

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF OCTOBER 24, 2003

Prepared on September 25, 2003

ITEM NO: 35

SUBJECT: Executive Officer's Report to the Board

Brief discussion of some items of interest to the Board follows. Upon request, staff can provide more detailed information about any particular item.

Watershed and Cleanup Branch Reports

**REGULATION SUMMARY OF
AUGUST 2003**

[Corinne Huckaby 805/549-3504]

Orders

Reports of Waste Discharge Received	20
Requirements Pending	108
Inspections Made	3
Self-Monitoring Reports Reviewed (WB)	107
Self-Monitoring Reports Reviewed (CB)	34
Stormwater Reports Reviewed	100

Enforcement

Non-Compliance Letters Sent:	
NPDES Program	0
Non-Chapter 15 WDR Program	2
Chapter 15 Program	0
Unregulated	0
Stormwater	1
CAOs Issued	2
ACL Complaints	3

WATER QUALITY CERTIFICATIONS

[Corinne Huckaby 805/549-3504]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must assure that beneficial uses will be protected, and water quality standards will be met.

Conditional Certification is appropriate when a project may adversely impact surface water quality. Conditions allow the project to proceed under an Army Corps permit, while upholding water quality standards.

Staff will recommend "No Action" when no discharge or adverse impacts are expected. Generally, a project must provide beneficial use and habitat enhancement for no action to be taken by the Regional Board. A chart on the following page lists applications received from August 9, 2003 to September 19, 2003.

WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM AUGUST 9, 2003 THROUGH SEPTEMBER 19, 2003

County	Date Received	Applicant	Project Description	Receiving Water	Project Location	Action Taken
Monterey	August 18, 2003	Brian Merrill	Access Road	Salinas River	Salinas	Pending
	August 22, 2003	Swift Technologies, Inc.	Orradre Ranch, Brinan Sand/Gravel Operation	Salinas River	San Ardo	Pending
	August 28, 2003	Moreland Corporation	Cipriani Estates	Gonzales Slough	Gonzales	Pending
	September 10, 2003	Caltrans	Route 101 improvements	Unnamed tributary to Prunedale Ck	Prunedale	Pending
	September 10, 2003	Caltrans	Route 101/156 Interchange	Vierra Canyon Ck	Prunedale	Pending
	September 17, 2003	City of Monterey	Crandall Creek restoration project	Crandall Creek	Monterey	Pending
	September 17, 2003	Monterey Co. PWD	Castroville storm drain master plan improvements	Tembladero Slough and Old Salinas River	Castroville	Pending
	September 18, 2003	Caltrans	Culvert replacement	Toro Creek	Monterey County	Pending
	September 18, 2003	Silverie Properties, LLC	Monterra Wetland Restoration	Upper Canyon Del Rey watershed/ Arroyo Del Rey Creek/Ocean	Monterey County	Pending
San Luis Obispo	August 19, 2003	Land Conservancy	Perfumo/Highway 101 Fish Passage	Perfumo Creek	San Luis Obispo	Standard Certification
	August 19, 2003	Land Conservancy	Andrews Property Riparian Habitat Improvement	San Luis Obispo Creek	San Luis Obispo	Standard Certification
	August 25, 2003	San Miguel Joint Union School District	Cappy Culver Elementary School	Lake Nacimiento	Heritage Ranch	Standard Certification
	August 27, 2003	Lonesome Oak Vineyards	Stream Bank Restoration	Unnamed tributary to Estrella River	Paso Robles	Standard Certification
	September 2, 2003	Keith Belmont, Rite III Inc.	Gateway Center Habitat Restoration	Unnamed drainage to Salinas River	Paso Robles	Standard Certification
	September 9, 2003	Rancho Arroyo Grande LP	Creek and drainage project	Unnamed tributaries to Phoenix , Arroyo Grande cks and Lopez Lake	Arroyo Grande	Pending
	September 10, 2003	City of San Luis Obispo	Mission Plaza bank walkway wall project	San Luis Creek	San Luis	Standard Certification
	September 10, 2003	Morro Bay National Esutary Program	Los Osos Creek riparian habitat restoration project	Los Osos creek	Los Osos	Standard Certification
San Mateo	August 26, 2003	County of San Mateo Public Works	Gazos Creek Road Cross Culvert Replacements	Unnamed intermittent tributaries to Gazos Creek	Unincorporated county right-of-way	Pending
Santa Barbara	August 13, 2003	Santa Barbara Co. Flood	West Green Canyon Drianage Improvements	Santa Maria River	Santa Maria	Pending
	August 15, 2003	CPH-Lompoc, LLC	Providence Landing Wetland and Riparian Mitigation	Unnamed drainage into Santa Ynez River	Lompoc	Pending
	August 18, 2003	Jim Knell, SIMA Corp.	Hollister Ranch Parcel 99 Stream Crossing and Stream Restoration	Sacte Creek	Gaviota/Sacate Quadrangle	Pending
	August 18, 2003	Granite Construction Co.	Gardner Ranch Facility - Bazzi Expansion	Santa Ynez River and Nojoqui Creek tributary	South of Buellton	Pending

	August 20, 2003	Roger Higgins	Three Creek Ranch	Santa Ynez River	Santa Ynez	Pending
	August 20, 2003	Santa Barbara County Public Works	Black Road Bridge Replacement	Orcutt Creek	Orcutt	Pending
	August 21, 2003	Tony Wells	Regional Detention Basin B	Orcutt Creek	Orcutt	Pending
Santa Clara	August 14, 2003	Lloyd Martin	Las Animas Industrial Park	West Branch Llagas Creek	Gilroy	Pending
Santa Cruz	August 19, 2003	NOAA Fisheries	Installation of a Portable Temporary Fish Trap in Scott Creek	Scott Creek	Davenport	Pending
	September 4, 2003	Chizar Properties	Development by Chizar Properties	West Branch of Struve Slough	Watsonville	Pending
	September 10, 2003	Santa Cruz Port District	Visitor dock construction	Santa Cruz Harbor/Monterey Bay	Santa Cruz	Pending
	September 11, 2003	Corps of Engineers	San Lorenzo River Bank Stabilization	San Lorenzo River	Santa Cruz	Pending

WATERSHED BRANCH REPORTS

Status Reports

Carpinteria Area Watershed Priority Project Update: Reducing Nitrate Discharges to the Carpinteria Valley Watersheds, Santa Barbara County [Michael Higgins 805/542-4649]

Note: New portions of this report are in *italics*. Those portions that are carried over from the last report are in regular font and provided for background and history on this project.

Summary

Recent Franklin Creek monitoring found elevated nitrate concentrations in runoff from irrigated agricultural sites and other sources (Franklin Creek drains to the Carpinteria Marsh). Monitoring in other Carpinteria Valley watersheds has also shown elevated nitrate concentrations. Regional Board staff have formed a working group to develop and implement solutions to reduce nutrient discharges from farmland and orchards to Carpinteria Valley watersheds, including those leading to Carpinteria Salt Marsh. This working group is an outgrowth of the successful Greenhouse priority project effort which to date, has eliminated nearly all greenhouse discharges in the targeted watersheds.

Background

At the Regional Board's July 12, 2003 public meeting, staff reported on the goal of the Key Strategic Project for Prioritization, a component of our Strategic Plan's implementation plan; the goal is to facilitate the use of limited funds for the highest priority projects. A Guiding Principle to achieve the goal is the need to change to a 'problem-solving' organization from a 'program-driven' organization. Regional boards would achieve the transition by picking their most important problems and fixing them by applying problem-solving techniques.

In July, staff outlined the core elements of a successful problem-solving approach, as described by Malcolm Sparrow in his book The Regulatory Craft. The core elements are:

1. Clear focus on results
2. Use of a problem-solving approach
3. Investment in collaborative partnerships

Sparrow also lists six core principles found in successful problem-solving approaches. These are:

1. Nominate the problem for attention
2. Define the problem precisely
3. Determine how to measure impact
4. Develop solutions or interventions

5. Implement the plan with periodic monitoring review and adjustment
6. Close project, allowing for long-term monitoring

Staff included these problem-solving core elements and principles as they developed a plan to address wastewater discharges from greenhouses in the Carpinteria Valley watersheds. *At the July Board meeting, staff reported the elimination of all but one of the more than fifty unregulated wastewater discharges from the greenhouses. As part of their July update before the Regional Board, staff also proposed using an approach based on Sparrow's problem-solving techniques to try to reduce elevated nutrient levels in the Carpinteria Valley watersheds, including those that discharge to Carpinteria Marsh.*

Carpinteria Valley Creek Monitoring

The Central Coast Ambient Monitoring Program sampled Carpinteria Valley creeks for nutrients and found high levels at the mouth of Franklin and Arroyo Paredon Creeks and lower levels at the mouth of Santa Monica Creek. South of Foothill Road, both Franklin and Santa Monica Creeks are concrete-lined flood control channels. Staff subsequently sampled several Franklin Creek stations on three different occasions. Monitoring found elevated nitrate levels in flows entering Franklin Creek. Two sampling events found a tributary draining an area of open-field agriculture contained over 200 mg/L nitrate. Sampling of discharges from pipes discharging near the base of the Franklin Creek channel walls also found high nitrate concentrations.

High nutrient concentration discharges, such as those found in Franklin Creek, likely impair beneficial uses of the individual creek, and may impair Carpinteria Salt Marsh's beneficial uses by enhancing eutrophication and subsequently reducing dissolved oxygen to levels that do not support aquatic life. The Regional Board oversees several regulatory programs, which address pollutant sources from different land uses. Staff will coordinate focus of these programs to reduce nutrient discharge to the Marsh.

Introduction

Staff representing Regional Board programs to reduce point source, non-point source, and

stormwater pollution and to allocate maximum daily loads in the watersheds formed the Carpinteria Marsh working group. The group is developing and will implement a focused solution for the problem of elevated nutrients discharged to Franklin Creek and the other targeted watersheds in the Carpinteria Valley.

Discussion

The Non-Point Source program staff will:

- a. Continue to participate in watershed working groups for the targeted watersheds, to help eliminate and/or mitigate discharges;
 - b. Enlist the support of University of California, Cooperative Extension (Cooperative Extension) to provide information and training on Best Management Practice (BMP) implementation to owners of open field agricultural operations in the targeted watersheds;
 - c. Enlist the support of Natural Resource Conservation Service (NRCS) and Resource Conservation District (RCD) staff to provide expert advice to individual landowners on BMP implementation.
2. Stormwater program staff will ensure the City of Carpinteria's Phase II Stormwater Pollution and Prevention Plan (SWPP) (submitted for our review on August 8, 2003) includes all reasonable measures necessary to control nutrient runoff from residential areas.

The following discusses the solution's status to date. The Board's existing plan to reduce nonpoint source pollution requires dischargers to implement the best management practices to reduce the discharge of pollutants. The working group's focused solution plan seeks to implement BMPs on all irrigated agriculture in the Carpinteria Valley watersheds.

The Non-point source program encourages landowners to learn about appropriate BMPs. Therefore, the working group will work to have the Cooperative Extension present its Farm Water Quality Planning Short Course to the Carpinteria Valley agricultural landowners. Additionally, the working group will continue to work with the

Santa Barbara Flower Growers Association to ensure its members participate in the short course. Staff will meet with both groups (Cooperative Extension and the Flower Growers Association) in September to discuss and plan outreach and educational efforts.

The Board's agricultural water quality program will be another tool to reduce the discharge of pollutants from irrigated agriculture. As proposed, the program will require each landowner to prepare and implement a water quality management plan, which will describe site-specific BMPs for each farm or orchard. Water quality monitoring will demonstrate the plan's effectiveness. The working group will continue to provide information on the agricultural program to watershed working groups and individual landowners as needed.

The working group is drafting a letter to the appropriate landowners to inform them of the legal requirements to implement BMPs and inform them of the date and agenda for the forthcoming short course. The working group will continue to confer with the Flower Growers Association, in addition to other forums, to encourage all landowners to attend the short courses.

After mailing the letter, the working group will likely conduct a workshop with the landowners to clarify the letter, address any concerns, outline future steps, and answer questions. Similarly, our earlier solution to the problem of unregulated greenhouse discharges incorporated an initial letter followed with a workshop. As part of the greenhouse effort, the Regional Board appointed a subcommittee, which participated in the workshop and provided clarification of their goals and expectations. This combined approach was very successful, ultimately resulting in the near total elimination of discharges from all greenhouses in the area.

The working group will continue to meet regularly to specify the solution plan's details and identify and assign new tasks. As with the Greenhouse and Stormwater problem-solving projects, all work will be conducted within existing programs and funding sources. The working group will also

continue to provide updates to the Regional Board on a semi-annual basis.

Basin Plan Exemption for Septic Disposal, 5180 San Felipe Road, Hollister, San Benito County, [Matthew Keeling 805/549-3685]

On September 2, 2003, the Regional Board Executive Officer granted a Basin Plan prohibition exemption regarding separation to groundwater for an individual sewage disposal system. The applicant proposed a mounded septic system leach field design for a single family dwelling at 5180 San Felipe Road, north of Hollister. The subject property is approximately 16 acres. The County of San Benito, Division of Environmental Health (County Health) approved the initial design and forwarded the application to the Regional Board for final review and approval on July 30, 2003.

The proposed system was designed to accommodate shallow groundwater conditions (five feet below the ground surface) at the subject property. The system was designed in accordance with the State Water Resources Control Board's 1980 *Guidelines for Mound Systems*, and 1998 *Draft Guidelines for Mound Systems*. The proposed system was conservatively designed for a peak daily flow of 450 gallons per day with a 2,130 square foot (sq ft) mound basal area (a minimum 650 sq ft mound basal area was required). In addition, an equivalent reserve mound basal area of 2,130 sq ft was designated on the property. The owner is required to inspect the system every two years for solids buildup and pump the system as required. County Health staff will provide regular inspection and oversight of the sewage disposal system and will monitor the system after all rainfall events resulting in greater than one inch of precipitation.

The Executive Officer's exemption letter included standard approval conditions that prohibit exceeding flow limitations, and require notification of any changes in the volume, nature, or location of the discharge, or of any discharges threatening water quality or public health. County Health staff issued a final permit for the proposed system.

CLEANUP BRANCH REPORTS

Status Reports

Underground Tanks Summary Report dated September 9, 2003 [John Goni 805/542-4628 and Burton Chadwick 805/542-4786]

[See Attachment No. 1]

REGIONWIDE REPORTS

Total Maximum Daily Load Program [Lisa Horowitz McCann 805/549-3132]

Regional Board staff of the Watershed Assessment Unit continues to implement priority activities of the Total Maximum Daily Load (TMDL) Program.

Staff has initiated work on the TMDL project tasks to be completed during fiscal year 2003-2004 (projects identified in **Attachment No. 2**). Most of these projects focus on completion of TMDLs in development and initiation of preliminary studies for new TMDL projects. TMDLs nearing completion include Clear Creek and Hernandez Reservoir Mercury TMDL, San Luis Obispo Creek Nutrients and Pathogens TMDLs, Chorro and Los Osos Creeks Nutrients and Dissolved Oxygen TMDLs. New projects in the preliminary investigation phases include Salinas River Pathogens, Carpinteria Marsh multiple pollutants, Goleta Slough multiple pollutants, Santa Maria and Oso Flaco Nitrates, Santa Maria Bacteria, Pajaro River and Llagas Creek Salts, and Pajaro River Bacteria.

Additionally, staff in the Watershed Assessment Unit has assisted with development of the Replacement for Expired Waivers of Waste Discharge Requirements for Agricultural Discharges, as this will be instrumental for implementation and achievement of TMDLs.

The State Water Resources Control Board adopted the Basin Plan Amendments for the TMDLs for sediment in Morro Bay, Chorro Creek, and Los

Osos Creek, for sediment in San Lorenzo River, Carbonera Creek, Lompico Creek, and Shingle Mill Creek, and for pathogens in Morro Bay, Chorro Creek and Los Osos Creek. These Basin Plan amendments will be submitted to the Office of Administrative Law for final State approval within a few months. These amendments will become effective upon the date they are approved by the Office of Administrative Law. Subsequently, they will be submitted to USEPA for approval pursuant to Clean Water Act Section 303(d). In preparation for the State Board approval, the Executive Officer made minor, non-substantive changes to the Basin Plan amendment language for the Morro Bay Pathogen TMDL as authorized by Resolution No. R3-2002-0117 for this amendment. This change was made to make the language clear that the Regional Board will consider data and information from the Department of Health Services (DHS) when evaluating data and implementation progress, but is not obligated to alter implementation actions or issue requirements only when DHS makes a determination.

The changes are shown on **Attachment No. 3** and include: 1) Deleted the 5th sentence in the second paragraph in the "Implementation" box on the second page, "Additionally, if DHS determines shellfish standards are not met at the end of year three, Regional Board will consider that failure to achieve numeric targets." 2) Added the text denoted by italics and underline to the 4th sentence in the second paragraph in the "Implementation" box on the second page, as shown. "If at the end of year three, implementing parties fail to initiate these self-determined activities and/or resulting management practices fail to reduce bacterial loads and/or the numeric targets are not being met, then Regional Board staff will conduct inspections and investigations to identify individual responsible dischargers (e.g., landowners or public agencies)."

In the Executive Officer's report to the Board for the September 12, 2003 meeting, staff wrote that we would notify the implementing and responsible parties to remind them of the actions and schedules for which they are responsible, as soon as the State Board approves the implementation plans. However, staff prefers to wait until the Office of Administrative Law approves the TMDL implementation plans to send these letters, as the

requirements and time schedules in the plans become fully effective at that point. In the meantime, staff is involved in the following implementation activities.

Morro Bay Sediment TMDL

Morro Bay National Estuary Program (NEP) staff continues to manage and track grants and projects for sediment improvement. The most significant erosion and sedimentation control projects include landowner installation of rangeland best management practices (cross-fencing and water supply features to minimize erosion from current grazing practices by a private landowner; fencing to exclude cattle and revegetation of a riparian area on Walters Creek by Cal Poly), riparian/stream bank restoration (project on Los Osos Creek), and land acquisition and easements (Hollister Ranch recently acquired by the Department of Fish and Game). Additionally, the NEP is contracting bathymetry studies to monitor sedimentation in the bay, while Dominic Roques and Mark Angelo of the Regional Board Watershed Assessment Unit are developing in-stream sediment assessment methods that will be applied in Chorro and Los Osos Creeks.

Morro Bay Pathogen TMDL

The Los Osos Community Sewer project is progressing. The Morro Bay Volunteer Monitoring Program is collecting monthly samples from the creeks and the bay and analyzing them for bacteria indicators. The Mutt Mitt programs (for proper disposal of pet waste) in Morro Bay and Los Osos continue and have recently been augmented with Morro Bay NEP grant funds and a Regional Board ordered supplemental environmental project associated with an enforcement case. The rangeland best management practices projects, managed and tracked by the Morro Bay NEP staff for sediment improvement (mentioned above), are also anticipated to improve bacterial discharges to the creeks.

San Lorenzo River Sediment TMDL

Dominic Roques provided technical assistance to the City of Santa Cruz in finalizing design of their turbidity-monitoring program for San Lorenzo River. Dominic Roques and Mark Angelo will also apply in-stream sediment assessment methods in San Lorenzo River, once the methods are

developed. Dominic Roques, along with Todd Stanley (of the Northern Watershed Unit), recommended improvements to the Draft Storm Water Management Plans submitted to the Regional Board by the City and County of Santa Cruz. Bill Arkfeld will maintain oversight of timber harvest activities pursuant to the staff activities included in the Timber Harvest Framework. Lisa Horowitz McCann attended the first interagency advisory committee meeting for the Coastal Conservancy's Integrated Watershed Restoration Program to determine 1) the Regional Board's role in planning and implementing the road-related sedimentation and erosion control projects and fish restoration projects that are part of this program, 2) the level of participation by other agencies such as the County of Santa Cruz and the extent to which these activities overlap with TMDL implementation actions for these agencies, and 3) the Regional Board's role in assisting with development of monitoring for this program and the extent to which this monitoring effort overlaps with other monitoring needs of the Regional Board (e.g. Timber Harvest Plan effectiveness, relative impacts from timber harvesting, rural roads and construction, in-stream beneficial use impacts, San Lorenzo River TMDL compliance monitoring). Staff manages the following grant projects: Santa Cruz County Roads Cost Share: provides education, technical assistance and cost-sharing for private road maintenance and installation of best management practices; Clean Streams Program: implements a volunteer monitoring program from which data will be used to prioritize restoration areas in San Lorenzo River and four other watersheds in Santa Cruz County. Staff is also coordinating with the Santa Cruz Resource Conservation District to develop a scope of work for a newly awarded project to implement erosion and sediment control on roads in San Lorenzo River Watershed.

ADMINISTRATIVE REPORTS

[Presentations and Training \[Roger Briggs 805/549-3140\]](#)

On August 27, 2003, Sheila Soderberg and Burton Chadwick (Associate Engineering Geologists in the Cleanup Restoration and Underground Tanks

Units, respectively) conducted a GeoTracker Workshop for the Santa Barbara County Fire Department, Protection Services Division - Local Oversight Program (LOP). The workshop, requested by the Battalion Chief, (1) re-introduced the LOP to two of the Region's important GeoTracker outputs (the High Priority MTBE Sites List and Quarterly Water Purveyor's Report), (2) provided a detailed demonstration of GeoTracker data entry requirements, and (3) provided an example of how the reports are generated.

On September 27, 2003, Regional Board staff Engineering Geologists Linda Stone and Donette Dunaway, represented the Regional Board at San Luis Obispo creek day. Staff used a hands-on watershed model to deliver a non-point source pollution message and distributed general information about the Regional Board and its mission.

On October 3, 2003, a contingent of Regional Board staff attended, "The Regulatory Craft, Problem Solving at the SWRCB and Regional Boards" training by Malcolm Sparrow, author of "The Regulatory Craft."

Katie McNeill presented the results of the Morro Bay National Monitoring Program (NMP) at the

annual workshop for Clean Water Act, Section 319, National Monitoring Program projects. The presentation discussed how the rangeland best management practices implemented in the Morro Bay watershed improve water quality. The workshop was held September 8-11 in Detroit, Michigan. North Carolina State University, Water Quality Group, paid for the trip. They are funded by USEPA to coordinate NMPs and provide technical assistance to all NMP projects.

On October 3, 2003, several staff attended training in Davis by Malcolm Sparrow on his problem-solving approach, as described in his book, *The Regulatory Craft*.

I learned a few things about desal by my participation in the Statewide Desal Task Force (most recently in Sacramento September 24 and 25). I will mail Findings and Recommendations from the Task Force to the Board. State Board Member Gary Carlton sat in for Pete Silva for most of the last session of the task force. We will be bringing a few desal permits to you as those proposed facilities progress in our region.

ATTACHMENTS

1. Underground Tanks Summary Report dated September 9, 2003.
2. TMDL Program Projects to be Completed during Fiscal Year 2003/2004
3. Proposed Basin Plan Amendments for TMDLs