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## Central Coast Regional Water Quality Control Board

### REGULAR MEETING MINUTES

Wednesday, April 14, 2021, 8:00 a.m.-5:00 p.m.  
Thursday, April 15, 2021, 8:00 a.m.-5:00 p.m.  
Friday, April 16, 2021, 9:00 a.m.-5:00 p.m.

**Video and Teleconference Meeting Only**  
**No Physical Meeting Location**  
(Authorized by and in furtherance of  
Executive Orders [N-29-20](#) and [N-33-20](#).)

Video and teleconference recordings of the meetings are currently available on the following website: <https://cal-span.org/static/meetings-RWQCB-CC.php>

### Wednesday, April 14, 2021

Chair Dr. Jean-Pierre Wolff called the video and teleconference meeting to order on Wednesday, April 14, 2021, at 8:02 a.m.

1. Roll Call  
[Clerk to the Board, 805/549-3140, [RB3-CommentLetters@waterboards.ca.gov](mailto:RB3-CommentLetters@waterboards.ca.gov)]

**Present:** Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston, and Member Young

2. Introductions  
[Matthew Keeling, Executive Officer, 805/549-3140,  
[Matt.Keeling@waterboards.ca.gov](mailto:Matt.Keeling@waterboards.ca.gov)]

Executive Officer Matthew Keeling introduced:

- Harvey Packard, section manager acting as clerk to the Board and Zoom coordinator; Katie DiSimone, Zoom coordinator; Thea Tryon, assistant executive officer; and Angela Schroeter, section manager
- Stephanie Yu, staff counsel, and Emel Wadhvani, assistant chief counsel
- Elaine Sahl, Paula Richter, and Diane Kukol, Irrigated Lands Program

As a lead-in to Item 3 for the consideration of Proposed Order No. R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order 4.0), Chair Wolff provided an overview of the process by which the Board would engage with speakers and staff and develop consensus as part of its deliberative process to consider Proposed Order No. R3-2021-0040. Chair Wolff then allowed Ms. Tess Dunham, Kahn, Soares & Conway representing Ag Partners, to pose a question

DR. JEAN-PIERRE WOLFF, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

regarding the Ag Partners' ability to raise procedural objections during the Item 3 proceedings. Based on a discussion with staff counsel, Ms. Yu, Chair Wolff, and members Young and Hunter, it was determined that any party could make procedural objections subject to the Chair's discretion. Chair Wolff also allowed Ms. Kari Fisher, California Farm Bureau Federation, to comment on Chair Wolff's statement regarding how to address Board direction on potentially significant changes to Proposed Order No. R3-2021-0040 and the associated Environmental Impact Report (EIR). Chair Wolff and staff counsel, Ms. Yu, provided clarifying responses to Ms. Fisher's comment.

Chair Wolff asked Board Members to provide brief summaries of their ex parte communications with interested persons regarding Ag Order 4.0 since the last public meeting. A list of the dates and persons the Board Members had ex parte communications with is provided below; all communications were via remote online or teleconference meetings except where noted:

**Member Young:**

- March 25, 2021, Sarah Lopez, Central Coast Water Quality Preservation, Inc.
- March 26, 2021, Gail Delihant, Western Growers Association; Tess Dunham, Agricultural Association Partners, and Norm Groot, Monterey County Farm Bureau
- March 26, 2021, Tyler Sullivan, California Coastkeeper Alliance
- March 29, 2021, email from Steve Shimek, Individual

**Member Johnston:**

- March 22, 2021, Sarah Lopez, Central Coast Water Quality Preservation, Inc.
- March 25, 2021, March 30, 2021, Tyler Sullivan, California Coastkeeper Alliance
- March 25, 2021, Claire Wineman, Tim Borel, and Theresa Dunham
- March 29, 2021, email from Steve Shimek, Individual
- March 30, 2021, Heath Lukacs and Debi Ores, Community Water Center

**Member Hunter:**

- March 25, 2021, Tyler Sullivan, California Coastkeeper Alliance
- March 29-30, 2021, Sarah Lopez, Central Coast Water Quality Preservation, Inc.
- March 29, 2021, email from Steve Shimek, Individual
- March 30, 2021, Tess Dunham, Agricultural Association Partners

**Vice Chair Gray:**

- March 26, 2021, Tess Dunham, Agricultural Association Partners, and Norm Groot, Monterey Co. Farm Bureau
- March 29, 2021, email from Steve Shimek, Individual
- March 30, 2021, Sarah Lopez, Central Coast Water Quality Preservation, Inc.
- March 30, 2021, Tyler Sullivan, California Coastkeeper Alliance

Chair Wolff:

- March 24, 2021, Tyler Sullivan, California Coastkeeper Alliance
- March 25, 2021, Sarah Lopez, Preservation, Inc.
- February 25 and March 9, 2021, email exchange with Steve Shimek, Individual
- March 29, 2021, email from Steve Shimek, Individual
- March 29, 2021, Sarah Lopez, Central Coast Water Quality Preservation, Inc.
- March 30, 2021, Tess Dunham, Agricultural Association Partners; Norm Groot, Monterey County Farm Bureau; and Gail Delihant, Western Growers

The disclosures of the ex parte communications, descriptions of the information discussed or presented, are available on the following Water Board webpage: [Agricultural Regulatory Program - Agricultural Order Renewal | Central Coast Regional Water Quality Control Board \(ca.gov\)](#)

3. Consideration of Proposed Order No. R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order 4.0) and Proposed Resolution No. R3-2021-0039 certifying the Environmental Impact Report (EIR) for Ag Order 4.0  
[Elaine Sahl, 805/542-4645, [Elaine.Sahl@waterboards.ca.gov](mailto:Elaine.Sahl@waterboards.ca.gov); Diane Kukol, 805/542-4637, [Diane.Kukol@waterboards.ca.gov](mailto:Diane.Kukol@waterboards.ca.gov); Paula Richter, 805/549-3865, [Paula.Richter@waterboards.ca.gov](mailto:Paula.Richter@waterboards.ca.gov)]

Executive Officer Matthew Keeling introduced the item and provided notice of a supplement sheet outlining changes to the Proposed Order with an emphasis on two changes regarding the inclusion of a process for interested persons to request Board discretionary review of Executive Officer approved workplans. Staff counsel, Ms. Yu, clarified the process in response to a question from member Young.

Executive Officer Keeling asked Mr. Packard to introduce the panel speakers as listed below. The Board engaged with the speakers and staff throughout the day, deliberated and provided staff with consensus-based direction for changes to the Proposed Order following each panel discussion.

Technical Panel:

- Michael Cahn, University of California Cooperative Extension
- Richard Smith, University of California Cooperative Extension
- Eric Brennan, USDA-ARS
- Karen Lowell, USDA -Natural Resources Conservation Service
- Sacha Lozano, RCD of Santa Cruz County
- Kelli McCune, Sustainable Conservation

Individual Speakers:

- Steve Shimek, Individual
- Melissa Costa Dozier, Costa Farms, Inc.
- Noelle Cremers, Wine Institute

- Jennifer Spaletta, Spaletta Law, representing the California Strawberry Commission
- George Adam, Adam Agricultural limited Partnership
- Brian Talley, Talley Farms, Talley Vineyards
- Tannis Thorlakson, Driscoll's
- Heather Golden, Golden Ag Assistance, LLC
- Kay Mercer, Provost and Pritchard
- Patrick Troy, Wilbur Ellis
- Dirk Giannini, Christensen & Giannini, LLC

Disadvantaged Communities/Environmental Justice Panel:

- Ignacio Garcia
- Enrique Serrano
- Eufemia Hernandez
- Debi Ores, Community Water Center

Environmental Advocates Panel:

- Ben Pitterle, Santa Barbara Channelkeeper
- Horacio Amezcuita, San Jerardo Cooperative, Inc.
- Amy Merrill, Ph.D., American Rivers
- Nat Kane, Environmental Law Foundation
- Tyler Sullivan, California Coastkeeper Alliance

Central Coast Water Quality Preservation, Inc.:

- Sarah Lopez, Part 1 - Surface Water
- Sarah Lopez, Part 2 - Groundwater and Nitrogen Management

Chair Wolff proposed the public comment portion of Item 3 be continued to Thursday morning and asked for the Board Members' and remaining speakers' concurrence to do so prior to adjourning the meeting.

Meeting was adjourned on April 14, 2021, at 6:47

### Thursday, April 15, 2021

Chair Dr. Jean-Pierre Wolff called the video and teleconference meeting to order on Thursday, April 15, 2021, at 8:01 a.m.

1. Roll Call

[Clerk to the Board, 805/549-3140, [RB3-CommentLetters@waterboards.ca.gov](mailto:RB3-CommentLetters@waterboards.ca.gov)]

**Present:** Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston, and Member Young

2. Introductions

[Matthew Keeling, Executive Officer, 805/549-3140, [Matt.Keeling@waterboards.ca.gov](mailto:Matt.Keeling@waterboards.ca.gov)]

Executive Officer Keeling introduced:

- Harvey Packard, section manager acting as clerk to the Board and Zoom coordinator; Katie DiSimone, Zoom coordinator; Thea Tryon, assistant executive officer; and Angela Schroeter, section manager
- Stephanie Yu, staff counsel, and Emel Wadhvani, assistant chief counsel
- Elaine Sahl, Paula Richter, Diane Kukol, and Shanta Keeling, Irrigated Lands Program

3. Continued from Wednesday, April 14, 2021 - Consideration of Proposed Order No. R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order 4.0) and Proposed Resolution No. R3-2021-0039 certifying the Environmental Impact Report (EIR) for Ag Order 4.0 [Elaine Sahl, 805/542-4645, [Elaine.Sahl@waterboards.ca.gov](mailto:Elaine.Sahl@waterboards.ca.gov); Diane Kukol, 805/542-4637, [Diane.Kukol@waterboards.ca.gov](mailto:Diane.Kukol@waterboards.ca.gov); Paula Richter, 805/549-3865, [Paula.Richter@waterboards.ca.gov](mailto:Paula.Richter@waterboards.ca.gov)]

Chair Wolff introduced the continuation of Item 3 from Wednesday and asked Mr. Packard to introduce the remaining panel speakers as listed below. The Board engaged with the speakers and staff, deliberated and provided staff with consensus-based direction for changes to the Proposed Order following the panel discussion.

Ag Partners Panel:

- Norm Groot, Monterey County Farm Bureau
- Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties
- Tess Dunham, Kahn, Soares & Conway representing Ag Partners
- Kari Fisher, California Farm Bureau Federation

Following the lunch break, Executive Officer Keeling introduced the following staff presentations: 1) Environmental Impact Report (EIR) and California Environmental Quality Act (CEQA) overview by Shanta Keeling, 2) two-step overview by Elaine Sahl and Diane Kukol of the changes made in response to public comments and Board direction from the February 2020 Draft Order to the January 2021 Revised Draft Order and the changes made to the Revised Draft Order resulting in the Proposed Order being considered, and 3) rationale and summary of the changes not made in response to public comments by Paula Richter. The Board engaged with staff during their presentations, deliberated and provided staff with consensus-based direction for changes to the Proposed Order.

Prior to the Board taking an extended break in the afternoon so staff could compile and develop language based on the Board's consensus-based direction for changes to the Proposed Order and EIR, Paula Richter presented the proposed changes included in the supplemental sheet for Item 3. The Board concurred with the proposed supplemental sheet changes. AGP Video, Inc. reported there were 92 individuals viewing the proceedings on the CAL-SPAN network. After the break, Paula Richter and Elaine Sahl presented proposed language changes based on the

Board's consensus-based direction during the April 14-15, 2021 hearing proceedings. Board members engaged with staff to make clarifying changes to develop the final agreed-upon language for the some of the consensus-based changes. Eric Brennan, USDA-ARS, was also engaged in developing the final language associated with changes to the nitrogen removal and sequestration reporting criteria for cover crops and organic amendments.

Following the Board and staff finalizing the proposed language changes to the Proposed Order and EIR, Executive Officer Keeling posed staff's recommended adoption of Proposed Resolution No. R3-2021-0039 certifying the Environmental Impact Report (EIR) for Ag Order 4.0 as amended by the Board during the Item 3 proceedings. Following additional Board discussion, Chair Wolff asked for a motion and second.

Adoption of Resolution No. R3-2021-0039 certifying the Environmental Impact Report (EIR) for Order No. R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order 4.0) with proposed changes:

Motion: Member Young

Second: Member Gray

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston  
and Member Young

Motioned Carried: 5 to 0

Prior to proceeding with a motion to consider Proposed Order No. R3-2021-0040, Chair Wolff asked the Board if they had any more questions or concerns. Member Hunter inquired about the groundwater phase areas and associated monitoring and reporting requirements resulting in an additional non-substantive modification clarifying the proposed monitoring and reporting program requirements. There were no other questions by the Board.

Adoption of Order No. R3-2021-0040, General Waste Discharge Requirements for Discharges from Irrigated Lands (Ag Order 4.0) with proposed changes:

Motion: Member Young

Second: Member Hunter

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston  
and Member Young

Motioned Carried: 5 to 0

Chair Wolff closed out the item by thanking the Board, staff and stakeholders for their significant efforts and flexibility throughout the public process. Chair Wolff also reiterated a common theme of discussion throughout the Board's deliberative process regarding the adaptive and collaborative nature of implementing the adopted Order. Each of the Board members and the Executive Officer also expressed their appreciation of everyone's efforts and acknowledge the work ahead associated with implementing Ag Order 4.0.

Meeting was adjourned on April 15, 2021, at 6:32.

**Friday, April 16, 2021, 9:00 a.m.**

Chair Dr. Jean-Pierre Wolff called the video and teleconference meeting to order on Friday, April 16, 2021, at 9:01 a.m.

4. Roll Call

[Clerk to the Board, 805/549-3140, [RB3-CommentLetters@waterboards.ca.gov](mailto:RB3-CommentLetters@waterboards.ca.gov)]

**Present:** Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston, and Member Young

5. Introductions, Staff Recognition, and Awards

[Matthew Keeling, Executive Officer, 805/549-3140, [Matt.Keeling@waterboards.ca.gov](mailto:Matt.Keeling@waterboards.ca.gov)]

- Executive Officer Keeling introduced:
  - Harvey Packard, section manager acting as clerk to the Board and Zoom coordinator; Thea Tryon, assistant executive officer; and Angela Schroeter, section manager
  - Stephanie Yu, Frances McChesney, and Chris Moskal, legal counsel
  - State Water Resources Control Board Liaison Dorene D'Adamo.
- Mary Hamilton introduced John Inman, new employee in the basin planning program.
- Phil Hammer introduced Leah Lemoine, internal rotation from the cannabis program to the NPDES and 401 programs.
- Jennifer Epp introduced the following new waste discharge requirement (WDR) program staff:
  - Monique Gaido, transfer from Region 5.
  - Kathy Truong, internal rotation from cannabis program to the WDR program.
  - Stephanie McCollum, new student intern.
- Thea Tryon announced that Hector Hernandez was retiring and read a resolution of appreciation for 32 years of service.

Adoption of resolution for Hector Hernandez:

Motion: Member Johnston

Second: Member Young

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston,  
and Member Young

Motioned Carried: 5 to 0

6. Approval of Board Meeting Minutes for the January 29, 2021 meeting

Motion: Vice Chair Gray

Second: Member Young

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston,  
and Member Young  
Motioned Carried: 5 to 0

7. Reports by Board Members

Chair Wolff:

- February 9, 2021, telephone conversation with Karl Longley, Central Valley Water board chair
- February 17, 2021, San Luis Obispo County Sustainable Groundwater Management Agency meeting
- February 18, 2021, conference call with Jenny Moffitt, Undersecretary of California Department of Food and Agriculture
- March 1, 2021, Chairs call, discussed WQCC and Covid 19 requirements for meetings and staff
- March 25, 2021, telephone conversation with Joaquin Esquivel, State Water Board chair, regarding reappointment; additional staff climatologist positions for climate change; coordination with the Coastal Commission; the importance of becoming a full digital agency; and a committee to coordinate efforts to engage universities
- April 7, 2021, San Luis Obispo County Sustainable Groundwater Management Agency meeting

Vice Chair Gray, Member Hunter, Member Johnston, and Member Young:

- Nothing to report

8. Report by State Water Resources Control Board Liaison [Dorene D'Adamo, 916/641-5609]

State Board Vice Chair D'Adamo provided an overview of a number of statewide issues including: statewide General Winery Order and the tiered requirements; Waste Discharge Permit Fund fee structure and forthcoming stakeholder workshops in preparation for annual summer/fall fee schedule update; racial equity listening session and process; statewide drought planning and implementation efforts; Water Board strategic plan and accomplishments, resource allocations, etc. Members Young, Gray and Hunter inquired about the water rights administrative hearing process, direct potable reuse, and the Safe and Affordable Funding for Equity and Resilience (SAFER) program.

**Uncontested Items**

9. Consideration of Proposed Order No. R3-2021-0010, Waste Discharge Requirements, Master Reclamation Permit, and NPDES Permit for Sentinel Peak Resources California LLC, Arroyo Grande Produced Water Reclamation Facility, San Luis Obispo County  
[Katie DiSimone, 805/542-4638, [Katie.DiSimone@waterboards.ca.gov](mailto:Katie.DiSimone@waterboards.ca.gov)]



Executive Officer Keeling introduced and summarized the agenda item. Board member Monica Hunter asked questions related to mercury standards. NPDES wastewater permitting staff engineer Katie DiSimone responded.

Adoption of order as proposed:

Motion: Member Hunter

Second: Vice Chair Gray

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston  
and Member Young

Absent:

Motion: Carried

### **Waste Discharge Requirements**

10. Consideration of Proposed Order No. R3-2021-0001, Waste Discharge Requirements and NPDES Permit for the City of El Paso de Robles Wastewater Treatment Plant, San Luis Obispo County  
[Tamara Anderson, 805/549-3334, [Tamara.Anderson@waterboards.ca.gov](mailto:Tamara.Anderson@waterboards.ca.gov)]

Executive Officer Keeling introduced the item and NPDES wastewater permitting staff engineer Tamara Anderson summarized the staff report and recommended approval of the order. Board members asked questions on several issues, with a focus on the Huer Huero Creek discharge location and groundwater sustainability. Matt Thompson of the City of El Paso de Robles provided input on various topics raised by Board members. Tamara Anderson, Matthew Keeling, and Matt Thompson provided responses to Board members' questions.

Adoption of order as proposed:

Motion: Member Young

Second: Vice Chair Gray

Aye: Chair Wolff, Vice Chair Gray, Member Hunter, Member Johnston  
and Member Young

Absent:

Motion: Carried

11. Consideration of Proposed Order No. R3-2021-0012, Waste Discharge Requirements for the City of El Paso de Robles Annual Flood Control and Fire Fuel Reduction Project, San Luis Obispo County  
[Kathleen Hicks, 805/549-3458, [Kathleen.Hicks@waterboards.ca.gov](mailto:Kathleen.Hicks@waterboards.ca.gov)]

Executive Officer Keeling introduced the item and Water Quality Certification program environmental scientist Kathleen Hicks summarized the staff report and recommended approval of the order. Board members asked questions regarding the discharge of vegetative material and water quality monitoring. David LaCaro of the

City of El Paso de Robles provided input on various topics raised by Board members. Kathleen Hicks, Phillip Hammer, Matthew Keeling, and David LaCaro provided responses to Board members' questions.

Adoption of order as proposed:

Motion: Member Hunter

Second: Member Young

Aye: Vice Chair Gray, Member Hunter, Member Johnston  
and Member Young

Absent: Chair Wolff (voiced agreement before leaving)

Motion: Carried

## **Public Forum**

12. Public forum

NONE

## **Administrative Items**

13. Executive Officer's Report

[Matthew Keeling, Executive Officer, 805/549-3140,  
[Matt.Keeling@waterboards.ca.gov](mailto:Matt.Keeling@waterboards.ca.gov)]

Mr. Keeling discussed the attachments to his report. Member Hunter requested a site/contaminant type descriptor column for Attachment 4: Table 4 – Groundwater Case Closures.

Vice Chair Gray adjourned the meeting at 1:09 p.m.

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Dr. Jean-Pierre Wolff, Chair