



# California Regional Water Quality Control Board

## Central Coast Region



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### MINUTES OF REGULAR MEETING Thursday and Friday, February 10-11, 2005 Regional Water Quality Control Board

#### Thursday, February 10, 2005

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 2:05 p.m. on February 10, 2005, at the Richard W. Nutter Agricultural Conference Center, 1432 Abbott Street, Salinas, California.

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

**Board Members Present:**

Chairman Jeffrey Young  
Vice-Chair Russell Jeffries  
Leslie Bowker  
Bruce Daniels  
Daniel Press  
Gary Shallcross

**Absent:**

Don Villeneuve

**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. We expect to see our State Board Liaison, Gary Carlton, at today's meeting.

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

Elections for Regional Board Chair were opened.

**MOTION: Russell Jeffries moved to nominate Jeffrey Young as Chair. SECONDED by Daniel Press. CARRIED – Unanimously (6-0)**

Elections for Regional Board Vice-Chair were opened.

**MOTION: Daniel Press moved to nominate Russell Jeffries as Vice-Chair. SECONDED by Gary Shallcross. CARRIED – Unanimously (6-0)**

**4. Timber Harvest Program Update**..... Status Report

Regional Board staff, Howard Kolb, introduced a management strategy for Timber Harvest activities proposed in the Region. The strategy includes a process (a matrix) for staff to assess potential risks to water quality from proposed timber harvests and assign an appropriate level of monitoring for the proposed activities. The matrix assigns proposed

timber activities into one of four tiers based on increasing threat to water quality. Each Tier has an increased level of monitoring. Regional Board staff proposes that the strategy be a part of a new general conditional waiver of Waste Discharge Requirements for Timber Harvest Activities in the

Region, to be considered by the Board at the May meeting.

**Public Comment:**

Michael Huyette – California Geologic Survey (CGS)

- CGS is in full support of criteria to determine which plans have highest potential on water quality and to focus resources on those plans.
- Would like to offer assistance with geologic aspects.
- Question by Chairman Young – Does CGS do inspections of Timber Harvest Plans (THPs)? – CGS participates in pre-harvest inspections and conducts follow up inspections to determine effectiveness of mitigations. Inspect ~10% of plans in SC county. Mitigation failures do occur, try to work with foresters to fix problems.
- Question by Mr. Daniels -Does the Drainage Density Index (DDI) cover factors of slope and geology?. - DDI does take those factors into account implicitly. A low DDI plan would be a lower risk of discharge. Have worked with USFS to determine “equivalent roaded area” which is similar to Soil Disturbance Factor (SDF).
- Question by Mr. Daniels - can you think of any more direct ways to include geologic aspects into the matrix than through the drainage density index? –
- the way we found works best is on the ground assessment (inspection) on a plan by plan basis. Watershed based study would be second best.

Bob Berlage – Big Creek Lumber

- Formal request to consider the alternative monitoring and reporting plan (MRP) at the March meeting.
- There is tight window for conducting operations. Need a process so they can proceed on approved California Department of Forestry (CDF) timber harvest plans before the May meeting.
- Question by Chairman Young – has staff kept individual waivers off of the agenda – yes, we wanted to discuss monitoring before we had individual and a conditional waivers before the board.
- Chairman Young - Would like staff to prepare individual waivers if general waiver is not approved before operating season.

Jodi Frediani – Citizens for Responsible Forest Management

- Slide show and letter with in-depth comments.
- Direct staff to consult and work with experts and Region 1 staff.
- Proposed plan has no mention of beneficial uses.
- Individual waivers need more stringent monitoring and reporting requirements.
- No eligibility criteria like Region 1. Besides ban on clearcutting Santa Cruz Forest Practice Rules (FPRs) not necessarily more restrictive.
- Program is a “baby step” in right direction

Dennis Jackson – for Ocean Conservancy

- Letter focuses on technical details of what staff has put together.
- Needs to be scientific basis for establishing the Cumulative Effects Ratio (CER), SDF, and DDI.
- Not enough literature cited for thresholds.
- CER – needs to consider proposed plans and non-timber activities in a watershed. Ten years may not be the appropriate timeline, only suggested by Forest Practice Rules.
- DDI – only represents pre-existing conditions, not how area might be impacted or changed by harvest activities.
- SDF – Extremely elaborate. Arbitrary use of weighting factors not based on empirical data. Erosion Hazard Rating (HER) should be incorporated.
- Board encourages Mr. Jackson to work with staff and try to find empirical basis for criteria.

Janet Webb – Big Creek Lumber Company

- Scope and intensity of forest management in this region is miniscule compared to other regions.
- Throw out eligibility criteria. All harvest should be eligible for a general conditional waiver with reasonable monitoring requirements.
- Under Evaluation Criteria (EC) “Smelt/Locatelli” plan is high risk (tier IV). Under individual waiver process it was determined to be low risk (equivalent to tier II monitoring).
- Board staff doing on the ground inspections along with high visual monitoring will have highest water quality effects.

Steve Auten – Big Creek Lumber Company

- Letter submitted.
- Alternative MRP, speaking for the timber community. Request Board review in March.
- Must look at cost vs benefit.
- All THPs/NTMPs would qualify.
- Outline of plan
  - o Visual monitoring – staff's plan is appropriate and reasonable
  - o Photo point – new or reconstructed crossings – one set at completion of harvest and one at expiration of waiver.
  - o Temperature monitoring of 303d listed waters
  - o Forest landowner road management training. RPF would be responsible to train landowner on road maintenance.
  - o Forensic monitoring – should still be used with visual and photo monitoring
  - o Reporting – agree with staff's logbook, road management plan and annual reporting. Sediment release reports should be five yd<sup>3</sup> anthropogenic and ten yd<sup>3</sup> natural.
- Timber harvest in Santa Cruz Mountains is a minor use of watershed.
- Question from Dr. Press – Staff's proposal considers different kinds of projects on different sites. What you are proposing does not give us a handle on those differences. – Mr. Auten - Matrix shouldn't be replacement for on the ground inspections. Inspections would be a better way than the matrix.
- Question from Mr. Daniels – how many waterbodies in the Santa Cruz Mountains are listed for temperature?
- Mr. Briggs - None. Mr. Daniels – So the effect of this proposal would be no temperature monitoring.
- Mr. Auten - FPRs have Threatened and Impaired rules that have canopy restrictions. We have temperature data but it has not been presented to the board.

*(Chairman Young announced a break at 4:00 p.m.  
The meeting reconvened at 4:15 p.m.)*

- Kevin Collins – Lompico Watershed Conservancy
- There are better Best Management Practices (BMPs) out there than what the FPRs require.
  - Hope proposal will lead to incentives to reduce disturbance.

- DDI cannot be extrapolated to apply to a broad range of things that need to be included. Slope, soil EHR should be included in the matrix.
- Extend CE to reentry rate at highest disturbance (15 years).
- Relying on TMDL process is not going to work without continuous monitoring.
- Submitted letter from NOAA and an EHR map.

David Van Lennep – Redwood Empire

- Supports direction of general waiver.
- Eligibility Criteria gives staff way to manage workload and rank plans as threats to water quality.
- Using as sole criteria is not appropriate.
- There is not flexibility for staff's judgment on rankings or monitoring requirements. Eligibility Criteria should be used to assess priorities, not to directly establish the MRP.
- Question from Dr. Press – what transparent action by this agency could be presented to the public to show that we have paid attention to differences? – Mr. Van Lennep - a general waiver could have language in which a non-concurrence or an agency appeal would require the plan to get an individual permit from water quality.

John Ricker – County of Santa Cruz

- General concurrence with staff's plan. Will give specific comments to staff.
- Concerned about long-term watershed wide monitoring. Working with TMDL and Monterey Bay Marine Sanctuary staff on water column, channel conditions etc.
- Eligibility criteria – should look at EHR. It is a good way to differentiate between plans. There should be some provision based on staff's perception of field conditions.

Jim Pedri – Region 5 - Redding

- Support waiver approach.
- Waiver conditions can be more specific than WDR conditions.
- Supports EC + MRP. Works well for Santa Cruz site conditions. Matrix not very applicable to Region 5 timber harvests. Matrix does not need to be more complex.

Dr. Brian Dietterick – Cal Poly SLO

- Reviewed turbidity graph from Little Creek.
- Very difficult to do turbidity monitoring that is scientifically defensible. Can miss lots of

information unless doing nearly continuous turbidity monitoring.

- Grab samples may not be useful to describe sediment transport within a watershed.
- Has a model that describes how hydrologically active a portion of a watershed is.

Steve Staub – Staub Forestry Consultants

- Objective is to interact intelligently with the forested landscape and work with it.
- Systems are complex and variable, collecting data is long term and not functional at a site scale. Meaningful site level data is obtained from visual monitoring.
- Obligation that costs reflect the water quality benefits gained.
- In absence of evidence of impact from a timber harvest, visual monitoring is a good base to start at.

Thomas Sutfin – Division Chief CDF, Forest Manager for Sequel Demonstration Forest

- All plans have at least one PHI, one active inspection, one pre-winter inspection, and inspection at close. At least three to four inspections for each THP.
- Cannot compare rules to North in detail. Can provide later.
- Glad that Board understands importance of inspections.
- CDF will formally respond.

#### **Board Discussion:**

Dr. Press -

- Appreciates staff response to problem, devil is in the details.
- Three points regarding the EC
  - o Weights and thresholds in the CE, DDI, and SDF need to be better supported by literature and expert/professional opinions.
  - o Indexes need a range that is captured by the index. Index could go from 5 – 1000 but we only look at 100.
  - o Appreciate that timber industry needs to avail themselves to the constraints of their operating season. We have to entertain a few waivers this spring (March/May).

Mr. Daniels -

- Why hasn't staff put in importance of the water body (fish habitat, 303d listed etc). –

Staff: Beneficial uses are discussed in the conditions of the waiver.

- Should we have higher monitoring levels for fisheries, 303d listed? – Staff: basic thought is they should not impact no matter where they are.
- How would you prevent “cheating of criteria” by adjusting boundaries – Staff: plans and criteria would be reviewed by staff. Foresters unlikely to put areas of good timber out of the area.
- How are geologic conditions implicitly included in the DDI. – Staff: best professional judgment.

Dr. Bowker -

- Likes matrix. Objective way of looking at things.
- Would like to see a paragraph defining Class I, II, III streams.
- Weighting factors and EC – 10-15 years reassess and reevaluate the criteria and process.

Mr. Shallcross -

- Flexibility of monitoring based on site visit/conditions. Possible to use site visit information to change how people are ranked on the tier level.
- Would like to hear how useful turbidity monitoring is from staff. What are we looking for when we do turbidity monitoring and how does it help us protect water quality?
- No concern about industry trying to cheat the criteria. Would be clear if someone did this and staff would be able to bring it to the Board's attention as an individual waiver.

Mr. Jeffries -

- Have made headway.
- Bring individual waivers with the proposed monitoring plan.

Chairman Young -

- Would there be problems moving into a general waiver? – Lori Okun: shouldn't be a problem. Rescind all waivers and they would enroll under the general waiver.
- Would be helpful to see a visualization of what staff has proposed and who agrees/disagrees with it regarding different parts of the EC and MRP.
- Include other impacts in the CER.
- Why is a 10 year CE time period appropriate?

- Incorporate the EHR.
- Needs to be some type of flexibility built into the EC.
- There may be things that are seen in the field that isn't in the matrix, how are they accounted for (improved fish passage, broken culvert fixed)?
- How will we use turbidity grab samples? How useful are they?.

Mr. Briggs -  
 To recap, the Board is not approving the matrix. The direction is to proceed with development with comments from all and the Board and then "test drive" the eligibility criteria on individual waivers.

*(Dr. Press left the meeting at 4:56 p.m.)*

**5. Waste Plastics in Watersheds and the Open Ocean** ..... Information Item/Videotape  
 This item was postponed to Friday, February 11, 2005.

**6. Public Forum** ..... Board Directi

Sarah Newkirk, The Ocean Conservancy – raised concerns about permitting timber harvesting without a waiver. The Ocean Conservancy believes timber activities should be assumed to result in discharge and asked the Board to retract its current policy.

Barbara Schwefel and Susan Clark, residents of the El Toro area near Salinas, raised questions about the operation of the California Utilities Services wastewater treatment plant. They stated that the plant's flow is greater than what is allowed by its waste discharge requirements. Ms. Clark provided to the Board her analysis of the number of connections to the plant and estimates of the resulting flow. Executive Officer Briggs said that both these items would be discussed further on Friday during discussion of the enforcement report.

Brian Foss, Santa Cruz Harbor – the north harbor has severe shoaling and major sediment problems. Damage to the harbor is approaching the \$2 million range. He said there is a good Watershed Management Plan and they will continue working on it. Next fall they will propose a project that will eliminate problems.

Dennis Dickerson, Central Coast Water Quality Preservation, Inc. – provided an update on the conditional ag waiver progress and thanked the Regional Board for their continuing efforts on the issue.

Barbara Karleen, Friends of the Harbor Group (FOHG) - asked for help with the Santa Cruz Harbor to alleviate the sediment problem.

Don Stevens – resident of Santa Cruz – raised concerns about UC Santa Cruz's lack of storm water infrastructure and inadequate best management practices. UC Santa Cruz has storm water that runs into large sinkholes on the property and goes directly into the groundwater. Mr. Stevens asked the Board to require UCSC adhere to storm water regulations before any new development occurs.

Hank Cureton, FOHG – thanked the Regional Board for efforts on the Santa Cruz Harbor cleanup.

Kevin Collins, Lompico Watershed Conservancy – submitted a letter about erosion resulting from timber harvesting.

Robert Taylor, a resident of Las Palmas Ranch, Salinas, spoke to the Board about unpermitted discharges of treated wastewater from the Las Palmas Ranch wastewater treatment plant. He said the developer has not supplied enough land area to allow the residents to use all the reclaimed water. He asked that the Board pressure the developer and county to get additional irrigation areas permitted for disposal.

Chairman Young adjourned the public meeting at 6:23 p.m. The meeting will reconvene at 8:30 a.m. on February 11, 2005.

**Friday, February 11, 2005**

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on February 11, 2005, at the Richard W. Nutter Agricultural Conference Center, 1432 Abbott Street, Salinas, California.

7. Roll Call..... Executive Assistant Carol Hewitt

**Board Members Present:**

- Chairman Jeffrey Young
- Vice-Chair Russell Jeffries
- Leslie Bowker
- Bruce Daniels
- Daniel Press
- Gary Shallcross
- Don Villeneuve

8. 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. Question and Answer document items

include item numbers 19, 20, 21, and 22. Supplemental sheets for items 27 and 28 have been postponed until the March 24-25, 2005 Board meeting.

9. Approval of November 19, 2004 and December 2-3, 2004 Meeting Minutes .....Board Motion

**MOTION: Russell Jeffries moved to approve the November 19, 2004 meeting minutes. SECONDED by Les Bowker. CARRIED – (5-0) Jeffrey Young and Don Villeneuve abstained.**

**MOTION: Russell Jeffries moved to approve the December 2-3, 2004 meeting minutes. SECONDED by Bruce Daniels. CARRIED – (6-0) Don Villeneuve abstained.**

11. Uncontested Items Calendar .....Board Motion

The Board discussed Items 19, 20, 21, and 22. Mr. Briggs recommended the following: pull Item 18 off the consent calendar and approve Items 17, 19,

20 through 24 and add a prohibition against surfacing effluent and the monitoring and reporting, thereof, to Items 20, 21, 22.

**MOTION: Bruce Daniels moved to approve Items 17, 19, 20 through 24 to include the addition of a prohibition against surfacing effluent and the monitoring and reporting thereof to Items 20, 21, and 22. SECONDED by Daniel Press. CARRIED – Unanimously (7-0)**

5. Waste Plastics in Watersheds and the Open Ocean ..... Information Item/Videotape  
A twenty-minute video was shown, but was discussed after item 10 (see below).

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

State Board Liaison, Gary Carlton, gave an overview of State Board activities. He reported on the TMDL guidance document, renewal of the Industrial Storm Water Permit, and the State Implementation Plan. The Board asked about on-site disposal systems. Mr. Carlton noted that the statewide guidelines should be released soon and put out for public comment. The CEQA process will begin when the statewide guidelines are released. Board Member Daniels asked if the

statewide guidelines included monitoring, reporting, and inspection requirements. He also asked about trash TMDLs.

Mr. Carlton said the septic system regulations seem to be headed toward an emphasis on failing systems rather than efforts on all operating systems. He said there is no statewide effort on trash other than through the storm water program.

**5. Waste Plastics in Watersheds and the Open Ocean (continued).....** Information Item/Videotape

A twenty-minute video, "The Synthetic Sea," was shown. Video comments: Board Member Press asked about filters on storm drains and how effective they are. Chair Young noted that there is no biodegradation of plastics. He asked why shouldn't we have a TMDL for plastics with a prohibition on the discharge of any plastic material. Assistant Executive Officer, Michael Thomas, noted that the source of the pollution (producers) should be examined. Board Member Bowker asked about public outreach programs.

The municipal storm water program has a permit for public education. Board Member Jeffries suggested making children aware of the issue so they can bring it to the attention of the adults. The Board discussed various possibilities for reducing plastics in creeks and the ocean. The Board directed staff to bring back options that might be effective, in addition to the stormwater program (e.g., Basin Plan Amendment, Total Maximum Daily Load as is the Los Angeles Region approach, efforts to reduce plastics at the source).

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

Executive Officer Briggs reported on the Pajaro Valley Water Mgmt Agency, various winery general WDRs, and general WDRs for fruit and vegetable processing waste, Fresh Innovations. Board Member Daniels asked about the wetlands used to receive treated wastewater from Fresh Innovations, and Regional Board staff Harvey Packard responded.

Regional Board staff, Mr. John Goni, responded the EDC was from a release associated with another case, not the tank case being recommended for closure. The EDC release was being investigated through another case, which is still active. Water quality objectives have been met for the case being recommended for closure.

Board member Daniels asked why the Santa Barbara County Courthouse case was being recommended for closure when the concentration of EDC exceeded the MCL by four or five times.

**13. Perchlorate Cases.....** Status Reports

Regional Board staff, David Athey, gave a short presentation on current activities related to the perchlorate plume from the Olin Corporation facility located at 425 Tennant Avenue, Morgan Hill. The presentation focused on the recently released Draft Cleanup and Abatement Order

(Draft Order) No. R3-2005-0014, being considered to address additional investigation and cleanup. Mr. Athey mentioned the key components of the Draft Order include: additional groundwater investigation and characterization, monitoring well installation, annual groundwater monitoring

system optimization and reporting, a plume migration assessment and control, cleanup level development, and development and implementation of a cleanup plan. Mr. Athey outlined the requirements and expectations associated with the Draft Order. He explained that areas to the Northeast are addressed by other orders issued by the Regional Board. Mr. Athey explained that interested parties and the public have until February 25, 2005, to submit written comments to Regional Board staff. He noted that the Executive Officer anticipates issuing a Final Order soon after comments have been received and

considered. Regional Board Member Daniels asked if Olin had sampled any additional wells beyond the last well tested south of highway 152. Mr. Athey said that to his knowledge, Olin had not tested any additional wells south of the last known detections. However, he noted that the Draft Order requires Olin to characterize the plume's lateral and vertical extent, which will include this, and other, areas. Regional Board Member Jeffries asked about the Ordering Paragraph time lines. Mr. Athey showed a slide describing proposed due dates and briefly discussed the basis for the dates proposed.

*(Chair Young announced a break at 10:37 a.m. The meeting reconvened at 10:56 a.m.)*

**25. Storm Water Program Update.....Status Report**

Regional Board staff Jennifer Bitting, presented a storm water program update. The presentation focused on storm water permitting issues for municipalities. During and after the presentation, Board Members asked Ms. Bitting various questions about staff's review of the municipalities' storm water management plans.

development projects and was interested in demonstrations of low impact development best management practices (such as pervious hardscape). There was discussion about inviting Board Members to low impact development workshops or having a special meeting to discuss and possibly demonstrate low impact development practices.

Bruce Daniels asked whether or not programs such as WET (Water Education for Teachers) and other common environmental education programs included information about the problems caused by plastics in surface waters. Ms. Bitting said she would find out.

In her update, Ms. Bitting mentioned that schools and other non-traditional municipalities are required to submit storm water management plans, and that she would give a more detailed update on those applicants at a future meeting. Board Member Daniel Press asked to be added to the interested parties list in order to be notified when storm water management plans are available for their 60-day public review periods.

Board Members expressed interest in low impact development. Chairman Jeffrey Young indicated he would like more information about low impact

*(Chair Young announced a break for closed session and lunch at 12:30 p.m. The meeting reconvened at 2:06 p.m.)*

*(Board Member Jeffries returned to the meeting at 2:18 p.m.)*

**26. City of Salinas Municipal Separate Storm Sewer System.....Order No. 2004-0135**

Mayor Anna Caballero expressed willingness to work with the Regional Board, but she expressed concerns about the City's ability to fund programs required through the City's storm water permit. Mayor Caballero said the issue of protecting clean water is a state and federal issue, and state and federal resources should be available.

Mayor Caballero and Board Members agreed that the City may be able to postpone higher-cost items to later years in exchange for the City implementing lower-cost items right away.

Mayor Caballero expressed concern that permit requirements may actually be 'paper mandates.' In



response, Mr. Briggs and the Board assured Mayor Caballero that it is their objective that plans and programs result in real improvements.

Mayor Caballero requested the Regional Board's support in changing Proposition 218 legislation to exempt storm drain fees. Ms. Lori Okun stated that executive branch agencies cannot take positions on legislation without going through various procedures.

Mayor Caballero submitted a letter dated February 10, 2005, and the Chamber of Commerce submitted a letter dated February 11, 2005. Chairman Young determined the two letters were received too late to be admitted to the record.

Regional Board staff. Donette Dunaway, attended by telephone to answer questions about this item. Regional Board staff. Jennifer Bitting, gave staff's presentation. Ms. Bitting presented the City's revised storm water permit and highlighted new requirements and changes to the monitoring program. The permit's monitoring program allows the City to use monitoring data (for some sampling locations) from other groups to avoid duplication of monitoring efforts. Board Member Daniels said it is the City's responsibility to collect data from other monitoring groups, such as agriculture and CCAMP (Central Coast Ambient Monitoring Program), analyze it, and report to Regional Board staff. He also questioned what would happen in the event data from other groups were not available. He said the City should be responsible for obtaining the data if they could not get it from other monitoring groups.

Chairman Young pointed out that there were no urban sampling points north of Natividad Creek. Ms. Dunaway said if urban sampling detects pollutants, the City must determine the source, which could include additional sampling, visual identification of pollutant sources, etc. Board Members inquired as to why there are no monitoring sites on Santa Rita Creek. Ms. Dunaway said it is partly due to financial considerations and that the creek goes through a relatively small part of the City.

Ms. Bitting explained how the monitoring program would be implemented. Ms. Dunaway clarified that urban monitoring sites were chosen based on

those that had historically had the most pollutants or been the most problematic.

Board Members discussed whether or not there should be additional sampling points added to the monitoring program. Board Member Jeffries inquired whether or not the Bolsa Knolls housing area was within the City's sphere of influence or city limits. City representatives indicated that area was not within the City's sphere of influence.

Chairman Young inquired as to the City's compliance with the previous permit. Ms. Dunaway indicated the area in which she thought the City had been most deficient was in reviewing and analyzing their monitoring data. She said they had done well in some other aspects of their program, such as regulating construction sites. Board Members asked staff to bring any noncompliance with the new permit to their attention.

Board Members requested that staff prepare a compliance status report for the City of Salinas after receipt of their annual reports. Board Members also suggested that the City's storm water management plan be brought before the Board if staff, the City, and the public could not agree on the plan's contents.

Ms. Denise Estrada, Director of Maintenance for the City of Salinas, spoke about the City's challenges dealing with upstream water quality, erosion, and sediment deposition. She expressed willingness to comply with permit requirements, and said the City would work to overcome funding issues. Ms. Estrada also explained that she and the wastewater division are responsible for reviewing and analyzing monitoring data. Ms. Estrada objected to any additional monitoring locations or requirements.

In response to a Board Member's question about whether or not the City will work to reduce the quantity of storm water runoff, Mr. Robert Russell, City Engineer, spoke regarding development standards and "New Urbanism." He defined "New Urbanism" as high-density development that avoids reducing agricultural land. He also discussed the City's financial difficulties. Mr. Russell mentioned new development design standards, including detention and retention basins, and source control BMPs. He and Board Members

discussed areas of new development adjacent to and northeast of the current city limits.

Ms. Sarah Newkirk, with The Ocean Conservancy, spoke in support of the permit.

Mr. Patrick Whitnell, with Meyers Nave Law Firm, representing the City of Salinas, was present but did not make a presentation to the Board.

*(Chair Young announced a break at 3:51 p.m. The meeting reconvened at 4:03 p.m.)*

**MOTION: Donald Villeneuve moved to adopt Order No. R3-2004-0135, NPDES Permit No. CA0049981, Waste Discharge Requirements for City of Salinas Municipal Storm Water Discharges with the following changes:**

- Specify that a change in City limits may result in changes to the monitoring program.
- Require Regional Board staff to post the storm water management plan and design standards plan on the web for a 30-day public comment period, during which the public may request a hearing.
- Specify that Salinas will review and analyze all data (including data obtained from agriculture monitoring and CCAMP monitoring), and include their analysis in annual reports.
- Specify that if CCAMP and agriculture data are not available, Salinas will collect samples from those locations.
- Require the City to notify Regional Board staff when the City plans to annex land.
- Require City to include BMPs to minimize discharge of plastics and other trash to the storm drain system.
- Specify in anti-degradation finding that the effect of the permit will be an overall improvement of receiving water quality, not degradation.
- Add "See Finding 16" after MEP in Discharge Prohibition A.3.
- Specify that the annual report must include a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to comply with the Order, and that inability to secure resources will not excuse noncompliance.

**SECONDED by Russ Jeffries. CARRIED - Unanimously (7-0)**

14. **Corrective Action Plan Approval** .....Status Report  
A written report was submitted for this item.

**15. Military Facilities Update**.....Status Report  
 A written report was submitted for this item.

**16. Enforcement Report**.....Status Report  
 Executive Officer Briggs asked Senior Engineer Harvey Packard, to report on California Utilities and Las Palmas Ranch.

Mr. Packard said that staff has visited California Utilities several times in the last few months and has not found any indication that plant is violating flow limits. California Utilities is required to submit a new report of waste discharge by March 31, 2005, after which staff will review all pertinent information regarding flow and connections as it revises waste discharge requirements.

Regarding Las Palmas Ranch, Mr. Packard stated that the county had informed staff of the unpermitted discharges. Staff cannot bring new

waste discharge requirements to the Board with expanded irrigation areas until the homeowner's associations form a single legal entity to control the reclaimed water use. Staff will evaluate potential enforcement options for the unpermitted discharge.

Robert Taylor, a resident of Las Palmas Ranch, stated that the county and Cal Am, the plant owner, are holding up the formation of the legal entity. He again urged the Board to pressure the county and the developer.

The Board asked staff to report on California Utilities and Las Palmas Ranch in the next agenda.

**29. Public Forum**..... Board Direction  
 Jack McCurdy submitted written comments on the Diablo Canyon study.

**30. Reports by Regional Board Members**.....Status Report  
 Board Member Jeffries reported that the appropriations for all of the marine sanctuaries in the United States is close to \$70 million. There will be \$500,000 set aside for the Monterey Bay Watershed Be Wet Program (educational). Mr. Jeffries also has information on the

location of the sanctuary Visitor's Center for interested parties. Mr. Briggs noted that Senior Staff Engineer Chris Adair, will coordinate with Board Member Jeffries on the Monterey Bay National Marine Sanctuary Advisory Council.

**31. Executive Officer's Report**.....Information/Discussion  
 Executive Officer Briggs noted the written materials within the report and the Los Osos Wastewater Project Update. In addition, a supplemental sheet was provided for an Update on Enrollment for Conditional Waiver of WDRs for Discharges from Irrigated Lands. We have had significant outreach for the ag conditional waivers, including several workshops. Discussion followed on staffing for the agricultural program.

Staff wrote a response to the anonymous letter that was received by Board Member Daniels regarding the Moro Cojo Slough. Board Member Daniels requested more description on the Water Quality Certification chart. Board Member Jeffries asked about the DeLaveaga Golf Course. Mr. Briggs responded that enforcement is pending for the issue.

Chairman Young adjourned the public meeting at 5:25 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 24-25, 2005 meeting in San Luis Obispo, California.

  
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Jeffrey Young, Chairman

H/ALLMYDOCS/BOARD MINUTES/FEB05mins/carol