



California Regional Water Quality Control Board Central Coast Region



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Secretary for
Environmental Protection

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MINUTES

Central Coast Regional Water Board

REGULAR MEETING

Thursday, September 1, 2011

Chairman Young called the meeting of the Central Coast Water Board to order at 8:05 a.m. on Thursday, September 1, 2011, at Central Coast Regional Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

1. Roll Call – Board Members.....Michael Thomas, Assistant Executive Officer

Present:

Chairman Jeffrey Young
Vice Chair, Russell Jeffries
David Hodgin
Monica Hunter
Jean-Pierre Wolff

Absent:

John Hayashi

2. Introductions.....Harvey Packard, Supervising Water Resource Control Engineer
Chair Young explained that Executive Officer Roger Briggs was at the staff table so Supervising Water Resource Control Engineer Harvey Packard could gain experience by taking the role of advisor to the Board for this meeting. Other staff will have the opportunity for this experience at some subsequent meetings. Mr. Packard introduced Water Board staff and Board Counsel Jessica Newman. State Water Resources Control Board Liaison Frances Spivey-Weber was not present at the meeting. Mr. Packard asked parties who wished to speak to complete testimony cards and turn them in.

Mr. Packard announced that Item No. 17, Conditional Waiver of Waste Discharge Requirements (R3-2011-0006) is postponed. Chair Young explained the item is postponed indefinitely as the Board is unable to vote on the item until they have a quorum.

3. Recognition of Service: Board Member David T. HodginDiscussion
Board members and Water Board staff recognized David T. Hodgin for his service to the Board.

4. Approval of July 14, 2011 Meeting MinutesBoard Motion
Darlene Dinn requested the July 14, 2011 minutes be amended to include the written statement she provided the Board during that meeting.

MOTION: Chairman Young moved to approve the July 14, 2011 minutes with the inclusion of Ms. Dinn's written statement

SECOND: Monica Hunter
CARRIED: Unanimously (5-0)

5. Report by State Water Resources Control Board Liaison Status Report
No report.

6. Uncontested Items Calendar.....Board Motion
At Dr. Wolff's request, Chair Young pulled Item 10 from uncontested items calendar for further discussion.

MOTION: David Hodgkin moved to approve the uncontested items calendar, items 11-15.
SECOND: Russell Jeffries
CARRIED: Unanimously (5-0)

7. Low Threat and General Discharge Cases.....Information/Discussion/Board Approval
Harvey Packard summarized enrollments in the General Order.

Mr. Andrew Christie, Sierra Club, spoke in support of the action on the Nipomo cleanup site. Mr. Christie urged inspections for additional leaks and to check for larger problems with lines on the Central Coast. Mr. Packard responded that there are many such lines and we have found several leaks. He explained that Conoco inspects active lines but he is not aware of a procedure to inspect inactive lines. Chair Young asked that Water Board staff gather more information about Conoco's procedures for inspecting and maintaining active and inactive lines and bring it to the December Board meeting.

8. Staff Closures Information/Discussion
Harvey Packard summarized the staff case closure.

9. Recommended Case Closures.....Information/Discussion/Board Approval
Harvey Packard summarized the cases recommended for closure and explained that unless there was objection from the Board, Water Board staff would move forward with closure.

Dr. Hunter requested more information on the target numbers for case closure (the regional summary of numbers of closures). John Robertson, Water Board staff, explained that the rate of closure is driven to some degree by the economy and that this set of closures in the agenda is different than the previous list. He also stated that rate of case closure is a tool for measuring our performance as an agency and that we are always working to get to closure (cleanup) faster.

10. Waiver of Waste Discharge Requirements, R3-2011-0216 Board Motion
Water Board member Dr. Wolff asked why the Water Board requires local agencies to inspect the mounded system after a one-inch rain event when many new technologies exist to provide operating conditions without requiring an inspection. Water Board staff engineer Cecile DeMartini gave a brief overview of the system design. She explained that the mound system is designed to have data loggers and telemetry installed to check water levels and flows. She also noted the requirement for local agency inspections after every rain event is standard language for most Basin Plan exemptions involving shallow groundwater; she will review the language for changes to be responsive to Dr. Wolff's suggestion. Water Board member Dr. Hunter inquired how often mound systems fail. Ms. DeMartini stated she was not aware of any failing systems in Monterey, Santa Cruz, southern Santa Clara, or San Benito counties within the area she oversees.



MOTION: David Hodgin
SECOND: Russell Jeffries
CARRIED: Unanimously (5-0)

16. Senate Bill 2X – Salinas and Tulare Basin Groundwater Study Status Report

Dr. Thomas Harter presented an overview and key outcomes of the Nitrate in Groundwater Report to the Legislature required by Senate Bill X2-1 (SBX2-1). The SBX2-1 team, a multi-disciplinary team of UC Davis researchers led by Dr. Harter, completed data collection and analysis in 2nd Quarter 2011, and the economic and policy analysis will be completed by 3rd Quarter 2011. The final report is due to the State Water Resources Control Board in February 2012, and State Board will present this report to the legislature in April 2012. State Board is expected to direct any follow up studies to be completed by April 2013.

The SBX2-1 team evaluated nitrate loading from point sources (e.g., wastewater, food processors, and animal farms/dairies) and from non-point source discharges (e.g., agriculture) in the Salinas Valley and Tulare Lake groundwater basins. The data indicates that nitrate concentrations in drinking water supply wells in these areas have increased over time and a large number of people are at a high risk of having nitrate concentrations in their water supply above the drinking water standard. The SBX2-1 team determined that the largest regional sources are agricultural fertilizers and animal wastes; other sources are locally relevant; and the nitrate problems will likely worsen and not improve for several decades.

The SBX2-1 team also evaluated alternatives to address existing and likely increasing nitrate impacts to drinking water supply wells, including: water system consolidation, blending (or diluting) water with high nitrate with water that has a lower nitrate concentration; drilling deeper wells in portions of aquifers that do not have high nitrate concentrations; wellhead and point of use treatment methods (e.g., ion exchange, reverse osmosis, etc.); as well as bottled water or water from other sources. The SBX2-1 team noted that all of these alternative supply options are costly, sustainability of funding is unclear, and treatment is unaffordable for most small communities. The SBX2-1 reviewed regulatory instruments for controlling nitrate sources/discharges, such as fertilizer or nitrate tax; groundwater pumping fee; volumetric fee on drinking water for California residents; fixed fee on agriculture water; and fee on bottled water (similar to recycling fee on bottles and canned beverages).

Dr. Jean Moran presented an overview of the California GAMA (Groundwater Ambient Monitoring and Assessment Program) Special Study: Nitrate Fate and Transport in the Salinas Valley, prepared by the Lawrence Livermore National Laboratory. The study results indicate that: 1) agriculture is the largest source of nitrate to groundwater and surface water in sampled areas where nitrate concentrations are above a very low background concentration (mean of 1.21 mg/L as NO₃), 2) regional groundwater pumping for irrigation accelerates groundwater flow such that high nitrate groundwater reaches the capture zone of some drinking water wells, and 3) fluctuations in high nitrate concentrations (69 to 130 mg/L as NO₃) within the San Jerardo Cooperative water supply well are attributable to inorganic fertilizers and annual irrigation pumping cycles.

18. Enforcement Report Status Report

Enforcement Coordinator Harvey Packard introduced the item, stating that it contains the typical elements of enforcement action and violation lists and descriptions. Mr. Packard also mentioned



that it included a short update on enforcement actions regarding failure to pay fees associated with the Ag Order.

Central Coast Water Quality Preservation, Inc. (CCWQP) and staff each provided the Board with an update report describing the status of enrollment data for the Agricultural Regulatory Program. Kirk Schmidt, CCWQP Executive Director, provided oral comments at the meeting describing an analysis conducted by CCWQP to compare data from the Water Board's electronic Notice of Intent (eNOI) and from CCWQP's billing database. Mr. Schmidt expressed concern over the accuracy of the eNOI database, as CCWQP depends on the enrollment database because it identifies cooperative monitoring program participants that are a source of revenue for CCWQP. Specifically, Mr. Schmidt indicated that CCWQP was concerned about the decline in numbers of participating growers and acreage, and that the participating growers have to subsidize the program for the non-participating growers – Mr. Schmidt stated that this concern was especially important because grant funds previously supporting the cooperative monitoring program were now expended.

Executive Officer Roger Briggs stated that the old data management system was not working and staff had initiated significant changes to improve data management, using the Water Board's existing GeoTracker data management system. Mr. Briggs stated that from the initiation of the new system and electronic Notice of Intent (eNOI), more than 1400 growers are using the system, and that new functionality has been added so that growers (and authorized technical assistance providers) can review and make corrections to their farming operation information to ensure its accuracy. Mr. Briggs and staff person, Angela Schroeter, also described several improvements that staff has made to the system since the July Board Meeting, based on comments from Board Members and stakeholders. Mr. Briggs also stated that staff had met with Mr. Schmidt, and had additional meetings planned for further coordination with CCWQP.

Board Members reiterated the importance of resolving data management issues, and providing enrollment data to support CCWQP. Mr. Kevin Merrill (President of CCWQP) also expressed concern about the database issues and future of the cooperative monitoring program unless there are enforceable requirements. He said a lot of farmers are saying there's no enforcement so they won't participate ("Why should I?"), and the program is going to fail, and CCWQP will close. Board Member Wolff said he would like to be part of the solution rather than part of the problem and requested that CCWQP use their newsletter to encourage growers to submit eNOI information and help them understand risks to the cooperative monitoring program, as well as working with the ag trade associations to spread the word about updating enrollment information. Board Member Wolff also asked Mr. Schmidt to coordinate with industry and commodity groups to encourage and assist growers to submit the eNOI.

Chair Young asked staff to provide an update to the Board for the December 1 Board Meeting.

19. Public Forum..... Board Direction

Mr. Richard Margetson, Los Osos – Spoke on Nitrate monitoring in Los Osos and his belief that seawater intrusion is a bigger problem.

Ms. Elaine Watson, Los Osos Sustainability Group – Seawater intrusion is a bigger problem than nitrates.

Mr. Keith Wimer, Los Osos Sustainability Group – Petition of WDR to State Board denied and cannot sue. Summarized petition arguments.

Ms. Linde Owen, Los Osos CSD – Spoke on Los Osos wastewater project; use different approach.



Mr. Al Barrow, Coalition for Low Income Housing - Wrong approach in Los Osos, gravity system is not appropriate due to earthquake issues. Redo EIR.

Ms. Gwynn Taylor, Los Osos – Spoke on monitoring wells and seawater intrusion.

Mr. Frank Ausilio, Los Osos – Referenced emails to State Board. Appeal to State Board denied. Seawater intrusion issue. Requested Board write to State Board and say seawater intrusion in Los Osos is a serious issue and they should address it.

20. 2012 Regional Board Calendar Board Motion
Board members approved the proposed 2012 Regional Board Calendar by consensus.

21. Reports by Central Coast Water Board Members Status Report
Board members had nothing to report.

22. Executive Officer's Report Information/Discussion
Harvey Packard introduced the report, pointing out that the report includes follow-up information about how staff processes 401 Certification applications. Chair Young commented briefly on the use of coliform bacteria as indicators of pollution.

Chairman Young adjourned the meeting at approximately 1:45 p.m. The next Board meeting will be held on December 1, 2011, in San Luis Obispo, CA.

This meeting was audio recorded; the minutes were reviewed by management and will be approved by the Board at its December 1, 2011 meeting in San Luis Obispo, CA.



Jeffrey Young, Chair

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