yield and clean runoff. Dr. Hunter reiterated Mr. Pritchard's comments about the importance of operator flexibility in what methods to use to improve runoff.

(Chairman Young announced a break at 4:15 p.m. The meeting reconvened at 4:25 p.m.)

23. Reports by Central Coast Water Board Members..... Status Report

Board member Jeffries attended the Water Education Workshop in San Diego on April 21-22. He thought the presentations at the workshop were very informative. Mr. Jeffries also reported that the Monterey Bay National Marine Sanctuary Advisory Council had some meetings on whether to establish marine protected areas (MPAs) in the marine sanctuary federal waters. The MBNMS Advisory Council Superintendent has decided to go forward with the development of MPAs along the marine sanctuary borders adjacent to California's MPAs. He will keep the Board informed on further developments. Board member Shallcross suggested that a presentation on environmental justice be presented to the Board in the near future.

25. Public Forum.....Board Direction

The following individuals had comments:

Stormwater strategy

- Barbara Lynch, City of San Luis Obispo
- Tina Mayer, Templeton CSD
- Robert Almy, Santa Barbara County
- Kira Redmond, Santa Barbara Channelkeeper

Los Osos Issues

- David Duggan, Los Osos resident
- Bruce Payne, Los Osos resident
- Chris Allebe, Los Osos resident
- Gail McPherson, Los Osos resident
- Gwenn Taylor, Los Osos resident
- Chris Allebe, Los Osos resident
- Bruce Payne, Los Osos resident
- Beverly DeWitt-Moylan, Los Osos resident
- William Moylan, Los Osos resident
- Lawson Schaller, Los Osos resident

Mr. Briggs responded to the stormwater concerns, saying that he and staff have met in the north and south parts of the region with many of the municipal stormwater parties. Staff has been amenable to adjustments from the February letter that outlines the strategy. Staff has adjusted schedules for three different municipalities that requested changes. Staff has encouraged submittal of any alternative numerics that will demonstrate in a measureable way progress toward Low Impact Development. Mr. Briggs referred to the April statewide meeting with a panel on stormwater, that emphasized the need for numeric criteria. He also discussed the public process that has been afforded in development of the strategy, and that is still available with numerous opportunities in the future. Board member Hodgkin emphasized his push for expediting management plan approvals, and was concerned about requiring complete redrafting of the plans. Mr. Briggs said most parts of the plans do not necessarily need to be changed. We want them to be sure the local water quality problems are being specifically targeted, and then amend the post development sections to provide numeric criteria. Also, many other agencies have already developed numerics that our municipalities could use, rather than starting from scratch. Board Section Manager Lisa McCann added that the Board has funded the LID Center to provide assistance in the near future, and significant grant funds are becoming available. Dr. Hunter referred to the problem of a moving target with the initial plans that came before the Board. She sees the current strategy as an opportunity for greater consistency, with reduced iterations. Chairman Young concluded by saying he is in favor of moving forward with the strategy. The strategy letter essentially address one out of the six components fo the plans, and the municipalities need to do the best they can before the plans come before the Board, and they should use as much as possible existing work products that are available.

Marilyn Morris, Arroyo Grande resident, was late (miscommunication with staff) for speaking on Item 18., the PXP discharge, but addressed the Board with her comments. She had concerns about aquifer pumping for new developments. Mr. Briggs pointed out that item 18 only provides requirements to ensure Pismo Creek is protected by appropriate limitations on the discharge. The permit does not address Ms. Morris' concerns about reinjection or selling water for development.

24. Executive Officer's Report.....Information/Discussion

Executive Officer Briggs reported breakthrough news that Jill Wilson of our staff has made a good connection with Fresh Express on the food safety issue. Mr. Jim Lugg of Fresh Express is very interested in our irrigation and nutrient management program. Fresh Express has been funding research on irrigation efficiency with lettuce and would like to coordinate with us on how to make improvements. Mr. Lugg has invited our staff to present information on our pesticide data at the next buyer's meeting in August. He agreed to cross-train five auditors in the conservation classes that will be given by Daniel Mountjoy of the National Resource Conservation Service. Mr. Lugg also invited the Board and staff to attend a meeting for a presentation of their findings on September 11, 2008. Board Member Jeffries suggested that staff also contact Dole and Tanimura and Antle on these same issues.

Mr. Briggs noted the State Board met in Monterey in April which included the Cal-Am draft Cease and Desist Order, and had a Regional Board organized field trip the next day. Board member Jeffries made positive comments on the presentation that Mr. Briggs gave at the State Board meeting. We also received a lot of positive response on the field trip. The formal portion of the State Board hearing on Cal-Am will commence in June.

Mr. Briggs and Harvey Packard will attend a meeting with Supervisor Salinas in King City next week regarding the Little Bear Water Company and Pine Canyon area on wastewater management. We are also making good progress on the Low Impact Development Center and will provide more information as it develops. Mr. Briggs thanked Michael Thomas for spearheading our efforts and working with the Maryland Low Impact Development Center.

After some discussion at the Salinas Board meeting about disposal of pharmaceuticals and personal care products related to water quality, Mr. Briggs asked Executive Assistant Carol Hewitt to research sources

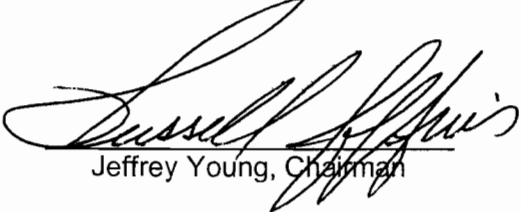
and create a document that provides a simple method for the disposal of household medications and post it on our website. He noted that while other methods of disposal may be developed it is important to provide something to the public at this time. A link to the drug disposal document has been posted on the main page of our website.

Mr. Briggs announced an invitation to the Board from Santa Cruz Water Dept. and Soquel Creek Water District regarding a tour of their proposed reverse osmosis desal pilot plant for July 10, 2008. Mr. Briggs spoke to our Chair about the tour and responded to the initial request that with difficulties in Board scheduling, it may not be possible. Mr. Briggs asked the Board members to let him know if they plan to attend.

Dr. Hunter asked about the ag regulation update with relation to the Morro Bay groundwater nitrate problem. She asked if the issue would come before the Board. Mr. Briggs noted that we have a status report in this agenda, and staff went to the Morro Bay City Council and said we would scrutinize the ag sources as part of our ag regulatory program. Mr. Briggs will continue to bring status reports on the issue to the Board.

Chairman Young adjourned the meeting at 6:12 p.m. The next Board meeting will be held on June 4, 2008 in San Luis Obispo.

The meeting was audio recorded and the minutes were reviewed by management and approved by the Board at its July 11, 2008 meeting in Watsonville, California.



Jeffrey Young, Chairman

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E/CD/CCWB MINUTES 1999-2008