

NOTICE OF PUBLIC MEETING
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
Wednesday, March 16, 2011 2:30 p.m.
Thursday, March 17, 2011, 8:15 a.m. Irrigated Lands Order only
275 Main Street, Watsonville, CA 95076
[See last page for location map]

Staff will review and transmit all written material to the Board Members received by Wednesday of the week prior to the Board meeting, 5:00 p.m., or by any earlier due date required in a hearing notice for a specific agenda item. Please see the Conduct of Meeting section on Pages 7, 8, 9 and below, for the Central Coast Water Board's procedures for accepting late submittals.

The Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. In order to give everyone an opportunity to be heard, comments should have been previously submitted in writing and a time limit on presentations may be imposed on any agenda item. Speakers should plan to summarize their key points as much as possible. The Chair will allocate time to individual speakers according to the number of speakers present. For scheduling purposes, requests for extended speaking times should be submitted to staff as soon as possible after the agenda is mailed. The Chair will decide whether to grant such requests, and staff will let the speakers know if the Chair granted the request. The Chair may change the order of the agenda items at any time. The Public Forum is for topics **not** listed on the agenda that are pertinent to water quality.

Wednesday, March 16, 2011 at 2:30 p.m.

1. Roll Call [Roger Briggs 805/549-3140]..... Board Members Present
2. Introductions [Roger Briggs]..... Guests and Staff Present
3. Approval of February 3, 2011 Meeting Minutes Board Motion
4. Report by State Water Resources Control Board Liaison.....Status Report
 [Frances Spivy-Weber 916/341-5615]

Uncontested Items

5. Uncontested Items Calendar Board Motion
(Agenda Item number 7, with a single asterisk (), is expected to be routine and non-controversial. Recommended action on this item will be taken at the beginning of the meeting without discussion. If any Interested Person, Board Member, or the Executive Officer requests that an item be removed from the calendar, it will be taken up in order).*

Cleanup Cases

6. San Paso Truck Stop, 81 Wellsona Road,.....Update/Information
 Paso Robles, San Luis Obispo County
 [Corey Waish 805/542-4781]

- *7. Emergency, Abandoned, Recalcitrant Account Priority
List for Fiscal Year 2011-2012Resolution No. R3-2011-0016
(Underground Storage Tank Cleanup Fund)
[John Goni 805/542-4628]

Enforcement

8. Enforcement Report.....Status Report
[Harvey Packard 805/542-4639]

Administrative Items

9. Public ForumBoard Direction
[Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least one week prior to the meeting (the Thursday before a Thursday meeting). Comments regarding matters that are scheduled for a future meeting will be restricted.]

Waste Discharge Requirements

10. Waste Discharge Requirements for the City of Monterey, Order No. 91-60
Monterey Bay Wharf Dredging Operations, Monterey County
(Rescind Waste Discharge Requirements)
[Tom Kukof 805/549-3689]

Administrative Items

11. Executive Officer's Report [Roger Briggs 805/549-3140]..... Information/Discussion

Water Quality Certifications

[Two charts are provided in the agenda listing the applications received and certifications issued from December 22, 2010 to February 9, 2011. A listing of pending applications for Water Quality Certifications pursuant to Section 401 of the Clean Water Act may be obtained by calling Kim Sanders at 805/542-4771]

Administrative Reports

Presentations and Training [Roger Briggs 805/549-3140]
Budget Status [Roger Briggs 805/549-3140]
Groundwater Nitrate Contamination [Roger Briggs 805/549-3140]

Closed Session

Discussion of Cases in Litigation [Sr. Staff Counsel Frances McChesney]..... Closed Session
The Board will meet in closed session to discuss pending litigation, as authorized by Government Code (GC) Section 11126[e][2][A], in the cases of:

1. *Voices of the Wetlands, et al, v. Regional Water Quality Control Board (Monterey County Superior Court No. M54889; Sixth District Court of Appeals Case No. H028021);*
2. *Los Osos Community Services District v. Central Coast Water Board (ACL Order R3-2005-0137) (San Luis Obispo County Superior Court Case No. CV 060633);*
3. *Central Coast Water Board v. Los Osos Community Services District (San Luis Obispo County Case No. CV-051074);*
4. *Los Osos CSD v. Central Coast Water Board (San Luis Obispo County Case No. CV 060146 (TSO 00-131);*
5. *Los Osos Community Services District (Bankruptcy), Central District of California Case No. ND 06-10548-RR;*
6. *Maxine Heim v. Central Coast Water Board, San Luis Obispo County Superior Court Case NO. CV 989572;*
7. *Ken Berry, et al. v. Central Coast Water Board, et al. (Sacramento Superior Court; CEQA Challenge to Los Osos CDOs);*
8. *Prohibition Zone Legal Defense Fund, et al., v. Central Coast Water Board, et al. (San Luis Obispo Superior Court Case No. CV070472) (Los Osos CDOs);*
9. *Petition of the Natural Resources Defense Council (Santa Barbara County MS4, Resolution R3-2006-0045), SWRCB/OCC File No. A-1763;*
10. *Petition of NRDC et al. (San Luis Obispo County MS4, Resolution R3-2007-0019), SWRCB/OCC File No. A-1838;*
11. *Petition of Bob Rudolph Enterprises, Inc. (Cleanup and Abatement Order No. R3-2006-0081), SWRCB/OCC File Nos. A-1766 and A-1343;*
12. *Petition of Desal Response Group (Ocean View CSD Desalination Facility, Ocean View Plaza, Monterey CA; Order No. R3-2007-0040 [NPDES Permit No. CA0050016]), SWRCB/OCC File No. A-1873;*
13. *Petitions of Cambria Community Services District (Chevron Service Station No. 9-0919 under General Permit No. 01-134), SWRCB/OCC File Nos. A-1462 and A-1462a.*
14. *Petitions of City of Salinas and Monterey Coastkeeper (Resolution No. R3-2008-0068 Salinas Stormwater Permit Development Standards)*
15. *Petition of City of Lompoc (Santa Barbara County, Resolution No. R3-2008-0071 for City of Lompoc Storm Water Management Program), SWRCB/OCC File No. A-1965.*
16. *Michael K. Tansy & Tansy Development Company, Inc. v. Central Coast Water Board, (Santa Clara County Superior Court Case No. 109CV147860);*
17. *City of Morgan Hill v. State Water Resources Control Board, Central Coast Water Board, (Santa County Clara Superior Court Case No. 108CV127853).*
18. *Casmalia Hazardous Waste Site Litigation: U.S. v. State of California and Related Matters.*
19. *Petition of Monterey Coastkeeper and the Otter Project (Gallo Cattle Company, Joseph Gallo Farms Feedlot, Gonzalez, Monterey County, Order No. R3-2010-0004, NPDES Permit No. CA0050601), SWRCB/OCC File No. A-2086*

The Board may discuss significant exposure to litigation as authorized by GC Section 11126[e][2][B]. The Board may also decide whether to initiate litigation as authorized by GC Section 11126[e][2][C]. The Board is not required to allow public comment on closed session items. (See GC Section 11125.7(d).

Deliberation on Decision after Hearing Closed Session

The Board may also meet in Closed Session to deliberate on a decision to be reached based upon evidence introduced in a hearing, as authorized by GC Section 11126(c) (3).

Personnel Issues..... Closed Session
The Board may meet in closed session to discuss the appointment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing. (This closed session is authorized under Government Code section 11126, subd. (a)(1).)

Thursday March 17, 2011, 8:15 a.m.

- 12. Roll Call [Roger Briggs 805/549-3140]..... Board Members Present
- 13. Introductions [Roger Briggs]..... Guests and Staff Present

Waste Discharge Requirements

- 14. Conditional Waiver of Waste Discharge Requirements..... Order No. R3-2011-0006 for Discharges from Irrigated Lands
If there is no quorum present, the Board may conduct a panel hearing of at least 3 board members. Following the hearing, the panel will make a recommendation for consideration by the full Board at a later date. If there is a quorum is present, the Board could adopt the proposed order with or without revisions or continue the existing order. Note that this item is subject to the prohibition on ex parte communications; the public may not discuss this matter with board members except at the hearing.
[Angela Schroeter 805/542-4644]

Adjournment

The next scheduled Board meeting will be held on May 5, 2011 in San Luis Obispo.

CENTRAL COAST WATER BOARD MEETING SCHEDULE 2011

Date	City	Address
February 3, 2011	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
March 16-17, 2011	Watsonville	Watsonville City Council Chambers, 275 Main Street, Watsonville, CA 95076
May 5, 2011	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
June 2, 2011 (offsite)	San Luis Obispo	(Location to be determined)
July 14, 2011	Watsonville	Watsonville City Council Chambers, 275 Main Street, Watsonville, CA 95076
September 1, 2011	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
October 21, 2011	Santa Barbara	Santa Barbara County Supervisors Board Hearing Room 105 East Anapamu St. - 4th Floor, Santa Barbara, CA 93101
December 8, 2011	Watsonville	Watsonville City Council Chambers, 275 Main Street, 4 th Floor Watsonville, CA 95076

LEAD STAFF PERSONS

Roger W. Briggs, <i>Executive Officer</i>	805-549-3140
Michael Thomas, <i>Assistant Executive Officer/Ombudsman</i>	805-542-4623
Cyndee Jones, <i>Regional Administrative Officer</i>	805-549-3372
Frances McChesney, <i>Senior Staff Counsel</i>	916-341-5174
Harvey Packard, <i>Section Manager/Aquatic Habitat</i>	805-542-4639
Lisa Horowitz McCann, <i>Section Mgr. Watershed Planning & Protection</i>	805-549-3132
John Robertson, <i>Section Manager/Groundwater Protection</i>	805-542-4630
Sheila Soderberg, <i>NPDES Permitting/Dept. of Defense Sites</i>	805-549-3592
Thea Tryon, <i>Land Disposal/Site Cleanup Program</i>	805-542-4776
Chris Adair, <i>Underground Tanks/Cleanup/WDR Permits</i>	805-549-3761
Chris Rose, <i>TMDLs/Non-point Source</i>	805-542-4770
Phil Hammer, <i>Storm Water//401 Water Quality Certification</i>	805-549-3882
Angela Schroeter, <i>Agricultural Regulatory Program/Basin Planning</i>	805-542-4644
Karen Worcester, <i>Regional Monitoring/Basin Planning</i>	805-549-3333
Alison Jones, <i>Non-point Source Program</i>	805-542-4646

Please email, send, or fax correspondence to:

Central Coast Water Board
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
Phone: 805-549-3147 Fax: 805-543-0397
Email: centralcoast@waterboards.ca.gov

CENTRAL COAST WATER BOARD MEMBERS

Board Member	Appointment Category	Term Expires
John H. Hayashi Arroyo Grande	Irrigated Agriculture	9/30/2011
David T. Hodgin Scotts Valley	Water Quality	9/30/2014
Monica S. Hunter Los Osos	Public	9/30/2012
Russell M. Jeffries Vice-Chair, Salinas	Water Quality	9/30/2012
Jean-Pierre Wolff San Luis Obispo	Recreation, Fish or Wildlife	9/30/2014
Jeffrey S. Young Chair, Santa Barbara	Water Supply	9/30/2013
VACANT	Municipal Government	9/30/2013
VACANT	Industrial Water Use	9/30/2012
VACANT	County Government	9/30/2011

CONDUCT OF MEETING AND HEARING PROCEDURES

- A - The primary duty of the Central Coast Water Board is to protect the quality of waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic, municipal, and industrial waste discharges. Specific responsibilities and procedures of the Regional Water Quality Control Boards and the State Water Resources Control Board are outlined in the Porter-Cologne Water Quality Act (Division 7), California Water Code.
- B - The purpose of the meeting is for the Board to obtain input from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Board will vote only on matters listed on the agenda as action items. The Board may give direction to the Executive Officer on any matter discussed during the meeting.
- C - Agenda items are numbered for identification purposes and will not necessarily be considered in the order listed.
- D - **RULES FOR LATE SUBMISSION OF WRITTEN MATERIALS:** This paragraph applies only if there are no deadlines for written evidence, testimony or comments in a separate hearing notice for an item. Written material received after the due date on the first page of the agenda and before noon on the Monday of board meeting week generally will not be provided to Board members until the day of the meeting, but will become part of the record unless the Chair rules that the late submission would prejudice the Central Coast Water Board staff or any party. Written material received after noon on the Monday of board meeting week will not be provided to Board members or become part of the record, unless the Chair approves the late submission. The Chair will not approve a late submission if doing so would prejudice any party (including Central Coast Water Board staff) or the Board, but may modify this rule if a party demonstrates severe hardship. The Chair will rule at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) will generally be deemed prejudicial unless all designated parties (see below) have time to consider the evidence before the meeting.
- E - The Board and staff welcome information on pertinent issues, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. In order to give everyone an opportunity to be heard, comments should have been previously submitted in writing and a time limit on presentations may be imposed on any agenda item. Speakers should plan to summarize key points within three minutes. You will need to receive approval from the Chair prior to meetings to speak for longer than three minutes. Please make your request to the Executive Officer at least one week before the meeting.
- F - Material presented to the Board, as part of testimony (e.g., photographs, slides, charts, diagrams, etc.) must be left with the Assistant Executive Officer, Michael Thomas. Photographs or slides of large exhibits are acceptable. If you plan to use visual aids such as PowerPoint, contact the Central Coast Water Board staff prior to the meeting to arrange for equipment set-up. You must provide a printed or electronic copy of any PowerPoint presentation. All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.
- G - **BOARD MEETING PRINCIPLES AND CONDUCT:** Any person who appears before the Board has an obligation not to act abusively or discourteously. Zealous representation of your interest, or the interest of a person or organization you represent, should be carried out in a professional manner. Speakers should not engage in derogatory conduct based on race, national origin, religion, gender, sexual orientation, or similar characteristics of any person. Speakers should always be civil and courteous when communicating with Board members, staff, or other interested persons. All speakers should be punctual and prepared for all Board meeting appearances so that all matters may start on time and proceed efficiently. The Board will not delay proceedings to accommodate late arrivals. The same considerations apply to members of the audience who choose not to address the Board.

The Board may refuse to allow any person who engages in discourteous or disruptive conduct to speak. In the event that any person or group intentionally interrupts the orderly conduct of a meeting, the Board can have the person or group removed from the meeting. In the event that order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in session. (Gov. Code § 11126.5.) The Board may place reasonable limitations on taking still or video photographs or using placards or signage if these disrupt the meeting.

The Board may also issue contempt sanctions in adjudicatory proceedings. "Adjudicatory proceedings" include all permitting, cleanup and enforcement matters, but do not include basin planning. Any person is subject to the contempt sanction in an adjudicatory proceeding, whether or not the person is a "party" to the matter. The Board can issue contempt citations for the following conduct: obstruction or interruption of the meeting or hearing by any of the following: (1) disorderly, contemptuous, or insolent behavior toward the Board; (2) breach of the peace, boisterous conduct, or violent disturbance; or (3) other unlawful interference with the process or proceedings. Conduct that is not in the Boardroom but that is near the meeting or hearing can also give rise to contempt sanctions. (Ca. Gov. Code sections 11455.10-11455.30; Ca. Code of Civ. Proc. section 128.5; Cal. Code of Regs, tit. 23, sections 648(b), 648.8.)

If the Board decides to impose contempt sanctions, the process is as follows. The Board first makes findings that a person should be cited for contempt. The findings are then referred to a court. The court will issue an order to the person(s) involved to appear before the court and defend the contempt charge. The court then may issue the same types of contempt penalties that would apply in a civil court trial, or dismiss the matter. In addition, the Board can order payment of attorney's fees when any person engages in bad faith actions or tactics that are "frivolous" or solely intended to cause unnecessary delay. In that case, the person engaging in the improper conduct must pay the attorneys fees of any party that result from the conduct. "Frivolous" means totally and completely without merit, or for the sole purpose of harassing another party (including Water Board staff). An order to pay attorney's fees takes effect immediately, does not require court action, and cannot be petitioned to the State Water Board.

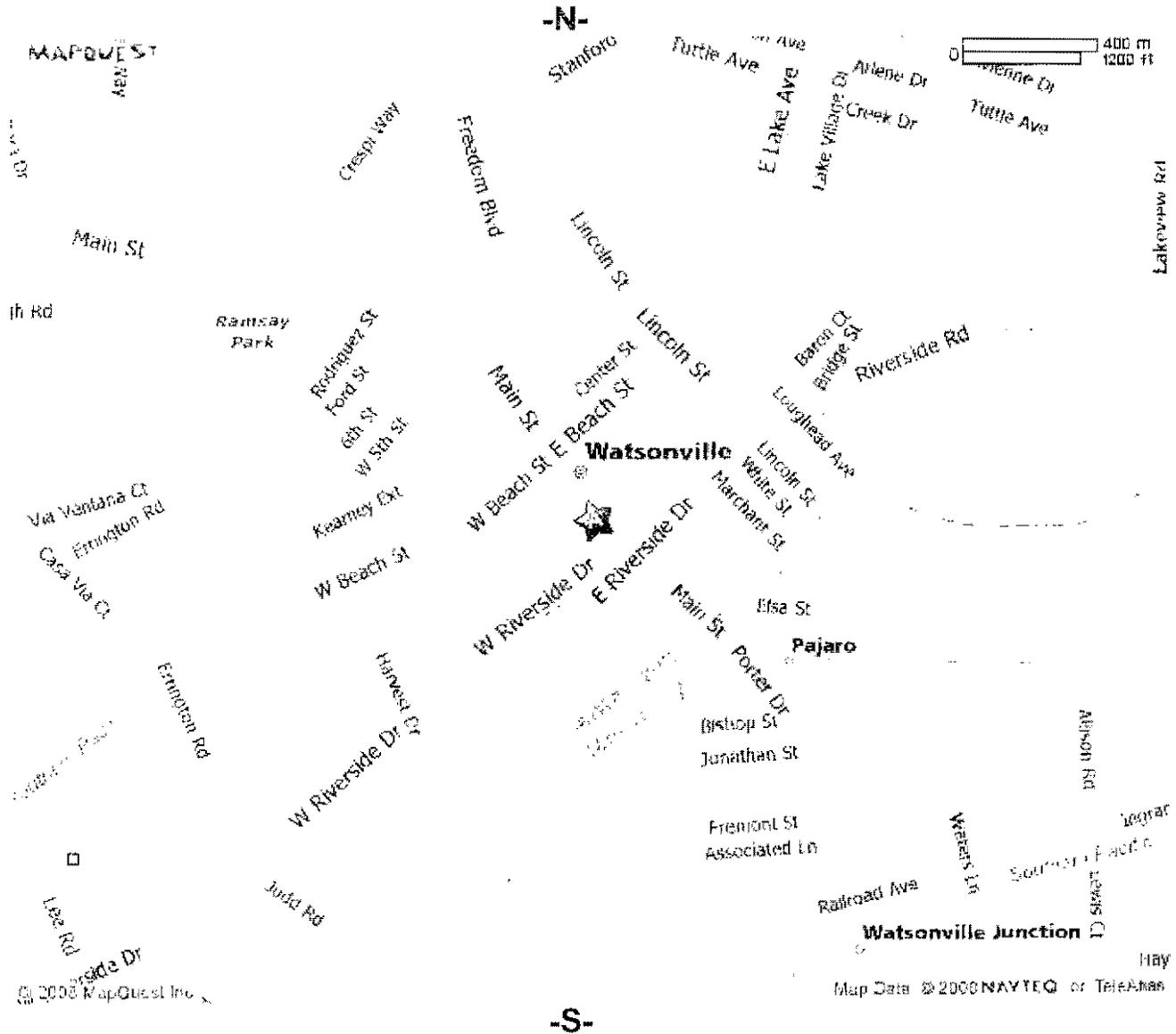
Public participation is very important to the Board. Members of the public should not be afraid to comment on matters before the Board, even if they do not fully understand the applicable law. However, public participation is hampered by an individual's or a group's disruptive conduct. It is not the intent of the Board to use its contempt powers (including attorney's fee orders) before providing a warning and allowing an opportunity to correct the conduct and avoid contempt proceedings. Additional information on Board meeting conduct is available on our website: http://www.waterboards.ca.gov/centralcoast/resources/docs/board_meeting_conduct.pdf

- H- HEARING RULES FOR CONTESTED HEARINGS IN ADJUDICATORY MATTERS (WASTE DISCHARGE OR WATER RECYCLING REQUIREMENTS, NPDES PERMITS, ADMINISTRATIVE CIVIL LIABILITY ORDERS AND INVESTIGATION OR ENFORCEMENT ORDERS [CWC §§ 13267, 13300-13308, 13383]: This section applies unless there are different requirements in a hearing notice for an item. Designated parties may request these procedures: to call and examine witnesses; to have witnesses testify under oath; to receive a witness list from other designated parties; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; to rebut the evidence against him or her; and to make opening or closing statements. A request for these hearing procedures must be received by the Executive Officer at least five working days before the hearing, and must specify the procedures the designated party is requesting.

Designated parties are any persons named in the proposed order. Central Coast Water Board staff is a designated party for administrative civil liability complaints, and for cease and desist orders that establish monetary liability and that are not issued concurrently with waste discharge requirements. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of an item by submitting such request in writing to the Central Coast Water Board no later than two weeks after the draft order is available for public comment. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

- I - The Board Chair may specify a time limit for oral presentations and testimony. Board members may interrupt a presentation with questions or comments. The time for Board member questions and witnesses' answers will not count toward the time limit for a presentation.
- J - A copy of the procedures governing Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Central Coast Water Board are conducted pursuant to Government Code sections 11400 et seq. but not Government Code sections 11500 et seq. The Chair may waive any procedural statutes or regulations that are not required by the United States or California Constitutions.
- K - All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.
- L - Any person affected adversely by a decision of the Board, may petition the State Water Resources Control Board (State Water Board) according to Water Code section 13320 and Title 23 California Code of Regulations section 2050. The Petition should be addressed to Office of Chief Counsel and must be received by the State Water Board within 30 days of the Board's action or failure to act (i.e., the meeting date). Copies of the law and regulations applicable to filing petitions will be provided upon request and are available on the State Water Board website, www.waterboards.ca.gov
- M - The facility is accessible to people with disabilities. Individuals who require special accommodations are requested to contact John Goni (805/542-4628) at least seven working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.
- N - All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board must submit a statement to the Board disclosing any contributions of \$100 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent within the last 12 months to any Central Coast Water Board Member.
- O - All permit applicants or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board, are prohibited from making a contribution of \$100 (or more) to any Board Member for three months following a Central Coast Water Board decision on the permit application.
- P - The Board may conduct any scheduled hearing as a Panel Hearing as allowed by law in the event of a lack of a Board member quorum. In the event that a Panel Hearing is held, final action on that item will not be taken until a Board member quorum is present. The Board generally will not accept additional public comment or testimony after the Panel Hearing, unless the proposed order is substantially changed. (Water Code Section 13228.14, gov. Code Section 11125.7)

Watsonville City Council Chambers
275 Main Street, 4th Floor, Watsonville, CA 95076



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Parking: Please Park at top level of parking structure (entrance on Rodriguez St. behind building) for easy access to the City Council Chambers. The first two hours of parking are free. All day permits can be purchased for \$5.00 at the City Clerk's office.