

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

**STAFF REPORT FOR REGULAR MEETING OF October 23, 2009**  
Prepared on September 1, 2009

**ITEM NUMBER:** 15

**SUBJECT:** **Proposed Modification to the Settlement Agreement with the Goleta Sanitary District**

**KEY INFORMATION**

Location: Goleta Wastewater Treatment Plant  
Type of Facilities: Municipal Wastewater Treatment  
Type of Waste: Domestic & Industrial Wastewater  
Existing Orders/Permit: Order No. R3-2004-0129, NPDES Permit No. CA0048160  
**This Action:** **Approve Settlement Agreement Modification**

**SUMMARY**

This action will modify the existing settlement agreement between the Regional Water Quality Control Board, Central Coast Region (Water Board) and the Goleta Sanitary District (District). The District requested a modification to the settlement agreement conversion schedule to address unforeseen issues raised during the California Environmental Quality Act (CEQA) process. The District requested an additional 18 months to complete the CEQA process. The District does not anticipate the delay in completing CEQA will impact any other conversion schedule due dates or slow the overall upgrade of the wastewater treatment plant.

**DISCUSSION**

The Water Board and the District entered into a settlement agreement in 2004 stipulating that the District upgrade its treatment plant to meet full secondary treatment standards within 10 years. The Water Board agreed to renew the District's 301(h) waiver as long as the District upgraded the treatment plant to full secondary. The settlement agreement includes a conversion schedule with compliance dates for the District.

Water Board staff received a request on October 20, 2008, from the District to invoke the force majeure provisions of the settlement agreement between the District and the Water Board regarding conversion of the District's wastewater treatment plant to meet secondary treatment standards. As the District outlined in its October 20, 2008 letter, the initial CEQA documentation for the plant upgrade indicated that a mitigated negative declaration would satisfy the CEQA process. Since completion of the draft CEQA documents, the initial design process revealed that footings and foundations would extend below the level of existing fill. Due to the presence of archeological sites in the area, the District has to conduct archeological studies and may have to develop an environmental impact report (EIR).

The Executive Officer responded to the District's request on October 24, 2008, requesting that the District submit a proposed revised conversion schedule. The District submitted a proposed revised conversion schedule on January 30, 2009. The original settlement agreement conversion schedule required that the District submit final CEQA documentation by January 31, 2009. However, with the additional information regarding potential archeological studies and EIR preparation, the District requested a revision to the settlement agreement conversion table and proposes submitting final CEQA documentation by June 30, 2010. The overall project schedule will not be affected by the delay in CEQA document submittal.

Section F.5 of the settlement agreement indicates that the agreement may not be altered, amended, or otherwise changed except after a public meeting. The Water Board may, on a case-by-case basis in a public meeting, delegate to the Executive Officer the authority to approve and sign on behalf of the Water Board written amendments to the agreement.

### **RECOMMENDATION**

Approve modification to the settlement agreement conversion schedule CEQA document delivery date to June 30, 2010, as highlighted on page 5 of the attachment to this staff report.

### **ATTACHMENT**

1. Settlement Agreement with Proposed Modified Conversion Schedule