



California Regional Water Quality Control Board

Central Coast Region



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Protection

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Arnold Schwarzenegger
Governor

MINUTES OF
REGULAR MEETING
Friday, October 22, 2004
Regional Water Quality Control Board

Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:36 a.m. on October 22, 2004, at the Santa Barbara County Supervisors Board Hearing Room, 105 East Anapamu Street – 4th Floor, Santa Barbara, California.

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

Board Members Present:

Chairman Jeffrey Young
Vice Chair Russ Jeffries
Leslie Bowker
Bruce Daniels
Gary Shallcross
Don Villeneuve

Absent:

Daniel Press

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. Supplemental sheets are as follows: Items

2a, 9, 10, 11, 12, 13, 19, 22, and 23. Mr. Briggs introduced our State Board Liaison, Gary Carlton.

2a. Resolution of Appreciation for the Los Osos Community Services District Resolution No. R3-2004-0164

Chairman Young and Executive Officer Briggs presented Bruce Buel and the Director's of the Los Osos Community Services District with a

resolution that recognized all the hard work done thus far on the Los Osos Wastewater Project.

MOTION: Bruce Daniels moved to adopt Resolution No. R3-2004-0164. SECONDED by Russell Jeffries. CARRIED – Unanimously (6-0)

3. Approval of September 10, 2004 Meeting Minutes Board Motion

MOTION: Russell Jeffries moved to approve the September 10, 2004 meeting minutes. SECONDED by Leslie Bowker. CARRIED – Unanimously (6-0)

4. Report by State Water Resources Control Board Liaison..... Gary Carlton

State Board Liaison, Gary Carlton, reported on efforts by the State Board to revise the statewide

Ocean Plan. Revisions to the Ocean Plan included changing the indicator organism, setting standards

California Environmental Protection Agency

for bacterial contamination, and including a procedure for doing a reasonable potential analysis of available data when issuing discharge permits. The State Board has adopted statewide guidance documents for 303d lists. The State Board is also actively working on ASBS (Areas of Special Biological Significance). Mr. Carlton also participated with Board Member Daniels to award a Clean Beaches Grant for \$1 million to the City of Santa Cruz for their storm water projects. State Board staff is also proceeding with the allocation of resources (PY's) for implementation of the waiver program. Mr. Carlton noted that the Water Quality Coordinating Committee will be meeting in Ontario on October 25, 2004. Board Member Daniels asked about the Ocean Plan and

substances that do not break down and others that are sequestered in tissue. What would the appropriate levels be for these constituents? Development of the procedure of the reasonable potential analysis should address these constituents. Mr. Briggs asked about the California Performance Review and the Commission's recommendation for the Regional Boards. Mr. Carlton reported that the Commission expressed verbal support of the State Board and Regional Board structure. The Commission is in the process of writing their position. Mr. Carlton provided additional information on ASBS discharges.

5. Uncontested Items CalendarBoard Motion

Items 10 and 12 were pulled off the consent calendar for discussion.

MOTION: Russell Jeffries moved to approve Items 13, 14, 15, and 16 for the consent calendar. SECONDED by Bruce Daniels. CARRIED – Unanimously (6-0)

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

Colony Associates, Portola & West Frontage Roads, Atascadero, San Luis Obispo County:

Staff Associate Engineering Geologist, Corey Walsh, responded to Regional Board questions concerning staff's recommendation to close the underground storage tank case. Regional Board Member Bruce Daniels requested clarification on the temporary monitoring well detection of 78 micrograms per liter (µg/L) benzene. Mr. Walsh indicated that the detection was from a May 19,

2004 investigation well point used to evaluate residual hydrocarbon contamination extent. The well point was located between the source area and a permanent well that had been "non-detect" for benzene over the last four years and could not be re-sampled. Mr. Walsh noted that benzene was the only constituent observed above cleanup goals, that the benzene detection was likely the result of suspended sediments observed in the sample, and therefore, the one-time sample was not representative of overall site conditions.

7. Perchlorate CasesStatus Reports

A written report was submitted for this item. A full report will be given at the December 2004 Board meeting.

8. Corrective Action Plan Approval [John Goni 805/542-4628]Status Report

Former Terrible Herbst Station No. 100, 1140 Broadway, King City, Monterey County:
A written report was submitted for this item.

9. Enforcement Report [Gerhardt Hubner 805/542-4647].....Status Report
 A written report was submitted for this item. A supplemental sheet was included for this item.

10. City of Santa Barbara El Estero WWTP, Santa Barbara CountyOrder No. 2004-0122

Mr. Daniels asked staff if the average dry weather peak flow cited in Finding No. 6 was intended as wet weather flow, and whether the correct dilution ratio was used for the Discharge Specification Tables in Order Attachment B.

Chairman Jeff Young questioned the accuracy of Order Finding No. 20, noting his belief that oyster harvesting was conducted at offshore commercial leases in the area of the discharge, in contrast to the Finding. The last statement of Finding No. 20 was removed due to uncertainty.

Staff responded that the dilution ratio used in Order Attachment B was correct. Ms. Rebecca Bjork, of the City of Santa Barbara, confirmed that Finding No. 6 was correctly stated. Mr. Daniels asked Ms. Bjork to comment on the City's activities over the past 12 months as related to the operation and maintenance of the City's wastewater collection system.

With the above change to Finding No. 20, and those changes recommended in the Staff Report and Supplemental Sheet for this item, the Regional Board unanimously adopted the Order.

MOTION: Bruce Daniels moved to approve Order No. 2004-0122. SECONDED by Gary Shallcross. CARRIED – Unanimously (6-0)

11. Wastewater Collection Systems Tributary to the El Estero WWTPOrder No. 2004-0123

Ms. Kira Schmidt of Santa Barbara Channelkeeper had previously requested that this item be removed from the Consent Calendar. Ms. Schmidt requested clarification as to why an NPDES permit wasn't a more appropriate means of regulating the tributary wastewater collection system owned and operated by the County of Santa Barbara Public Works Department. Regional Board legal counsel Lori Okun provided clarification on staff's rationale. Assistant Executive Officer Brad Hagemann, and Regional Board NPDES Program Manager/Supervisor Harvey Packard provided comment on the State Board's efforts toward establishing a statewide general permit. Mr. Daniels requested that Ms. Okun review the question of using NPDES permits versus WDR for the regulation of tributary or satellite wastewater

collection systems. Ms. Okun will provide additional comment at a regularly scheduled Regional Board meeting in early 2005.

Ms. Schmidt requested that part of staff's response to Channelkeeper's written comments, as noted in the Supplemental Sheet for this item, be incorporated into the final WDR. Staff concurred with this suggestion, and recommended that the phrase "already present" be inserted into Prohibition No. A.2.

With the above change to Prohibition A.2, and those changes recommended in the Staff Report and Supplemental Sheet for this item, the Regional Board unanimously adopted the Order.

MOTION: Gary Shallcross moved to approve Order No. 2004-0123 to include the staff recommended insertion of the words "already present." SECONDED by Les Bowker. CARRIED – Unanimously (6-0)

(Chairman Young announced a break at 10:30 a.m. The meeting reconvened at 10:40 a.m.)

12. Moss Landing Power Plant, Monterey County.....Order No. 2004-104

Staff did not provide a formal presentation, but said they were available to answer Board questions or respond to public comment.

Carolyn Nielson reiterated comments she had mailed earlier. Her concerns deal with impacts to the benthic community from the NPDES-permitted discharge from the power plant. Senior Engineer Harvey Packard replied that staff had not evaluated Ms. Nielson's comments but they were not pertinent to the proposed order, which deals only with hazardous waste impoundments. When the NPDES permit is considered for reissuance in 2005, evaluation of impacts of the discharge to Monterey Bay will be appropriate.

Board Member Daniels asked staff to make sure that the Technical Work Group receive Ms. Nielson's comments and consider them appropriately.

Chair Young asked if Elkhorn Slough was an ASBS, and if not, why not. Executive Officer Briggs replied that it was not an ASBS, but was protected through other programs. Chair Young asked staff to report back to the Board on the process of establishing a new ASBS in the area of the power plant and the potential implications of such an action on the power plant.

Board member Villeneuve asked if the Technical Work Group (TWG) could review Ms. Nielson's comments prior to NPDES permit reissuance. Mr. Briggs explained that Ms. Nielson's comments would be reviewed prior to the NPDES permit reissuance, but the technical experts were still busy with the Diablo Canyon and Morro Bay power plant permits. Mr. Briggs advised that it would be best to let the TWG finish with those projects first.

MOTION: Gary Shallcross moved to adopt Order No. 2004-104. SECONDED by Russell Jeffries. CARRIED – Unanimously (6-0)

17. Status Report on Landfills in Santa Barbara County.....Information Item [Hector Hernandez 805/542-4641]

Executive Officer Roger Briggs provided the Regional Board a status report prepared by Water Resources Control Engineer Hector Hernandez, project manager for several active and inactive municipal solid waste landfill sites in Santa Barbara County. The status report summarized the most significant site activities and accomplishments concerning each individual landfill site, and informed the Regional Board of major developments since the last status report concerning Santa Barbara County landfill sites (April 19, 2002).

Doug Herthel (President of POLO) addressed the Regional Board concerning Santa Barbara's proposal to "clean-close" the Santa Ynez Airport Landfill. Mr. Herthel mentioned that Santa Ynez residents do not want the County to "clean-close" the landfill. Residents are concerned with

potential health affects associated with excavation activities. According to Mr. Herthel, the landfill site was filled prior to any of the existing regulatory controls and there is no assurance that hazardous/toxic waste was not landfilled at that location. Mr. Herthel also addressed his concerns with the existing groundwater impacts associated with the landfill. He indicated the County should be required to close the landfill site in-place and cleanup the existing groundwater impacts via the installation of a gas system or other acceptable remedial technologies. He indicated that although the County is presently preparing an environmental impact report (EIR) concerning the proposed project, the public perception is that the County is excluding/ignoring public concerns.

Mrs. Jan Crosby (Concerned Resident) addressed the Regional Board and stated that she would like

the Regional Board's support in ensuring the Santa Ynez Airport Landfill is not disturbed. She would like the County to construct a proper cap (in-place closure) and remediate the landfill in-situ. Ms. Crosby also expressed her interest in remaining involved in the process as the County proceeds with the EIR process.

Hector Hernandez stated that the County must evaluate between multiple closure options for the Santa Ynez Airport Landfill and is in the process of complying with its CEQA responsibilities by preparing a full EIR for the project. Once the EIR is finalized, the County Board of Supervisors will determine whether they want to proceed with the clean-closure option or close the landfill in-place. As soon as a decision is made, RWQCB staff will work with the County to implement the selected project. From a regulatory perspective, both options (clean-closure or capping in place) are acceptable corrective action methods for this landfill. However, strictly from a water quality perspective, Regional Board staff believes the preferred or superior alternative is clean-closure, as it removes the source of contamination, expediting groundwater cleanup. However, regardless of which alternative we (RWQCB staff) prefer, the County must make the decision on how it will proceed, and must select an alternative before the closure can be addressed. RWQCB staff will work with which ever project the County proposes. RWQCB staff intends to participate in the CEQA process and will provide water quality-related comments when the EIR document is received.

Phillip Demery (S.B. County Public Works Director) clarified the County's perspective on this matter. Mr. Demery mentioned the County is doing its best to involve the community throughout its decision-making process. The County completed a Negative Declaration concerning the proposed clean-closure project. However, to address public concerns, the County has decided to prepare a full EIR.

Mr. Demery also mentioned the proposed clean-closure project is being pursued by the County because it would allow the County to consolidate the waste at Foxen Canyon Landfill. By doing this, the County would be have one less landfill to

worry about and will expedite final closure at the Foxen Canyon Landfill. However, the purpose of the EIR is to determine which alternative is superior, not only from a water quality perspective, but from an overall environmental perspective. Once the EIR is complete and the County Board of Supervisors approves a project, the County will proceed with the selected project.

Hillary Hauser (Heal The Ocean) addressed the Regional Board concerning the Tajiguas Landfill. Hillary asked that all groundwater monitoring results from all of the new wells be included in the County's Semi-annual Monitoring Reports. Ms. Hauser requested that Regional Board staff explain why only three of the five wells recently installed by the County are being monitored for water quality purposes, and that she would like to see all five wells tested. She also asked, "How much standing water remains in leachate wells". Ms. Hauser also expressed that she would like to see landfill dewatering data in the semiannual reports, as well.

Mr. Hernandez (RWQCB staff) indicated the County is collecting water level data from all five wells. However, only three of the five wells are required to be monitored for water quality purposes. Regional Board staff agreed with the County that it is only necessary to test three of the five wells. The two wells that are not tested, are located such that they water quality data would not provide any added information, in that they are down-gradient from non-detect wells.

The County installed the five wells in compliance with Regional Board directive. The three wells are to be tested two consecutive quarters (already done) and all five wells will be monitored for water level data for the purpose of confirming groundwater gradients near the collection trench at the toe of the Landfill. Based on results from the previous two quarters, the groundwater gradients are confirmed to be directly towards the collection trench. Thus, there is no indication of offsite migration via alternate flow paths. Also, water quality data indicates no detection of any volatile organic compound (VOC) in any of the samples. Based on these results, the County is no longer required to test these wells for water quality, but will continue to monitor them for water level data.

The County is collecting and reporting water/leachate level data. However, County staff can best address this issue.

Mr. Mark Zuber (County staff): In response to several questions from the Regional Board members concerning the water levels in the landfill, Mr. Zuber indicated the County is implementing a leachate reduction and recovery management plan. Based on recent leachate data, it appears the VOC levels in the collection trench are showing a declining trend. He also confirmed that leachate level data is being collected and reported in the monitoring reports submitted to the Regional Board. He further indicated that the County is presently using five (5) leachate wells to monitor and extract leachate from its landfill. Also, the County is considering installing two (2) additional extraction wells in the near future.

In response to inquiries about how the collected leachate is being managed, Mr. Zuber indicated the County collects all leachate and pumps it to onsite storage tanks. The leachate is then used onsite for dust control purposes.

Mr. Hernandez (RWQCB Staff) added that through implementation of its leachate plan, the County is required to de-water the landfill to the extent feasible. If the existing leachate management measures/controls prove ineffective, the County will be required to implement additional, more aggressive leachate recovery measures.

Concerning the disposal of leachate issue, Mr. Hernandez indicated the concentrations of VOCs in the leachate are so low that spraying for dust control purposes is deemed safe and appropriate. Further, the leachate is sprayed in a controlled manner to minimize any infiltration and run-off.

Phillip Demery (S.B. County Public Works Director) also addressed the issue by indicating the County is doing its best to reduce the volume of water/leachate collected within the landfill waste mass. Mr. Demery expects that the construction of the expansion area in the landfill's back-canyon area will significantly reduce the volume of water entering the waste mass.

Regional Board members voiced concerns regarding the existing groundwater impacts at the

City of Santa Maria Landfill. They also questioned whether the City was closing its unlined areas as expeditiously as possible.

Mr. John Robertson and Hector Hernandez (RWQCB staff) addressed these concerns as follows:

Mr. Robertson stated that the City of Santa Maria is required to close its inactive unlined, landfill area within by 2008. To achieve final slope configurations (for drainage purposes), the City is importing non-hazardous impacted soils (petroleum impacts soils) and using these soils as the foundation layer for its final cover system. The City needs the material to construct the proper final cover slopes, thus promoting runoff and minimizing surface water infiltration through the final cover system. Mr. Hernandez indicated the City is making good progress in its rolling-closure efforts. The landfill site is large (118-acres) and because of the need to create proper slopes, extremely large volumes of material are needed. Further, the City's NHIS program is helping cleanup hundreds of oil field sumps throughout the Santa Maria Valley. The city is using the revenue gained from its NHIS program to fund the ongoing rolling closure and the construction of a sports complex on the older part of the landfill. Mr. Robertson indicated that the rolling closure is being implemented as rapidly as possible, with Landfill's closure at approximately 40 percent complete, eighteen months through a five-year closure program for the inactive area.

Mr. Hernandez stated that historic groundwater impacts associated with the City of Santa Maria are very significant. The existing groundwater plume extends over 2000 feet from the landfill area. Mr. Robertson stated that the concentrations in groundwater have been steadily decreasing. Recent groundwater results indicate the plume is shrinking and concentrations decreasing. The VOC decreases are largely attributed to the extensive gas collection system, ongoing rolling closure activities and, to some degree, dilution. Dilution of existing groundwater concentrations may be occurring because the Landfill site sits directly over a major recharge for the Santa Maria Valley and groundwater is very shallow in this area. In summary, the plume appears to be shrinking, and VOC levels in groundwater are decreasing. Thus, there is no immediate need for more aggressive remediation. Regional Board

staff will continue to monitor both rolling closure progress and the groundwater data from this site.

(Chairman Young announced a break for lunch and Closed Session at 12:00 p.m. The meeting reconvened at 2:05 p.m.)

18. Permeable Surfaces Improve Water Quality Information Item

Mr. Owen Dell, of County Landscape and Design, gave a presentation on sustainable environmental development practices. In the presentation Mr. Dell gave examples of commendable projects that he has worked on at his business, as well as other excellent examples from local projects that serve as a model for future sustainable development. Mr. Dell specifically referred to the University of California at Santa Barbara Manzanita Student Housing project as a project that implements bioswales, a sustainable development practice, to remove pollutants from storm water runoff. Regional Board members recognized the Manzanita project, as they had toured this project with Mr. Wayne Ferren during the last Regional Board meeting held in Santa Barbara on October 23, 2003. Regional Board members asked about various sustainable development techniques brought up during Mr. Dell's presentation, including permeable concrete, bioswales, soil moisture sensors and timers that minimize water use. In response to a question, Mr. Dell stated that permeable concrete was cheaper to construct than

impermeable concrete due to the lack of a need for an incorporated drain system in the pervious design. Mr. Dell stated that including sustainable techniques as part of development projects was hindered by local building code ordinances. For example, Mr. Dell was at first stymied in his attempts to build a permeable concrete driveway at his house by a local city ordinance that required driveways to be constructed out of impermeable concrete or asphalt. Mr. Dell expended efforts to overcome this obstacle and gave examples of how his permeable driveway eliminates runoff. As part of Phase II Municipal Separate Storm Sewer (MS4) Permits, municipalities will require that new developments and redevelopments incorporate Best Management Practices (BMPs) in order to minimize runoff. More information regarding the State's General MS4 Permit, including the General Permit, and a Frequently Asked Questions page, can be found at: http://www.swrcb.ca.gov/stormwtr/phase_ii_municipal.html

16. Public Forum Board Direction

No commentary was presented to the Board.

23. Executive Officer's Report Information/Discussion

Clint Quilter, Hollister's City Manager, explained in detail uses of city sewer improvement funds over the last few years. He said that the city's original idea was to upgrade the existing treatment plant, and the city spent money on doing that, but eventually realized that a new plant would be needed to meet nitrate effluent limitations. Mr. Quilter said that the city currently had \$16.1 million to implement long-term improvements, and that the current estimate for the whole project was \$34 million. Mr. Quilter also stated that the city, county water district, and county are meeting and

adopted a statement of intent last week. Hollister will proceed with a bond sale to raise the money needed for long-term improvements after effluent discharge options are resolved.

Board members Jeffries and Daniels had several questions for Mr. Quilter on the city's accounting practices relating to this project. Mr. Shallcross inquired about the current status the improvement projects. Mr. Quilter said that because of regional issues the city may need to request an extension to the October 15, 2005 deadline for finishing the

project. He said that if they did ask for an extension, he would be accompanied by the county and the county water district. Mr. Shallcross said he thought an extension would be appropriate if

the city's arguments for it were reasonable. Mr. Jeffries commended Mr. Quilter for good work in a challenging environment.

19. Reports by Regional Board MembersStatus Report

The Board discussed follow-up on the Arana Gultch tour and some of the problems in that area.

20. Board Meeting Schedule for 2005 Board Approval

The Board requested that Executive Officer Briggs collect additional date information on Board

member schedules and resubmit the calendar at the November meeting.

21. Adoption of Resolution Appointing Hearing Panel.....Resolution No. R3-2004-0168

Executive Officer Briggs recommended that the Board appoint a hearing panel to allow the Board to conduct as much business as possible without a

quorum if Board members are not appointed or re-appointed by November 29, 2004.

MOTION: Bruce Daniels moved to approve Resolution No. R3-2004-0168. SECONDED by Les Bowker. CARRIED – Unanimously (6-0)

22. Staff Organization, Budget/Funding Status.....Information Item

Board staff member Brad Hagemann summarized fiscal year 2003-2004 key Program achievements relative to Program workplans and priorities. He also highlighted program priorities for fiscal year

2004-2005; summarized any changes in budget and/or staffing levels; and reviewed the office-wide organizational chart.

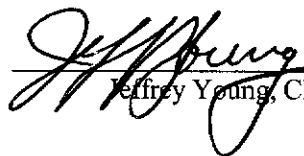
23. Executive Officer's Report (continued).....Information/Discussion

Board Member Daniels reported that he heard a report that Moss Landing Marine Lab was filling

wetlands without permits and asked staff to research the issue.

Chairman Young adjourned the public meeting at 4:07 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its December 3, 2004 meeting in San Luis Obispo, California.



Jeffrey Young, Chairman