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## Central Coast Regional Water Quality Control Board

### **REGULAR MEETING MINUTES**

**Thursday, October 19, 2023, 9:00 a.m.**

**Central Coast Water Board Office  
895 Aerovista Place, Suite 101, San Luis Obispo**

And via Video and Teleconference

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

Chair Gray called the meeting to order at 9:07 a.m.

#### **Board Business**

1. Roll Call  
[Mary Hamilton, Clerk to the Board]

**Present:** Chair Gray, Vice Chair Wolff, Member Hunter, Member Harlan, and Member Rodriguez

**Absent:** none

Chair Gray noted that Member Harlan was participating on the Zoom platform.

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

Chair Gray introduced Ryan Lodge, the new Executive Officer

Mr. Lodge made the following introductions and announcements:

- Mary Hamilton, acting clerk to the Board; Sophie Froelich, legal counsel; Thea Tryon, assistant executive officer; section managers Harvey Packard, Angela Schroeter, and Mary Hamilton.
- State Water Resources Control Board liaison Sean Maguire.

**Announcements:**

Staff Introductions and Recognitions:

- Greg Bishop, Senior Engineer Geologist Program Manager, site cleanup program manager: welcomed Naomi Bacop, Engineering Geologist, into the site cleanup program.
- Arwen Wyatt-Mair, Senior Water Resource Control Engineer, National Pollutant Discharge Elimination System (NPDES) program manager: welcomed new staff Audrey Liebhaber, Water Resource Control Engineer to the NPDES Program

Public Commenters: none

3. Approval of Board Meeting Minutes,

Motion: Member Hunter motioned to approve the minutes of August 23-24, 2023.

Second: Member Rodriguez

Aye: Chair Gray, Vice Chair Wolff (for Friday only), Member Hunter, Member Harlan, and Member Rodriguez

Abstain: None

Absent: None

Motion Carried: 5 to 0

Vice Chair Wolff voted for the August 24<sup>th</sup> minutes only, he was not present on August 23<sup>rd</sup>.

4. Reports by Regional Board Members

**Vice Chair Wolff:**

- September 18, 2023, hosted Cuesta College class, part of environment science 101 class, emphasizing water and water quality.
- October 14, 2023, Eco tour emphasizes water conservation and innovation technologies for improving precision farming and irrigation.
- October 13, 2023, reappointed by Governor Newsom for four more years.

**Member Rodriguez:**

- Nothing to report.

**Member Hunter:**

- October 17, 2023, attended board meeting briefing.

**Member Harlan:**

- October 18, 2023, attended board meeting briefing with Ryan Lodge.

**Chair Gray:**

- Attended weekly meetings with the Executive Officer.
- Attended monthly phone calls with State Water Resources Control Board member and Central Coast Liaison Sean Maguire and the Executive Officer.
- Attended monthly State Board Chairs meetings.
- August 28, 2023, attended San Luis Obispo County polyfluoroalkyl substances (PFAS) voluntary settlement agreement meeting along with staff. The meeting was related to the community engagement plan.
- August 30, 2023, attended a meeting with State Water Resources Control Board liaison Sean Maguire regarding the proposed order that the State Board issued related to the Central Coast Water Board's Agricultural Order.
- August 31, 2023, attended a meeting with Board Member Firestone, and Board Member D'Adamo. Later in the day, I met with the State Board Chair, Joaquin Esquivel, about the proposed order.
- September 6, 2023, attended a press conference on PFAS in San Luis Obispo County with Congressman Salud Carbajal and waterboard staff.
- October 3, 2023, attended the first stakeholder meeting with the airport parties and stakeholder advisory committee on the voluntary settlement agreement – 1st of monthly meetings in the plan. Community advisory group
- October 17, 2023, attended board meeting briefing.
- Also, reappointed by Governor Newsom for four more years.

Public Commenters: none

5. Report by State Water Resources Control Board Liaison  
[Sean Maguire, 916/341-5877, [Sean.Maguire@waterboards.ca.gov](mailto:Sean.Maguire@waterboards.ca.gov)]

State Water Board Member Sean Maguire provided updates via Zoom on the following:

Congratulated and thanked Executive Officer Lodge, Board Chair Gray, and Vice Chair Wolff on appointments; WQCC is next week; Bay-Delta Water Quality Control Plan 6,000-page staff report is the first step in revising the 30-year-old plan; Mr. Maguire indicated that there is an extended water and wastewater arrearages program funded with \$600 million in federal funding from the COVID-19 pandemic relief program that allows for debt acquired by drinking water or wastewater utility customers to be repaid by the State of California if the customer was unable to pay. Eileen Sobeck, the executive director, is retiring at the end of the year.

Board members thanked Mr. Maguire for attending the meeting and providing updates. Member Hunter inquired about the SAFER (Safe and Affordable Funding for Equity and Resilience) Advisory Committee. Mr. Maguire explained that there is \$130 million to help address and achieve the human right to water. State Board adopted the fund expenditure plan for the 23-24 fiscal year at the last State Board meeting. Funding is being invested in providing technical assistance for communities

with drinking water challenges. This year \$20 million is available for operations and maintenance costs.

Member Wolff commented that last year, NOAA predicted drought, but there was rain and flood damage. This year, NOAA is predicting a strong El Nino. What are the proactive actions currently being taken in anticipation of the rainfall? The governor issued a special order providing some accelerated opportunities to perform storm damage repairs. Mr. Maguire pointed out the challenges with predicting how an El Nino will impact rainfall totals. The governor's office is providing an opportunity to divert floodwaters for groundwater recharge in cases where diversion offsets flood risk without needing a water rights permit. Member Wolff asked about water rights division staffing. Mr. Maguire indicated staffing has improved.

Chair Gray asked if the \$20 million was for operation and maintenance and if it was a one-time allocation. Mr. Maguire replied that it is discretionary funding. There is \$130 million for ten years through a greenhouse reduction fund approved by the legislature. It's up to the State Board to decide how to divide it up.

Public Commenters: none

### **Public Forum**

6. Public forum

Public Commenters: none

### **Enforcement**

7. Consideration of Adoption of an Administrative Civil Liability Order for JSM Organics, Inc., Monterey County, Administrative Civil Liability Complaint No. R3-2023-0050 [Harvey Packard, Supervising Water Resource Control Engineer, 805/542-4639, [Harvey.Packard@waterboards.ca.gov](mailto:Harvey.Packard@waterboards.ca.gov)]

Chair Gray introduced the item and process for the proceedings. Board members and staff confirmed no ex-parte communications before the hearing. All persons who were to provide testimony were sworn in, including Javier Zamora of JSM Organics, Inc. and Thea Tryon, Mary Hamilton, Tamara Anderson, and Paula Richter of the Central Coast Water Board's Prosecution Team.

Mr. Zamora identified evidence he wished to provide for the record, including total nitrogen applied (TNA) data provided to him the day previous by his tenant farmers, his 2022 tax returns (which had just been finalized and filed pursuant to the October 2023 deadline), and his 2020 and 2021 tax returns, which had been provided to the Prosecution Team previously.

When asked by the Board, the Prosecution Team stated they had no objections regarding accepting the TNA data into the record, but they did object to the timing of the tax information submittal. The Prosecution Team also clarified that, when they

met with Mr. Zamora in August 2023, Mr. Zamora did provide some of his 2022 and 2021 tax information but not full and complete copies of the tax returns.

The Board deliberated on its options regarding whether to enter the data into the record and asked questions of Mr. Zamora, the Prosecution Team, and advisory staff. The Chair ruled that the TNA data and financial reports were accepted as evidence into the record and that, after the hearing today, the Board would not accept further evidence.

The Board deliberated on how to proceed with the hearing in light of the newly accepted evidence: specifically, whether to bifurcate the hearing (hearing the liability portion of the case on October 19, 2023, and the penalty portion of the case in December 2023 or February 2024) or whether to continue the hearing in its entirety and consider all the evidence and argument at the next Board meeting. The Prosecution Team asked that the entire hearing be continued to February 2024, because Prosecution Team counsel could not attend the Board meeting in December.

Mr. Zamora confirmed that the Little Hill Lane ranch and JSM Organics ranch were his solely. He confirmed his email was [jsmorganics@gmail.com](mailto:jsmorganics@gmail.com) and confirmed his contact information and preferred email for communication on this matter as:

El Rancho Triple M  
420 Hall Road  
Royal Oaks, CA 95076  
[Jsmorganics@gmail.com](mailto:Jsmorganics@gmail.com)  
209-834-6306

The Board continued the hearing to February 15, 2024, at which time all the evidence will be presented.

**No vote.** Item continued until February 2024.

### **Discussion/Informational Items**

8. Total Maximum Daily Load Program Update and TMDL Report Card Demonstration [Daniel Ellis, TMDL Program Manager, 805/549-3889, [Daniel.Ellis@waterboards.ca.gov](mailto:Daniel.Ellis@waterboards.ca.gov) and Shanta Keeling, Water Resource Control Engineer, 805/543-3464, [Shanta.Keeling@waterboards.ca.gov](mailto:Shanta.Keeling@waterboards.ca.gov)]

Ryan Lodge introduced Item 8: a *Total Maximum Daily Load Program Update and TMDL Report Card Demonstration*. The item was an informational item only. Daniel Ellis, Central Coast Water Board Senior Environmental Scientist, presented an overview of the Total Maximum Daily Load (TMDL) Program. Daniel Ellis summarized federal and state requirements that guide the development of TMDLs and implementation plans. He summarized the goals and priorities of the program and gave a status update on recently approved TMDLs and those under development. Shanta Keeling, Central Coast Water Board, Water Resources Control

Engineer, presented information on the TMDL Report Cards. Shanta Keeling gave an overview of what information is contained in the Report Cards, where they are available on-line, and gave examples of select waterbody-pollutant combinations. The board members discussed with staff and had several questions regarding the TMDL program's outreach for various projects, as well as some additional discussion regarding potential future updates to the Report Cards. There were no public comments.

Public Commenters: none

### **Permits**

9. Consideration of Proposed Waste Discharge Requirements Order No. R3-2023-0013, National Pollutant Discharge Elimination System General Permit for Discharges from Aquaculture Facilities and Aquariums (NPDES No. CA993003) [Lea Lemoine, Water Resource Control Engineer, 805/549-3159, [Leah.Lemoine@waterboards.ca.gov](mailto:Leah.Lemoine@waterboards.ca.gov)]

Central Coast Water Board engineer Leah Lemoine provided a brief overview of proposed Waste Discharge Requirements Order R3-2023-0013, *National Pollutant Discharge Elimination System General Permit for Discharges from Aquaculture Facilities and Aquariums*. Ms. Lemoine presented a summary that included a description of effluent limits and requirements, as well as an overview of the updated bacteria and aquatic toxicity limits. The Board asked questions about the existing enrollees, a steelhead hatchery on the Carmel River, and oyster harvesting in Morro Bay.

Public Commenters: none

Motion: Member Rodriguez moved to adopt proposed with staff's recommendations to modifications as proposed order number R3-2023-0013.

Second: Vice Chair Wolff

Aye: Chair Gray, Vice Chair Wolff, Member Hunter, Member Harlan, and Member Rodriguez

Abstain: None

Absent:

Motion Carried: 5 to 0

### **Enforcement**

10. Enforcement Report

[Tamara Anderson, Senior Water Resource Control Engineer, 805/549-3334, [Tamara.Anderson@waterboards.ca.gov](mailto:Tamara.Anderson@waterboards.ca.gov)]

Central Coast Water Board Enforcement Coordinator, Tamara Anderson, provided a brief overview of the enforcement report covering enforcement actions taken from April through July of 2023. Board member Hunter asked that future enforcement report summary tables include the acreage associated with ranches for Agricultural

Order-related administrative civil liability complaints and orders. Board member Hunter asked if the number of notices of violation for violations of the Agricultural Order for past-due 2022 total nitrogen applied reports was higher or lower than the number of notices of violation issued for past-due 2021 total nitrogen applied reports. Central Coast Water Board staff clarified that 88 notices of violation were issued for the 2022 total nitrogen applied reporting requirement, lower than the 122 notices of violation issued for the 2021 total nitrogen applied reporting requirement. Board member Hunter also asked for more information about the notice of violation for the sewage overflow from the City of San Luis Obispo's sanitary sewer system estimated at 4,250-gallons.

Public Commenters: none

### **Administrative Items**

#### **11. Executive Officer's Report**

[Ryan Lodge, Executive Officer, 805/549-3140, [Ryan.Lodge@waterboards.ca.gov](mailto:Ryan.Lodge@waterboards.ca.gov)]

Ryan Lodge introduced the Executive Officers Report and answered questions from the Board Members.

Angela Schroeter answered questions from the board regarding the Racial Equity plan.

Public Commenters: none

Chair Gray adjourned the meeting at 2:46 p.m.

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Jane Gray, Chair