



# California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger  
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## MINUTES OF REGULAR MEETING Thursday and Friday, February 9-10, 2006 Central Coast Water Board

### Thursday, February 9, 2006

Chairman Young called the meeting of the Central Coast Water Board to order at 1:05 p.m. on Thursday, February 9, 2006, at the Salinas City Council Chambers, 200 Lincoln Ave., Salinas, California.

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

#### **Board Members Present:**

Chairman Jeffrey Young  
Vice-Chair Russell Jeffries  
Les Bowker  
John Hayashi  
Monica Hunter  
Daniel Press  
Gary Shallcross

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

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Supplemental sheets for Item 5/Monterey

Regional Storm Water Management Plan are available in the Public Box.

3. Regional Board Chair and Vice Chair Elections.....Board Motion

Chair election:

**MOTION: Daniel Press moved to nominate Jeffrey Young as Chair.**

**SECOND: Russell Jeffries.**

**CARRIED: Unanimously (7-0)**

Vice-Chair election:

**MOTION: John Hayashi moved to nominate Russell Jeffries as Vice Chair.**

**SECOND: Daniel Press.**

**CARRIED: Unanimously (7-0)**

4. Public Forum..... Board Direction

- Chris Coburn, Monterey Bay National Marine Sanctuary – spoke about the recently adopted language for waivers of litigation for the

Consolidated Grants Program. He asked the Board if a process could be implemented to protect grantees. Lori Okun clarified that only

***California Environmental Protection Agency***

grantees that have a lawsuit against the Board would be liable to repay the monies.

- Don Stevens, Resident of Santa Cruz – encouraged the Board to develop guidelines for regulating storm water that goes into sink-holes. The Board advised Mr. Stevens to direct his concerns to Regional Board staff.
- Don Bearden, Resident, Los Osos – asked the Board to amend the Basin Plan to include all residents of Los Osos in the prohibition zone.

Mr. Briggs responded that any change to the zone would be challenged, setting a whole new round of arguments into motion. He reviewed the original criteria used to establish the zone and said the original predictions of problems within the zone have held up very well. Nitrate problems correspond closely with the existing zone. Mr. Bearden said the political boundaries don't match (the CSD boundary is bigger than the zone) so people outside the zone can vote and prevent a solution to the problem he has within the zone.

**5. Monterey Regional Storm Water Management Plan..... Board Approval**

Board members Shallcross and Hunter recused from the item. Chairman Young questioned the acceptability of USEPA's February 8, 2006 letter that was received after the cut-off date. Ms. Okun noted that the Board can accept late submittals with Chair approval. If the USEPA's letter only restates some of what previous commenters said, then it should not be prejudicial.

MRSWMP is a "robust" program that will be effective for the area.

Water Board Staff Engineer Ryan Lodge presented the Monterey Regional Storm Water Management Program (MRSWMP), noting that the MRSWMP had undergone numerous iterations. The April 2005 version required revisions to include more specificity and detail.

Alexis Strauss of the USEPA was asked to comment via conference phone. She said costs were major issues of concern for all potential permittees. Ms. Strauss said MEP is a "constantly evolving form." She said dedicated revenues should be adequate to fund whatever program is adopted.

Mr. Lodge summarized the major changes made and the types of detail that were added. He reviewed the Six Minimum Control Measures, and noted that the MRSWMP has proposed BMPs to address each of the Six Minimum Control Measures. Mr. Lodge indicated that the process used by the MRSWMP group was consistent with General Permit and the Clean Water Act requirements. Mr. Lodge then summarized comments and the SWMP report submitted by NRDC and the Ocean Conservancy and the MRSWMP group's response to those comments.

Mr. Lodge concluded with recommended revisions and recommended adoption of the resolution.

Dr. Press asked how staff determines what BMPs meet MEP. He questioned if cost analysis data should be looked at to determine MEP.

Elizabeth Kraft, Monterey County, made the presentation on behalf of the MRSWMP group. She stated the MRSWMP had been revised several times in response to requests from Regional Board staff and NRDC. She noted concerns about ASBS and asked to keep the SWMP and ASBS issues separate. She asked to delete Findings 15, 16, 17, 18, and 21, and expand on Finding 20 of the proposed Resolution.

Chairman Young asked if a BMP cost comparison had been done by either Mr. Lodge or the MRSWMP group. Mr. Lodge responded no, but he had made reasonable judgments that the

Fred Meurer, City of Monterey, spoke in more detail on the ASBS issues and funding issues

Mr. Jim Costello, Pacific Grove, noted that Pacific Grove is already implementing dry weather storm water diversion. He said the city is doing a lot of restaurant grease reduction work as well.

The Board members discussed different funding options. Ms Okun explained that cities must indicate why a BMP is not cost-effective or just too costly.

*(Chairman Young announced a break at 3:09 p.m.  
The meeting reconvened at 3:20 p.m.)*

### Public Comment

David Beckman, Natural Resources Defense Council, gave an overview presentation. He stressed that the MRSWMP is one of the worst SWMPs he has seen in his ten years of working on these matters. Mr. Beckman pointed out that the SWMP doesn't protect ASBSs because the SWMP doesn't include the ASBS protections for all the cities, and doesn't include monitoring to prove effectiveness. Mr. Beckman asked why Carmel and Pebble Beach Company's withdrawal from the MRSWMP and their non-compliance with storm water requirements hasn't come up today. He discussed their comments on the MRSWMP, which covers the six components with comparisons of this plan with other cities' plans, and the Model Urban Runoff Program. He said the MRSWMP doesn't adequately address any of the six control measures, and relying on existing water quality monitoring programs is not allowed in NPDES permits. He described the Monterey Regional Group's summary of NRDC's comments and the Monterey Group's response, and said it was inaccurate.

Anjali Jaiswal, NRDC, handed out a proposed resolution as a compromise for the Board to consider.

*(A break was taken from 3:50 p.m. to 4:10 p.m. to make additional copies of a document that NRDC submitted for the Monterey group and other interested parties)*

Chairman Young said the NRDC resolution was too lengthy and detailed to be considered at this meeting. Dr. Bowker asked if the proposed MRSWMP is not as explicit as the Model Urban Runoff Program (MURP). Ms. Okun responded that the MURP was never intended to be adopted as a SWMP. Rather, it is a comprehensive list of possible BMPs and other guidance for entities to use in developing their SWMP.

Ms. Strauss said that USEPA funded the MURP as a "how to" guide for development of a SWMP, and felt that parts of the MURP would be used by entities to prepare their SWMP. She would like to see more emphasis given to illicit discharge,

outfall inspection, and construction site inspections in the MRSWMP.

She also stressed a lack of measurable goals and monitoring to show whether or not the program is effective. Regional Board Staff Geologist Donette Dunaway asked for clarification defining monitoring; whether programmatic or water quality sampling. Ms. Strauss said water quality monitoring is not required by the Phase II permit.

Chris Coburn, MBNMS, felt that a forum needs to be created for a meaningful dialog toward reaching agreement on the scope of the MRSWMP. Mr. Jeffries said he did not want to impose duplicative monitoring programs on the Monterey group when MBNMS monitoring programs are already doing this type of monitoring.

D'Anne Albers, Friends of the Sea Otter, stressed that when flushable cat litter goes through the wastewater treatment plant, the harmful organisms are activated, but not removed in the treatment process. She said possum feces in Morro Bay caused marine mammal deaths in that area. She said that feral cat and wild animal feces are carried by storm water to the ocean and cause deaths or infection of marine mammals.

Kaya Freeman, Surf Rider Foundation, was glad to see that Monterey area is getting a SWMP. She stressed setting priorities for otters, surfers, ASBS, and the Marine Mammal Act. She commented that the municipalities need to regularly sweep streets and clean storm drains.

Jim Curland, Defenders of Wildlife, supported the NRDC resolution and EPA's letter. He feels more monitoring should be required. He also believes the Mussel Watch Program should be expanded.

Tim Eichenberg, Ocean Conservancy, said he worked with NRDC to prepare the "Practical Plan." He said some changes were made in the revised MRSWMP, but not all the ones NRDC recommended. He supported the NRDC resolution and suggested stronger measures be included in the plan.

Linda Sheehan, California Coast Keeper Alliance, said it is better to invest now in a stronger SWMP than to clean up the problems later. She said she spoke with Assemblyman Laird's office about



getting funding for ASBS cleanup activities, but was told the cities just wanted to reduce the ASBS requirements. She feels a stronger plan would be beneficial.

Christine Bradley, resident of Monterey, said she feels having a clean environment is important and urged adoption of NRDC's resolution.

Gordon Hensley, San Luis Obispo Coast Keeper, acknowledged the effort and money spent to date working to prepare the MRSWMP. He doesn't see a lot of environmental improvement coming from the MRSWMP, doesn't see measurable goals, and urges follow-up on USEPA's letter and adoption of NRDC's resolution.

Leah Rose, Otter Project, said the MRSWMP is inadequate and lacks commitment by the cities. She recommended adoption of the NRDC resolution.

Debra Mall, Monterey City Attorney, urged a compromise so a permit can be issued. She feels having a permit will allow the improvements to be made and that the MRSWMP entities can then work with the Regional Board and NGOs during the annual review process to implement the most effective measures.

Dominic Gregorio, State Water Resources Control Board, commented that in order to comply with Ocean Plan ASBS requirements, entities either must cease discharge to the ASBS or obtain an exception. He said that three workshops had been held, and they are currently processing two exception requests -- one for Scripps Institute and one for USC at Two Harbors, Catalina. He said he is working on drafting a set of "Special Protections" for ASBS discharges.

Curtis Weeks, MCWRA General Manager, recommended approval of the SWMP and having the group work with all the NGOs at the group's regular meetings to address prioritized issues through compromise. He suggested using the group's monthly meetings as a forum for these discussions.

Dr. Press said he didn't want to go through the details of the differences between BMPs in the

MRSWMP and other SWMPs. He suggested each of the parties critique the other's points (BMPs) and address why they don't agree with the other. He feels MEP could then be determined by having the MRSWMP group justify why a BMP should be rejected (e.g., too expensive, not effective, not applicable to this area, etc.).

Chairman Young said this will be the first coastal permit issued by this Regional Board, and he wants to set a high standard for all subsequent permits.

Mr. Lodge requested Board direction regarding a cost-effectiveness, budget analysis. Dr. Press and Chairman Young provided some general guidance, indicating staff cannot evaluate line item city/county budgets, but needs to evaluate legitimacy of reasons such as, "too expensive" for the Monterey Regional Group to reject certain BMPs.

Ms. Okun said that a cost-effectiveness analysis is not required but suggested some evidence of cost should be provided. She said Mr. Briggs and/or the Board can require changes to the SWMP at any time, so not everything needs to be resolved by the May meeting.

Dr. Bowker suggested including the following: (1) prioritize goals/BMPs for finite dollar amounts; (2) use existing programs (such as MBNMS monitoring programs). He supported continuance of the matter to the next meeting.

Chairman Young said the Regional Board staff should organize workshops to try to work out the differences. Mr. Briggs noted that the May Board meeting agenda deadline is in early April and that time is tight. He suggested comparing per capita costs to other entities as one simple measure of the economics portion of MEP. However, he cautioned against getting into a mode of basing adequacy simply on cost rather than program effectiveness. Theoretically, a very effective SWMP could be very inexpensive, depending on the community. The key is whether the SWMP as a whole is effective.

**MOTION:** Daniel Press moved to continue the Monterey Regional Storm Water Management Plan item to the May 12, 2006 meeting in Watsonville.

**SECOND:** Leslie Bowker.

**CARRIED:** (5-0) Shallcross and Hunter were recused.

Chairman Young adjourned the public meeting at 6:14 pm.

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**Friday, February 10, 2006**

Chairman Young called the meeting of the Central Coast Water Board to order at 8:32 a.m. on Friday, February 10, 2006, at the Salinas City Council Chambers, 200 Lincoln Ave., Salinas, California.

**6. Roll Call**..... Executive Assistant Carol Hewitt

**Board Members Present:**

- Chairman Jeffrey Young
- Vice-Chair Russell Jeffries
- Les Bowker
- John Hayashi
- Monica Hunter
- Daniel Press
- Gary Shallcross

**7. Introductions**..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked interested parties to fill our testimony cards. Mr. Briggs covered the supplemental sheets as follows: Item numbers: 11, 12, 15, and 31. Items 25 and 26 will have no hearing because the dischargers waived their hearings and paid their

penalties. Mr. Briggs introduced the State Board Liaison, Jerry Secundy. Chairman Young and Mr. Briggs presented a plaque to Bruce Daniels for his dedication and years of service on the Central Coast Water Board.

**28a. Public Forum**..... Board Direction

- Barbara Graves – spoke about sedimentation in the Soquel watershed, and restoration projects in the Lompico watershed. She will provide the Board with a DVD on the latter issue.

**8. Approval of December 1-2, 2005 Meeting Minutes**.....Board Motion

**MOTION:** Russell Jeffries moved to approve the December 1-2, 2005 meeting minutes.

**SECOND:** John Hayashi.

**CARRIED:** (6-0) Les Bowker abstained from the vote.

**9. Report by State Water Resources Control Board Liaison.....Status Report**

State Board Liaison Jerry Secundy reported on Board member compensation, State Board membership, the ten percent rule, and communication between the Boards and their stakeholders. He encouraged Board members to be as open and available to the public as possible. There is no firm date or location for the WQCC meeting at this time. Mr. Secundy noted that Chairman Young has been very fair and even-handed. There was a workshop on salinity a couple of weeks ago that focused on the Central Valley. There was a tremendous amount of interest and a good turnout at the workshop. A task force is being developed that will look at long-term solutions for salinity. Another workshop held was on aerial deposition (deposits from the air that contain toxics that affect the water and land). Mr. Secundy will head up a task force on aerial deposition. The State Lands Commission is

considering adopting an order or a resolution that would eliminate once-through cooling after the year 2020 for all existing power plants in California. The power plants represent 40% of the capacity for energy for California. Also, state-wide regulations for septics are to be implemented by this fall. He discussed state grant contracts and repayment of monies. Chairman Young encouraged the State Board to get the Ahwahnee low impact development principles embedded in their general permits and grants for local government. The Board asked about the Governor's bond effort and if there were monies set aside for water quality. Mr. Secundy responded that the Department of Resources has a fund dedicated to water quality without specific "set asides" for programs. The State Water Board is working very diligently behind the scenes on details for the funds.

**10. Uncontested Items Calendar .....Board Motion**

Items on the calendar are Item Nos. 11, 12, 13, 14, and 15. Minor changes were presented to the Board.

**MOTION: Russell Jeffries moved to approve the consent calendar as recommended.**

**SECOND: Leslie Bowker.**

**CARRIED: Unanimously (7-0)**

**16. Low Threat and General Discharge Cases.....Information/Discussion/Board Approval**

A written report was submitted.

**17. Underground Storage Tank Program and MTBE Cases ..... Status Reports**

Senior Engineering Geologist Burton Chadwick, responded to a question from Chairman Young regarding the status of the Los Osos Valley Garage (Former Bear Valley Service Station) leaking underground storage tank case and provided an oral presentation of the key materials outlined in the written staff report.

new information relating to the California Water Service Company supply well case. Water Board staff reported that the water company's staff have indicated that their management has generally agreed that it is important to explore the possibility of applying for grant funding from the California Department of Health Services to explore for the source of MTBE, but that they are waiting for approval from their legal department.

Mr. Chadwick also provided an update in response to a question from Vice-Chairman Jeffries for any

**18. Spills, Leaks, Investigations, and Cleanup ..... Status Reports**

Water Board staff answered questions from Board members and the public. Water Board staff stated additional source investigation is needed to understand the complex hydrogeology/geology, target cleanup in the source zone, as well as locate and properly screen a sentry well between the site and Scott's Valley Municipal Well No. 10.

Mr. Charles McNiesh from the Scotts Valley Water District stated that he supports an aggressive cleanup approach. Members of the public, Mr. Bruce Daniels and Ms. Barbara Graves, reiterated that aggressive cleanup is needed. Mr. Daniels expressed concern that pure solvent products have sunk to the bottom of the drinking water aquifer. Mr. Daniels wants the dischargers to install sentry wells and perform product removal from wells ahead of the solvent plume prior to additional

source zone investigation. Mr. Daniels suggested Regional Board staff contact Mr. Mike Cloud, Geologist with Santa Cruz County, for assistance. Water Board staff said they were consulting with Mr. Cloud, and they expressed concern that the sentry wells could provide a conduit for solvents to reach the deep aquifer if the geology is not well understood and stated that the deep wells (over 200 feet deep) are expensive to install. Mr. Michael Fogelman with the Pratt Company (property owner) stated that investigation and cleanup costs are over \$900,000 to date.

The Board requested ongoing status reports and directed Regional Board staff to develop an aggressive time schedule to perform source zone investigation, sentry well installation, and site cleanup.

*(Chairman Young announced a break at 10:10 a.m. The meeting reconvened at 10:28 a.m.)*

**19. Terminating Interim Alternative Water Delivery, Santa Clara County ..... Resolution No. R3-2006-0014**

Executive Officer Briggs introduced Senior Engineer David Athey, who provided an introduction and background to this item. Mr. Athey presented Resolution R3-2006-0014, which consisted of an Olin Corporation request to terminate interim alternative water supply (bottled water) to 168 users of 78 private water supply wells. Mr. Athey explained that Olin's request complies with the State Water Resources Control Board's (State Water Board) Water Quality Order No. 00-007 criteria for stopping bottled water supply; essentially, Olin submitted sampling results from four continuous quarters that indicated no perchlorate concentrations over four parts per billion. Board member Press asked whether the Water Board has any discretion regarding the proposed action. Water Board Attorney Lori Okun confirmed that the Water Board does have discretion. Dr. Press then asked when Olin would have four quarters of data after issuance of the State Water Board Water Quality Order. Mr. Athey replied after May 19, 2006. Dr. Press then stated he would prefer to wait on the decision until Olin submitted four prospective quarters of data. Board member Jeffries stated that the Water Board would have at least another quarter of data by that time, which Mr. Athey confirmed. Further, Mr. Athey stated that staff has looked at the most

recent 4<sup>th</sup> Quarter 2005 data and confirmed that the results still support Olin's request.

Board member Shallcross noted that plume delineation is not complete, groundwater trends are still unknown, and he recommended a cautious approach since private drinking water wells are impacted. Mr. Jeffries agreed with Mr. Shallcross and wanted to wait for additional groundwater monitoring data and the results of ongoing plume characterization.

Olin representative Curt Richards testified that perchlorate has not been detected above four parts per billions in the wells in question, which satisfies the State Water Board's requirements for stopping bottled water supply. Mr. Richards noted that Olin does not have to ask the Water Board to stop bottled water supply after May 19, 2006. In addition, he stated that the best scientists in the country have considered the question of "what level of perchlorate is safe to drink?" and determined that it was 24 parts per billion (referring to the National Academy of Sciences study). Mr. Richards acknowledged that California's Public Health Goal is six parts per billion and includes a safety factor to protect sensitive populations (unborn children) from harm. Mr. Richards noted that Olin's own cleanup level report proposes a

cleanup level of 11 parts per billion (based on human health protection); however, that may not ultimately be the cleanup number proposed by Olin.

Ms. Sylvia Hamilton, Chair of the Perchlorate Community Advisory Group, addressed the Water Board regarding the conflicting perchlorate health level numbers, and stated that she was interested in having Olin apply their money towards cleanup rather than the bottled water in question, was concerned with fluctuating private well perchlorate results, and stated that the private wells in question need to be monitored to determine long-term trends.

Board member Press then asked about the history of perchlorate in the subject wells. Mr. Athey responded that the affected wells have been trending downward for the last two years, although the data set is limited, so long-term trends are not well established.

Craig O'Donnell, representing Assembly member John Laird, expressed concerns regarding the lack of plume delineation and follow-up well monitoring.

Board member Hunter asked Mr. Athey how the 500 feet well monitoring requirement originated. Mr. Athey explained that the upper end of Llagas Sub-basin groundwater velocity is an average of 1-3 feet per day. Therefore, if a six-month period were evaluated, it would take perchlorate traveling from a six parts per billion well approximately six months to travel 500 feet. Wells that are farther than 500 feet from a six parts per billion well are not likely to see an increase in concentration within a six-month time period, based on velocity and travel time.

Board member Bowker then proposed a compromise, whereby Olin would still monitor the 78 wells and could stop alternative water supply. Chairman Young asked Mr. Richards if this was an acceptable compromise. Mr. Richards indicated that he would not compromise since Olin had already compromised by going along with the State Water Board's Water Quality Order.

The Water Board declined to take action on the proposed Resolution.

**20. Perchlorate Cases ..... Status Reports**

Water Board Staff Engineer, Kristina Seley, provided a short update with respect to cleanup actions at two perchlorate sites in Hollister: Whittaker and BAE Systems. Ms. Seley highlighted information contained in the staff

report and briefly discussed planned cleanup actions. The Board Members had no questions. The rest of this item was a written report with no Board Member questions.

**21. Corrective Action Plan Approval ..... Status Report**

A written report was submitted.

**22. Military Facilities Update ..... Status Report**

A written report was submitted.

**23. Moss Landing Power Plant Back-flushing Settlement, Monterey County ..... Board Approval**

Board member Press recused from the item. Staff proposed funding two projects from the Supplemental Environmental Projects Fund. The

Agriculture and Land-Based Training Association (ALBA) requested \$179,543 from the Projects fund for technical assessments and project designs



for wetland and stream crossing restoration. The University of California at Santa Cruz requested \$199,570 for pest management studies, which reduce pesticide applications on strawberry fields.

within the USDA's wetland Reserve Program than there are projects that have applied for those funds. Therefore, there is an excellent chance for more funding. Regional Board staff responded that there are also enough dollars left within the settlement fund to apply for implementation, should the need arise. Board member Shallcross said that these were excellent projects with a good nexus with the Board's intent for the funds.

Board members were very supportive of both projects. There was a question about assurances that the wetland restoration designs will be implemented. Vivian Sofa, Board member of ALBA, responded that there is more funding

**MOTION: Gary Shallcross moved to approve funding two projects from the Supplemental Environmental Project Fund.**

**SECOND: Russell Jeffries.**

**CARRIED: (6-0) Daniel Press recused from the item.**

**24. Enforcement Report.....Status Report**

Mr. Briggs noted that the short form of the written Enforcement report was submitted. He is hopeful

that the full report will be available by the next agenda.

**25. Paul Trucking, Santa Cruz County.....Order No. R3-2006-0009**

The discharger waived hearing and paid the penalty so there was no hearing.

**26. Gilroy Unified School District.....Order No. R3-2006-0010**

The discharger waived hearing and paid the penalty so there was no hearing.

**27. Alisal Unified School District.....Order No. R3-2006-0011**

Chairman Young opened the hearing and asked if the Discharger was present (no).

**MOTION: Russell Jeffries moved to approve adoption of Order No. R3-2006-0011.**

**SECOND: Daniel Press.**

**CARRIED: Unanimously (7-0)**

**28b. Public Forum..... Board Direction**

There were no comments for public forum. Board member Press introduced one of his students,

Kevin Israel. Mr. Israel is currently working on a monitoring project for ALBA.

**29. Authority to Settle Enforcement Matters..... Board Direction**

Mr. Briggs explained that this is a proposal to increase the ceiling previously provided for matters to be settled by the Executive Officer. The current ceiling amount is \$25,000. The Board

discussed the proposal and gave direction to the Executive Officer to settle enforcement matters up to \$100,000.

**30. Reports by Central Coast Water Board Members.....Status Report**

Chairman Young reported on the monthly Chair's phone conference with the State Board. The ten percent rule, ex parte policy, and WQCC

dates/locations were discussed. The Board was split between Sacramento and Oakland locations for the WQCC meeting.

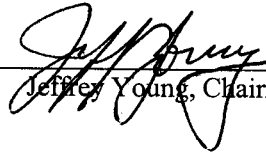
**31. Executive Officer's Report .....Information/Discussion**

Mr. Briggs announced that Carol Hewitt is now a Notary Public and will be able to notarize documents for the Board and staff. The Board also discussed vision and goals for the Regional Board, specifically, low impact development strides.

Chair Young encouraged staff to provide more low impact development workshops to the public if possible.

Chairman Young adjourned the public meeting at 12:30 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 24, 2006 meeting in San Luis Obispo, California.

  
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Jeffrey Young, Chairman

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