Draft Resolution No. R3-2005-0013, Attachment 4

REPORT FOR BASIN PLAN AMENDMENT

(DRAFT RESOLUTION NO. R3-2005-0013)

The Central Coast Regional Water Quality Control Board (Water Board) is proposing an amendment to the Water Quality Control Plan (Basin Plan). The Basin Plan serves as the cornerstone for water quality protection through identification of beneficial uses of surface and groundwaters, establishment of water quality objectives to protect beneficial uses, and establishment of an implementation plan to achieve those objectives.

The project consists of a ministerial clerical amendment and is exempt from the California Environmental Quality Act (CEQA). The environmental analysis contained in this Report for Basin Plan Amendment and accompanying documents, including the Environmental Checklist, the staff report and the responses to comments complies with the requirements of the State Water Board's certified regulatory process, as set forth in California Code of Regulations (CCR), Title 23, section 3775 et seq. All public comments were considered.

I. DESCRIPTION OF PROPOSED ACTIVITY

This section describes the changes proposed and alternatives to this proposal. The purpose of this amendment is to rescind Resolution No. 73-5 and the applicable section of Resolution No. 84-04.

On December 14, 1973, the Central Coast Water Board adopted a policy regarding beneficial use of oil field waste materials in the Santa Maria Valley (Resolution No. 73-5, Basin Plan Appendix A-16). Subsequently, on November 17, 1989, the Water Board expanded that policy to apply throughout the region (Resolution No. 89-04, Basin Plan Appendix A-17).

Resolution No. 73-5 limited oil field waste material reuse to:

(a) clean, fresh-water drilling mud removed from the drilling of an oil well prior to the time that the first production string of casing is installed, and
(b) clean oil, not mixed with contaminants such as salt brines or toxic materials.

More than a waiver of waste discharge requirements (WDRs), provisions in Resolution No. 73-05 included (1) requiring regional boards to approve sites suitable for disposal of different kinds of liquid waste (based on former, now repealed, California Water Code [CWC] sections 14040 and 14041); (2) a mandate that **all** oil field waste be disposed of at Class I or Class II facilities; and (3) identification of a specific procedure under which the Executive Officer may waive waste discharge requirements for beneficial use of fresh-water drilling mud and clean oil.

Staff recommends repealing Resolution No. 73-05 and the applicable portion of Resolution No. 89-04, because staff is proposing adoption of updated waste discharge requirements and a general waiver that supercede the older resolutions. The key findings of the old resolutions are out of date and conflict with newer laws and regulations. The subject Basin Plan resolutions limit the reuse of oil field waste more stringently than needed to protect water quality. Additionally, other provisions of the Basin Plan, as well as other applicable laws and regulations, provide the water quality protection provided by Resolution No. 73-05.

Alternatives to this proposal include:

1. Incomplete adoption of the proposed amendment.

For example, the Water Board could amend only a portion of Resolution No. 73-05, such as deleting references to the now repealed, former CWC sections 14040 and 14041. This alternative is not recommended, because adequate water quality protection from discharges of oil field waste is provided under other provisions of the Basin Plan, laws and regulations. Basin Plan provisions must be implemented in waste discharge requirements and waivers of waste discharge requirements. Some Basin Plan water quality objectives that protect ground water and fresh surface waters from oil field waste include prohibition of discharge of toxic chemicals in toxic amounts, discharge of hazardous wastes in excess of maximum contaminant levels and discharge of chemicals imparting undesirable tastes and odors. Ocean Water Quality is protected by water quality objectives in the State Water Board's Ocean Plan, which is incorporated into the Basin Plan. The Basin Plan contains other water quality protections, including a prohibition against the discharge or oil or any residual products of petroleum except in accordance with waste discharge requirements or other provisions of the Porter-Cologne Act. (Basin Plan, Chapter V., section IV.A.)

In addition, the Toxic Pits Cleanup Act stringently regulates discharges of liquid hazardous wastes to surface impoundments. CCR Title 23, Chapter 15 and Title 27 provide detailed regulation for storage and disposal of hazardous and non-hazardous wastes to land.

In the case that the Water Board would authorize the reuse of specific kinds of petroleum wastes, the intent is that there not be a disposal or discharge to ground or surface waters. Any waste discharge requirements or waiver would be drafted to assure that reuse is carried out so that there will be no discharges in violations of water quality objectives and prohibitions.

2. Take no action.

This alternative is not recommended, because Resolution No. 73-05 is sorely outdated and conflicts with newer laws and regulations, and the proposed waste discharge requirements and waiver that Water Board staff is separately recommending. Staff has prepared appropriate CEQA documents for those actions. In addition, Resolution No. 73-05 should be repealed because its waiver portion has already be repealed by statute. The remaining requirement that all oil field waste be disposed at a Class I or Class II facility is too rigid and is not necessary to reasonably protect water quality.

II. APPLICABLE INFORMATON:

1. **Lead Agency Name and Address:**

   Central Coast Water Board
   895 Aerovista Place, Suite 101
   San Luis Obispo, CA 93401-7906

2. **Contact Person and Phone Number:**

   Sheila Soderberg (805) 549-3592

3. **Project Location:**

   Central Coast Region

4. Project Sponsor's Name and Address:

Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

5. Other Public Agencies whose Approval is Required:

U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers, Interstate Oil and Gas Compact Commission; California Department of Fish & Game; California Department of Conservation, Division of Oil, Gas and Geothermal Resources Santa Maria and Coalinga Offices; California Department of Transportation; California Department of Toxic Substances Control; California Office of Health Hazard Assessment; California Air Resources Board; Santa Barbara County Planning and Development; Santa Barbara County Energy Division; Santa Barbara County Petroleum Division; Santa Barbara County Fire Protection Division; Santa Barbara County Health Department; Santa Barbara County Air Pollution Control District; San Luis Obispo County Planning and Building; San Luis Obispo County Fire Department; San Luis Obispo County Health Department; San Luis Obispo County Air Pollution Control District; Monterey County Planning and Building; Monterey County Fire Department; Monterey County Health Department; Monterey County Air Pollution Control District; Santa Clara County Planning and Building; Santa Clara County Fire Department; Santa Clara County Health Department; Santa Clara County Air Pollution Control District; San Benito County Planning and Building; San Benito County Fire Department; San Benito County Health Department; San Benito County Air Pollution Control District; City of Santa Maria Planning Department; City of Santa Maria Fire Department; City of Goleta Planning Department; City of Goleta Fire Department; Santa Barbara City Planning Department and Santa Barbara City Fire Department.

ENVIRONMENTAL CHECKLIST

II. EVALUATION OF ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	☐	☐	☐	☒
2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
4. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
6. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	☐	☐	☐	☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
7. HAZARDS AND HAZARDOUS MATERIALS Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
8. HYDROLOGY AND WATER QUALITY - Would the project**:**				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

b) Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
9. LAND USE AND PLANNING Would the project**:**				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
10. MINERAL RESOURCES -- Would the project				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally -important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
11. NOISE Would the project result in				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
12. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

13. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒
14. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
15. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
16. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
17. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

III. ENVIRONMENTAL EVALUATION (of checklist questions answered Potentially Significant Impact, Less than Significant with Mitigation Incorporation, or Less than Significant Impact): not applicable.

See Resolution No. R3-2005-0013 attached.

Signature _____ Date _____

Printed name _____ Title _____

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