Central Coast Regional Water Quality Control Board

MINUTES

Central Coast Regional Water Board

REGULAR MEETING/CONDITIONAL WAIVER OF WDR FOR IRRIGATED AGRICULTURE HEARING

Wednesday, March 14, 2012

REGULAR MEETING/CONDITIONAL WAIVER OF WDR FOR IRRIGATED AGRICULTURE HEARING (continued)

Thursday, March 15, 2012

Chairman Young called the meeting of the Central Coast Water Board to order at 9:30 a.m. on Wednesday, March 14, 2012, at Embassy Suites Hotel, 333 Madonna Road, San Luis Obispo.

1. Roll Call – Board Members.....Harvey Packard, Supv. Water Resource Control Engineer

Present:
Chairman Jeffrey Young
Vice Chair, Russell Jeffries
Bruce Delgado
Monica Hunter
Mike Johnston
Mike Jordan
Jean-Pierre Wolff

Absent:

2. Introductions..... Roger Briggs, Executive Officer
Executive Officer Roger Briggs introduced and welcomed Board Counsel Frances McChesney and Board staff. Mr. Briggs asked parties interested in speaking on agenda items to complete testimony cards and return them to staff.

3. Staff Recognition ..... Roger Briggs, Executive Officer
Mr. Briggs recognized seven staff representing both State Water Resource Control Board and Central Coast Regional Water Quality Control Board who were awarded Superior Accomplishment Awards for their outstanding job performance.

Award Recipients:
Elaine Sahl, Environmental Scientist
Monica Barricarte, Water Resource Control Engineer
Corinne Huckaby, Sanitary Engineering Associate
Hector Hernandez, Water Resource Control Engineer
Dr. Wei Liu, Engineering Geologist
Brian Levers, Water Resource Control Engineer (State Board)
Hamid Foolad, Environmental Scientist (State Board)

Their joint effort to develop and implement the Water Board's Electronic Notice of Intent, leveraging the Water Board's Geotracker Data Management System (an existing system) for irrigated agriculture, has made an exceptional contribution toward advancing water quality improvement and improving the effectiveness and efficiency of the Water Board.

State Board and Central Coast Regional Board staff worked together to implement this project in a very short window of time. That involved coordinating with the agricultural industry, technical assistance providers, and working with hundreds of growers to provide compliance assistance. They represented over 84% enrollment of irrigated agricultural acreage on the Central Coast. This system is the first of its kind in California, and very possibly in the nation, for irrigated agriculture.

The team demonstrated a high commitment to water quality and exceptional customer service and were each integral to the success of the project.

4. Conditional Waiver of WDR for Irrigated Agriculture Information/Discussion/Board Motion
The official record of this hearing is in the full court reported transcript and is available with all documents and supporting information for this Board Item, and the audio recording of this item, on the website at:
(http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2012/march/Item_4/index.shtml)

Executive Officer Roger Briggs introduced the item to consider adoption of a renewed Conditional Waiver of Waste Discharge Requirements for Irrigated Agriculture (Agricultural Order). Board Member Jean-Pierre Wolff recused himself from participating in the item. Chairperson of the Board, Jeffrey Young, opened the hearing. Theresa Dunham, attorney from Somach, Simmons and Dunn, on behalf of Farmers for Water Quality, objected to the staff report's references to information that is not or should not be in the record. Specifically, Ms. Dunham claimed that the 2012 report prepared by Dr. Thomas Harter, Center for Watershed Sciences, University of California, Davis, should not be in the record because it was just published two days ago. The Chair ruled that the 2012 UCD-R report would not be admitted into the record.

The Central Coast Water Board met. Roger Briggs introduced the item. Following, staff members Lisa McCann, Karen Worcester, Matthew Keeling, Angela Schroeter and Michael Thomas made presentations.

Stakeholder presenters included Theresa Dunham, Somach, Simmons and Dunn and Kari Fisher, California Farm Bureau Federation on behalf of the California Farm Bureau Federation and Farmer's for Water Quality, Dr. Brad Barbeau, California State University at Monterey Bay, Dr. Marc Los Huertos, California State University at Monterey Bay, Ross Clark, Central Coast Wetlands Group, Moss Landing Marine Labs, Jennifer Clary, Clean Water Action, Steve Shimek, Monterey Coast Coastkeeper on behalf of Environmental Defense Center, Santa Barbara Channelkeeper, and San Luis Obispo Coastkeeper.

The following elected officials (or their staff persons) presented comments: Congress Member Sam Farr, Senator Anthony Canella, Senator Sam Blakeslee, Senator Tony Strickland, and Assembly Member Luis Alejo.

Fifty three additional members of the public each provided up to two minutes of comment.

The Water Board directed its staff to evaluate the comments submitted by the California Farm Bureau Federation and Farmer's for Water Quality, specifically the recommended language and edits to insert into the Agricultural Order, and present the results of the evaluation in their recommendation at the continuation of the hearing on Thursday, March 15, 2012.

On Thursday March 15, 2012, the hearing continued with Theresa Dunham presenting a conclusion and staff recommending several edits to the Agricultural Order as a result of their evaluation of the information submitted on Wednesday, March 14, 2012 by Farmers for Water Quality. Staff recommended some edits consistent with the information submitted by Farmers for Water Quality but recommended not including others.

Board Member Monica Hunter moved to 1) Certify the Subsequent Environmental Impact Report, 2) adopt the Order with all the edits proposed in the staff report, supplemental sheet #1, supplemental sheet distributed on Thursday, March 15, 2012 listing revisions proposed by staff, and the edits proposed by Board Member Mike Johnston (i.e., terms of third party groups and process to approve them, including a technical advisory committee, and aggregate monitoring), and all other edits agreed to during the discussion, 3) adopt the Monitoring and Reporting Program, and 4) authorize Executive Officer Roger Briggs to oversee edits and make changes necessary to comport with the motion, and to monitor implementation of the Order and prepare periodic status reports to inform the Water Board about how implementation is progressing. Board Member Michael Jordan seconded the motion.

MOTION: Monica Hunter
SECOND: Michael Jordan
CARRIED: Unanimously (6-0) Note: John-Pierre Wolff recused himself from participating in the item.

After the vote, Board member Delgado made a motion to reconsider. After discussion, Mr. Delgado withdrew his motion.

Thursday, March 15, 2012

Chairman Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. at the Central Coast Regional Water Quality Control Board, 895 Aerovista Place, Suite 101, San Luis Obispo.

5. Roll Call – Board Members.....Roger Briggs, Executive Officer

Present:	**Absent:**
Chairman Jeffrey Young	
Vice Chair, Russell Jeffries	
Bruce Delgado*	
Monica Hunter	
Mike Johnston	
Mike Jordan	
Jean-Pierre Wolff	

***Note: Bruce Delgado arrived approximately 15 minutes after roll call.**

6. Introductions ..... Roger Briggs, Executive Officer
Mr. Briggs introduced Board Counsel Frances McChesney, State Board Liaison Frances Spivey-Weber, and Board staff. He asked parties interested in speaking on agenda items to complete a testimony card and return it to staff. He also announced that there were supplemental documents for Item 8. Mr. Briggs explained that items on the March 15, 2012 meeting agenda would be handled prior to the continuation of consideration of the Conditional Waiver of WDR for Irrigated Agriculture, Item No. 4.

7. Report by State Water Resources Control Board Liaison ..... Status Report
Frances Spivey-Weber welcomed the new Board members and thanked them for serving on the Board. She then spoke briefly about time-tables for upcoming Board member re-appointment opportunities, the March 26, 2012 Regional Boards' Chair meeting, and tentative dates for the November WQCC meeting.

Ms. Spivey-Weber announced that the U.S. EPA released their final approval of the 2010 Integrated Report 303(d) list and State Board Office of Information Management and Analysis was able to fully populate the Integrated Report website to reflect the final report. The interactive map on the Integrated Report website now displays all of the assessed and impaired water bodies listed on the 2012 303(d) list and enables users to view these waters in a region or county.

8. Approval of February 1-2, 2012 Meeting Minutes ..... Board Motion

MOTION: Russell Jeffries moved to approve February 1-2, 2012 minutes with the changes noted in the supplemental sheet.
SECOND: Bruce Delgado
CARRIED: Unanimously (6-0) Note: Michael Jordan abstained as he was not present at the February 1-2, 2012 meeting.

9. Uncontested Items Calendar ..... Board Motion
Roger Briggs introduced the item and explained that Agenda Item numbers 11, 12, 13, 14, and 15 are expected to be routine and non-controversial. Chair Young asked if any member of the Board or the public wished to have any item pulled from the Uncontested Items Calendar for further discussion. There were no questions or requests from the Board or the public regarding these items.

MOTION: Russell Jeffries
SECOND: Board Consensus
CARRIED: Unanimously (7-0)

10. Low Threat and General Discharge Cases ..... Information/Discussion/Board Approval
Roger Briggs introduced the item and thanked staff for their work on these sites. There were no questions or comments from the Board.

16. Enforcement Report ..... Board Motion
Enforcement Coordinator Harvey Packard stated that the report was for informational purposes and that he was available to answer questions. Dr. Hunter asked for more detail on Monarch Grove. Mr. Packard explained that the wastewater treatment facility does not appear to be capable of meeting the permitted nitrate effluent limitation. However, the effluent is diluted with groundwater prior to golf course irrigation. Mr. Packard said he does not plan to recommend

follow-up enforcement action, especially since the county and the homeowners association are working to hook the development up to the community wastewater facility.

17. Joint Effort for Hydromodification Control and Low Impact Development...Status Report
Staff presented this item to provide Board Members with the context and foundation for future Central Coast Water Board action on the outcomes of the Joint Effort for Hydromodification Control and Low Impact Development (Joint Effort). The Joint Effort is a collaboration between Central Coast Water Board staff, municipalities, and consultants that is developing requirements for post-construction stormwater management at development projects. Following the future Central Coast Water Board action on the outcomes of the Joint Effort, municipalities will be required to apply the requirements to development projects to control stormwater in order to protect receiving waters from stormwater management impacts. Staff described the process and methodology used by the Joint Effort to date in developing the pending requirements. Staff will identify the specific post-construction management requirements and recommend Central Coast Water Board action on the requirements at a future Central Coast Water Board meeting.

Speakers from several municipalities spoke on the item, including Tricia Wotan (City of Monterey), Sarah Hardgrave (City of Pacific Grove/Chair of Monterey Regional Stormwater Group), Joy Hufschmid (Santa Barbara County), Steve Kahn (City of Santa Maria), and Alfredo Castillo and David Athey (City of Atascadero). Municipal commenters generally urged the Central Coast Water Board to post-pone the item from July 12, 2012 to a later Central Coast Water Board meeting date and expressed concern that development could be pushed out of the urban core into previously undeveloped areas if post-construction requirements are overly burdensome or infeasible. Valerie Huff, a local consulting engineer, spoke to the limited effectiveness of parcel-based post-construction requirements relative to watershed-scale planning and echoed the concerns of municipal staff.

Board Members asked about the Joint Effort's approach to alternative, off-site compliance strategies for controlling stormwater and encouraged staff to consider the broader environmental benefits of infill/smart growth projects when developing its recommendation.

Board Members directed staff to extend public comment periods for draft post-construction stormwater management requirements and postpone, from July 12, 2012 until September 6, 2012, the date when the Central Coast Water Board considers staff's final recommendation for the requirements. Board Members indicated the intent in postponing the item was to allow municipalities additional time for review and comment, as well as provide them more time to inform their decision makers (e.g., council members) about the requirements.

18. Total Maximum Daily Load for Fecal Indicator Bacteria.....Board Motion
Water Board staff member Shanta Keeling presented the recommendation for proposed basin plan amendments that would establish fecal indicator bacteria Total Maximum Daily Loads (TMDLs) in the Santa Maria River watershed and would add the Santa Maria River watershed to the existing Domestic Animal Waste Discharge Prohibition.

Ms. Keeling, Water Board TMDL Program manager Chris Rose, and Board counsel Ms. McChesney addressed board questions about the proposed basin plan amendments. Some questions included what happens when a TMDL is adopted in between NPDES stormwater permit cycles, how we arrived at the 15-year timeline to achieve the TMDL, specifics of contact

recreation beneficial uses in stormwater conveyance channels and the Santa Maria River, when the TMDL would become effective, recommendations to focus on high priority sources and where discharges from domestic animals fit in this prioritization, and how staff will implement the TMDL.

Public Comment:

- Ms. Beth Collins-Regards, representing the Santa Barbara cattlemen's association, reiterated comments that she submitted in writing during the public comment period. They are looking for more clarity in terms of the regulation itself and what will be required of cattlemen.
- Ms. Joy Hufschmid, County of Santa Barbara, stated that while they would be able to comply with this TMDL, they'll see some additional costs and have proactively implemented best management practices. Ms. Hufschmid was pleased that compliance with TMDL will be able to be demonstrated through BMPs and monitoring and not monitoring alone. They are also pleased they will not be responsible for discharges they cannot control.
- Mr. Andy Caldwell, COLAB, stated that there was a problem with the water contact recreation and shellfishing beneficial uses being designated as they are. He is concerned that cattle are deemed as controllable simply because humans are involved. He is also concerned about Oso Flaco's impairment because the majority of fecal indicator bacteria are coming from natural sources. Mr. Caldwell stated that cattle can be beneficial to the landscape.
- Mr. Gordon Hensley, San Luis Obispo CoastKeeper, extended his support for adoption of the TMDL.
- Ms. Darlene Din, who is a consultant for cattlemen in this region, wanted more clarity about how staff reaches out to cattlemen and asked for more time to work out exactly what ranchers need to do. She wanted to know more about the compliance process. She also pointed out that hobby ranches are different from conventional grazing operations.
- Ms. Kay Mercer, who is a consultant for cattlemen in this region, stated that staff need to do more outreach with cattlemen and wants more specifics with respect to implementation and compliance measures. She mentioned that she has begun a science forum and cattlemen, food safety, and Water Board staff will be involved. The science forum will discuss the science of regulating pathogens, science of human pathogens and tie management practices to the science of pathogens. The science forum is scheduled for October 2012.
- Ms. Claire Wineman, fourth-generation cattle rancher and owner of lands in Los Alamos Creek subwatershed, expressed her concern over what management practices would be effective, the lack of technical resources available to her and her family, the underestimation of costs, what best management practices would be effective especially when it comes to stormwater, and the lack of technical resources available for her family. She would like to see more details on the implementation of this TMDL.
- Mr. Ray Allen, chair for San Luis Obispo cattlemen and State cattlemen's natural resources committee, stated that cattlemen came up with a peer-reviewed document pointing out the benefits of grazing and one of these benefits is to water quality. They have some problems with the monitoring used to develop the TMDL because of how the monitoring was done and the age of the data. He asked that we delay action on this temporarily because they have questions about compliance requirements.

Board member Delgado requested that staff reach out to hobby/ranch individuals a little differently than those with larger cattle operations. He requested that we have a write-up in plain English on what we are doing today and what is required for compliance.

Board member Wolff asked that we: 1) identify hot spots in the watershed and include a cluster of DNA tests to clarify the sources, 2) work on outreach that includes having a robust manure-composting program that is coordinated with implementation, 3) work on communication and education with stakeholders, and 4) work closely with the resources conservation districts (Cachuma and San Luis Coastal) to provide money for fencing, relocation of water troughs and drilling of wells.

Board member Jordan agreed with Dr. Wolff in that we identify hot spots and use DNA testing. He requested that in future TMDL presentations, staff have slides that geographically illustrate water quality.

Board member Johnston reiterated that some reaches are impaired and some are not and staff should make sure to make this clear during our outreach. He wanted to make sure that staff make aggressive efforts to convey results of CCAMP monitoring to the stakeholders. With regards to La Brea Creek, he wants to make sure that staff coordinate with the cattlemen and women before Central Coast Ambient Monitoring Program (CCAMP) monitoring starts in 2013 in an effort to identify new monitoring locations.

MOTION: Bruce Delgado moved to adopt staff's recommendation for Resolution No. R3-2012-0002. He also gave additional direction to staff that they reasonably implement direction from the Board.
SECOND: Russell Jeffries
CARRIED: Unanimously (7-0)

19. Public Forum ..... Board Direction

- Mr. Jeff Edwards of Los Osos discussed the Los Osos wastewater facility. He mentioned that the county's draft recycled water plan is out for comment. Chair Young asked staff to bring a discussion of the report to a future board meeting. Dr. Hunter requested information on the county's water conservation plan and the Interlocutory Stipulated Judgment process also. Staff stated that the ISJ basin management plan is not out yet, and Chair Young and Dr. Hunter suggested that staff send a letter to the court regarding Regional Board intervention.
- Ms. Julie Tacker of Los Osos discussed recycled water use in Los Osos.
- Ms. Gewynn Taylor of Los Osos discussed the Los Osos wastewater facility.
- Mr. Richard Margetson of Los Osos asked the board for an update on groundwater monitoring in Los Osos. Staff engineer Harvey Packard stated that staff has discussed the issue with the county but has not issued a letter yet. Mr. Packard said that staff expects to do so soon.
- Ms. Linde Owen of Los Osos brought up several issues regarding Los Osos, including seawater intrusion, the collection system, and liquefaction.

4. Conditional Waiver of WDR for Irrigated Agriculture. The Board resumed this item, continued from the previous day. The minutes for the conclusion of the Agricultural Order are included in the March 14th portion of the meeting, above.

20. Reports by Regional Board Members ..... Board Direction
Board had nothing to report.

21. Executive Officer's Report ..... Information/Discussion
Mr. Briggs opened discussion on the Olin update item by informing the Board about Olin's proposed pilot study to test a concept called "gradient driven remediation (GDR)" for addressing perchlorate in the lower deep aquifer. Mr. Briggs stated the objectives of the GDR are to create a hydraulic barrier and remediate perchlorate via dilution by transferring clean water from the upper intermediate aquifer to the lower deep aquifer. He expressed skepticism over the effectiveness of the proposed technology because it only uses dilution; however, he said it is only a pilot study and he appreciates the hydraulic barrier component which will protect municipal supply wells to the northeast from perchlorate. Board member Delgado asked how come the shallow aquifer is clean when the deeper aquifer is polluted, and whether the phenomenon is unusual for groundwater plumes. Staff Engineering Geologist Dean Thomas replied that the Olin plume "stair steps" towards the east in a direction crossgradient from the regional gradient, reaching depths of over 400 feet below ground surface relatively close to the site, which is unusual for a groundwater plume. Board member Delgado also asked what the source of the perchlorate was and Dean Thomas stated it was road flare manufacturing from Olin's former flare manufacturing facility in Morgan Hill.

Chairman Young adjourned the meeting at approximately 6:45 p.m. The next Board meeting will be held on May 3, 2012, in San Luis Obispo, CA.

This meeting was audio recorded; the minutes were reviewed by management and will be approved by the Board at its May 3, 2012 meeting in San Luis Obispo, CA.

Jeffrey Young, Chair

Shared/-Board Meetings/Executive Assistant/Minutes/2012/march14_15_12mins_final
sd