



# California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger  
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## MINUTES OF REGULAR MEETING Friday, October 21, 2005 Regional Water Quality Control Board

Chairman Jeffrey Young called the meeting of the Central Coast Water Board to order at 8:30 a.m. on Friday, October 21, 2005, at the Santa Barbara County Supervisors Board Hearing Room, 105 East Anapamu Street – 4<sup>th</sup> Floor, Santa Barbara, California.

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

**Board Members Present:**  
Chairman Jeffrey Young  
Vice-Chair Russell Jeffries  
Leslie Bowker  
Monica Hunter  
Daniel Press  
Gary Shallcross

**Absent:**  
John Hayashi

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. Gerald Secundy, State Board Liaison, was unable to attend the meeting due to a schedule

conflict. Supplemental Sheets and Question and Answer document items are: 6, 7, 9, 10, 11, and 14. Item No. 13/Monarch Grove ACL will be addressed at the December Board meeting.

3. Approval of September 9, 2005 Meeting Minutes ..... Board Motion

**MOTION:** Russell Jeffries moved to approve the September 9, 2005 meeting minutes.  
**SECOND:** Leslie Bowker  
**CARRIED:** Unanimously – (6-0)

5. Uncontested Items Calendar ..... Board Motion

**MOTION:** Russell Jeffries moved to approve the consent calendar to include items 9, 16, 17 and 18.  
**SECOND:** Daniel Press  
**CARRIED:** Unanimously – (6-0)

**6. Guadalupe Settlement Fund: Status of Cooperative Monitoring Program's Phase I Contract and Student Staffing Support for the Agricultural Regulatory Program in 2006** ..... Update and Board Approval

Water Board Staff Environmental Scientist, Alison Jones, gave a brief update on the Cooperative Monitoring Program's progress and challenges in implementing the first year of agricultural water quality monitoring required by the Conditional Waiver for Irrigated Lands. The program has completed nine months of water quality monitoring, but has had some organizational problems, resulting in higher administrative costs than originally anticipated. The administrative task will have a shortfall by the end of the year. However, other tasks have excess funds. The existing contract provides staff with discretion to move up to \$40,000 between tasks, but sets a cap of 10% of any single line item or task. Alison Jones requested additional flexibility, to allow staff to move up to \$100,000 and up to 50% of any line item or task. With the additional flexibility, the program will be able to complete the required work without additional funds.

Water Board Staff Environmental Scientist, Jill Wilson, presented a request for \$30,000 to provide student support during 2006. The \$30,000 represents a 50% increase over the amount allocated for 2005, allowing for more student hours and providing a small raise in pay. Delegating administrative duties, such as database upkeep and management, filing and record retention, and outreach support to students, frees up staff for more technical work and is crucial to the long-term success of the agricultural regulatory program.

**Public Comment:**

Kirk Schmidt, the new Executive Director of Central Coast Water Quality Preservation, Inc. (CCWQP), spoke in support of staff's recommendation for amending the Phase I contract. He concurred with staff's assessment of some of the challenges faced by the program and assured the Board that the Cooperative Monitoring Program was working to address them. Mr. Schmidt also noted that Dave Paradies has been

extremely helpful in preparing the participant mailing list and creating a billing system for CCWQP. Mr. Schmidt mentioned organizational changes and other issues that CCWQP will consider in moving forward with Phase II. He mentioned a minor dispute between CCWQP and Grower-Shippers regarding \$12,500. Grower-Shippers initially received the monitoring grant funds before CCWQP was formed and then passed funds to CCWQP. Grower-Shippers retained \$12,500 as a fee for handling the funds, and asking them to return the funds presents an awkward situation between Boards. Chairman Young asked if the Board could help resolve the dispute. Mr. Schmidt said the dispute is between the two Boards and probably could only be resolved by a gift of \$12,500 from Grower-Shippers. Board Member Bowker asked Mr. Schmidt if CCWQP was cutting back on outreach. Mr. Schmidt said there had been good response to outreach, but it needed to be in a different format. He also noted that they will be including researchers in their technical advisory group for the Phase II grant and this will benefit the program.

**Board Questions and Discussion:**

Chairman Young asked Jill Wilson how data is checked (are there QA/QC procedures?), and whether students check each other's work in data entry. Jill Wilson responded that students check their own work, and the database has tools to screen for errors and duplicates.

Board Member Shallcross asked if there was a problem with student retention. She responded that there was not, but that we want to provide incentive to retain excellent students.

Board Member Press asked Ms. Jones whether the percentage would apply to all categories or only those identified. She responded that the percentage would apply to all categories, but the total amounted to about 16% of the total contract.

**MOTION:** Russell Jeffries moved to approve amending the Cooperative Monitoring Program Phase I contract to give staff additional discretion to move up to \$100,000 between tasks in the contract and up to 50% of any line or task item. This will also include \$30,000 for funding students in 2006.

**SECOND:** Daniel Press

**CARRIED:** Unanimously – (6-0)

**7. Perchlorate Cases** ..... Written Status Report

Executive Officer Briggs noted supplemental sheets that were mailed out. Comments on a Regional Board staff report were provided by Olin Corporation. David Athey, Eric Gobler and Roger

Briggs met with the Technical Working Group (the two cities and the Water District) to discuss the Olin site and ask for feedback.. The workgroup was satisfied with Regional Board oversight.

**8. Underground Storage Tank Program & MTBE Cases**.....Status Report

Mr. Briggs referred to the written report and pointed out the portion on work plan commitments

that staff fulfilled. An update on the Salinas area MTBE problem was included in the report.

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

A written report was submitted for this item. A Board Member question was addressed regarding the Boy Scouts Little Sur Fish Passage Project in the Question and Answer document. Division Chief Harvey Packard noted that the Regional

Board is coordinating with US EPA on the Greka, Santa Maria Asphalt Refinery waiver to ensure that the conditions fit with their proposed federal permit for deep injection of wastes.

**11. Resolution in Support of the South Coast Beach Communities Septic-to-Sewer Project, Santa Barbara County**.....Resolution No. R3-2005-116

Water Board Staff Engineer, Mike Higgins, referred to staff's written report and the proposed Resolution before the Board. Mr. Higgins summarized data indicating pollution from Rincon housing development and the status of the sewerage project. Mr. Briggs read a letter of support from 1<sup>st</sup> District Supervisor, Salud Carbajal.

Jaleh White, Resident, Spoke in opposition to the resolution, stating that the project does not improve water quality.

**Public Comment:**

Craig Murray, Carpinteria Sanitary District, spoke in support of the septic-to-sewer project and stated that most residents support the project.

Lori Okun, Water Board Counsel, reminded the Board that the Resolution does not refer to or support any particular project.

Giti White, Resident, recommended rejection of the resolution, as stated in her 10-12-05 letter to the Water Board.

Doug White, Resident, referred to his 10-12-05 letter to the Water Board and spoke in opposition to the project and the proposed Resolution. Mr. White stated that Rincon Beach is one of the cleanest beaches on the south coast, and that the Environmental Impact Review does not improve water quality or include baseline studies.

Dan Emmett, Resident, spoke in support of septic-to-sewer project, stating that shallow groundwater and septic systems present an obvious problem.

Edwin Quackenbush, Resident, spoke in support of project, and the concept of switching from septic systems to sewer systems.

Mr. Briggs read a letter of support from Alfred M. Clark, Jr.

Glen Hening, Surfrider Foundation, spoke in favor of the project and the proposed Resolution.

Hillary Hauser, Heal the Ocean, spoke in support of the proposed Resolution and the project. Ms. Hauser submitted a letter in response to the White's 10-12-05 opposition letter. Ms. Hauser stated that the White's issues have been addressed by the Court and other agencies.

Alfred Morgan, Rincon Point Association, spoke in support of the project.

Terry Taylor, Sandyland Cove Homeowners Association, spoke in favor of project and the proposed Resolution.

Wendy Drasdo, Resident, spoke in favor of the project.

Steve Halstead, Resident, spoke in favor of the project.

Robert Almy, Santa Barbara County Water Agency, spoke in support of the project, and noted that he has studied monitoring data and geology in the area. Mr. Almy said that there is strong public support for the project. The subject septic systems would not get permitted today, and cannot be upgraded due to site constraints.

Rick Merrifield, Director, Santa Barbara County Health, spoke in support of the project. He stated that existing septic systems are not adequate and that the homeowners should be supported.

Board Member Press asked if any viral studies have been done.

Judy Myer, Resident, stated that she tested waters near her home and found high levels of coliform bacteria. She spoke in support of project and noted that a viral study has been done which shows viruses do migrate from septic systems to ocean waters within eight hours.

Mr. Briggs summarized the proposed Resolution and recommended adoption.

**MOTION:** Gary Shallcross moved to approve Resolution No. R3-2005-116 as recommended by staff.

**SECOND:** Daniel Press

**CARRIED:** (5-0) Jeff Young recused from the item.

*(Chairman Young announced a break at 10:20 a.m. The meeting reconvened at 10:37 a.m.)*

**12. Enforcement Report.....Status Report**

Mr. Briggs noted that the Enforcement Report is an abbreviated report until the California Integrated Water Quality System (CIWQS) is fully

functional. The Central Coast Region is the pilot region for the system at this time.

**13. Monarch Grove Reclamation Facility, San Luis Obispo County .....Order No. R3-2005-0090**

[This item to be addressed at the December 2, 2005 Board meeting]

14. City of Hollister, San Benito County ..... Various Orders

Water Board Staff Engineer, Matt Keeling, gave an overview of the facility, a summary of the historical issues leading to the Board's action to require a facility upgrade, and the status of current facility operations.

Chairman Young noted that the historical relationship between the parties was highly controversial. Mr. Keeling acknowledged this history and explained that many changes have taken place, such as a new City manager, new county supervisors, and development of a Memorandum of Understanding between the City, San Benito County Water District, and County for the development of a Hollister Urban Area Water and Wastewater Management Plan, all of which have allowed significant progress. Chairman Young asked if we considered additional milestones during the two-year extension. Mr. Keeling said that no additional compliance activity milestones were considered and that the milestones in the proposed Resolution were based on compliance activities formerly outlined in the various orders.

The Board Members discussed several issues, including previous spills, policy issues, changes in City management, the new compliance schedule, and the City's financial situation

Mr. Keeling also summarized Hollister's compliance status and progress to date, crucial documents related to the city's progress on the upgrade project, and summarized the proposed milestones to project completion. Mr. Keeling explained the basis for allowing an extension request, and explained that the City would address its reasons for needing the extension during their presentation. Mr. Keeling also clarified information in the staff report.

Clint Quilter, Hollister City Manager, summarized the reasons for the extension request, activities since the Water Board issued the Administrative Civil Liability Order, policy activities, policy principles (culminating in the Memorandum of

Understanding), technical activities, and disposal and reuse issues. Mr. Quilter also summarized the overall work plan, which includes a long-term wastewater management plan with specific tasks and an aggressive schedule (that includes some risks). Mr. Quilter discussed the City's funding issues, stating that they have \$12 million available now, and will sell bonds to obtain additional funds but need a project first. Mr. Quilter also emphasized the importance of a community solution, lessons learned, and the importance of frequent communication with the Water Board.

The Board Members asked about holding tanks, the disposal site selection, and the City's planning criteria. Mr. Quilter clarified these issues.

Chairman Young asked the City to provide information on its funding decision approach for the next Water Board update. Mr. Quilter agreed.

Daniel O'Hanlon, legal counsel/representative for the San Benito County Water District referred to letter from the District offering qualified support for the extension. The District has concerns about funding issues, the aggressive schedule, and cooperation among the agencies. The District noted that progress reports would be helpful.

Chairman Young closed public comment period.

Mr. Briggs asked Ms. Okun, Water Board Counsel, if the Board has flexibility to make the assessment of liability contingent upon compliance with the new schedule. Ms. Okun said yes, the Board has that option.

Mr. Briggs recommended tying liability to the new schedule, including the two milestones already in the proposed order and adding a milestone of October 31, 2006 (with penalties due if the date is missed) for awarding a construction contract. The Board Members discussed various enforcement options, and Ms. Okun clarified the Board's authority to assess liability.

**MOTION:** Daniel Press moved to revise the administrative liability order to split the \$200,000 in liability into three equal parts and tie the equal parts to three additional milestones, and to not revise the waste discharge requirements or cease and desist order. The first milestone is December 31, 2005 for the submittal of a revised Long-Term Wastewater Management Program report, the second is October

31, 2006 for the award of contracts for construction of the wastewater treatment and disposal facilities, and the third is March 31, 2007 for the submittal of a report of waste discharge. These would be changes to the ACL schedule, with no changes in the waste discharge requirements or the cease and desist order.

**SECOND: Russell Jeffries**

**CARRIED: Unanimously (6-0)**

Chairman Young pointed out that the May meeting will be in Watsonville and he asked Mr. Quilter to plan on providing an update on the City's progress at that time.

*(Chairman Young announced a lunch break at 12:45 p.m., and adjournment to Closed Session for discussion of personnel matters. The meeting reconvened at 1:55 p.m.)*

**21. Public Forum ..... Board Direction**

The individuals listed below had comments:

- Dr. Edo McGowan, Citizens Planning Association of Santa Barbara – raised concerns about the lack of standards, no regulatory control, and human risk of disease as related to antimicrobial (antibiotic) resistance and movement of genetic material. Chairman Young pointed out that the Regional Board is not a research organization, but he stated his appreciation for raising the issue.
- Don Bearden, Resident of Los Osos – has concerns that the current LOCSD Board plans to move the sewer plant site out of town. He urged the Board to compel the LOCSD to resume construction on the already approved sewer project. Mr. Bearden submitted a DVD to the Board of the October 20, 2005 LOCSD meeting.
- Chuck Cesena, Director, LOCSD – stressed sustainability and affordability for the sewer project. He proposes moving the project out of town and wants to amend the State

Revolving Fund (SRF) contract to retain funding.

- Joe Sparks, Resident of Los Osos – believes Measure B is a very restrictive and counter productive ordinance for the community. He asked the Board to ensure that the LOCSD administers a compliant wastewater treatment system for Los Osos. He asked the Board to protect the taxpayers and rate payers who will bear the cost of protecting the groundwater in Los Osos. Mr. Sparks does believe local control should continue.
- Richard Margetson, Resident of Los Osos – raised concerns about due process and bias at the October 6, 2005 court hearing and at the upcoming Regional Board enforcement hearing, and about salt water intrusion in Los Osos. Chairman Young and Board Member Shallcross explained the separation of functions in the upcoming enforcement action to provide unbiased due process.

**15. Carpinteria Sanitary District, Santa Barbara County ..... Order No. R3-2005-0110**

Craig Murray, Carpinteria Community Services District (CSD), noted that Water Board staff addressed most of the CSD's concerns, but that one remaining concern is the inclusion of collection system management details in the permit

while the State Board is working on a general permit for that purpose.

Board Member Press asked if the Board could allow staff to revise the permit in the future, or whether the Board might revise the permit such

that the State Board's pending general permit would become effective upon adoption. Water Board Legal Counsel, Ms. Lori Okun, said staff could not revise the permit, but staff could bring the permit back to the Board if there is a need to change the specific collection system requirements via a re-opener clause. Water Board Staff Engineer, Todd Stanley, recommended against authorizing the automatic effectiveness of the State Board's pending general permit because that would not allow staff to review and compare the permits to make a recommendation. Ms. Okun clarified that federal NPDES regulations include re-opener provisions affecting the proposed permit. Board Members Shallcross and Press agreed that a

specific re-opener clause should be added to the Order. The re-opener clause would allow the CSD to request that the Water Board re-open the permit to consider using the State Board's general order for collection system requirements (to be added at permit Section VI.C.1.b).

Executive Officer Briggs also noted two revisions recommended by Ms. Okun. The first added permit Finding P regarding Water Code Section 13241, and the second revised Fact Sheet Section V to recognize U.S. EPA's promulgation of bacterial standards consistent with those in the permit.

**MOTION:** Gary Shallcross moved to reissue the NPDES permit, as recommended and amended by staff, and with the re-opener clause.

**SECOND:** Daniel Press

**CARRIED:** Unanimously (6-0)

**Staff Recognition** – Executive Officer Briggs announced that Gerhardt Hubner will be leaving the Regional Board to accept a position with Ventura County. Mr. Briggs noted some key projects that Gerhardt has tackled over the years: Avila Beach Cleanup, Buena Vista Mines, Goleta Sanitary District/Morro Bay-Cayucos Sanitary

District, and the Los Osos Wastewater issues. Mr. Briggs presented him with a certificate of appreciation for his ten years of work with the Regional Board. Gerhardt Hubner thanked the Board and staff for all their support. Chairman Young thanked Mr. Hubner on behalf of the Board and wished him well with his new challenges.

**19. Santa Barbara Area Landfill Update** .....Status Report

Staff's written status report provided a general regional landfill overview pertaining to permitted sites and closed, abandoned, inactive landfill sites within Santa Barbara County. Water Board Staff Engineer, Hector Hernandez, responded to questions from the Board pertaining to the Tajiguas Class III Landfill and the Santa Ynez Airport Landfill site. The Board Members and Mr. Hernandez discussed sampling efforts, contaminant levels, and compliance schedules.

**Public Comment:**

Mark Schleich, Santa Barbara County - discussed decreasing contaminant levels at the Airport Landfill site.

Jan Crosby, Citizen - Mrs. Crosby read several questions from a letter to the Water Board.

Chairman Young asked Mrs. Crosby to submit her letter and directed staff to respond in writing, with a copy to the Board.

Steve Pappas, Citizen - Mr. Pappas stated concerns regarding the County's compliance with Water Board requirements. Mr. Hernandez clarified staff's perspective that the site was a relatively low priority but that long-term remediation is now proceeding satisfactorily.

Chairman Young directed staff to provide an update on the landfill issues via the December 2005 Executive Officer's Report. Mr. Briggs said he would send a copy of Mrs. Crosby's letter and the staff response to her letter to the Board, once they are both prepared.

20. Board Meeting Schedule for 2006..... Board Approval

**MOTION:** Leslie Bowker moved to approve the Board Meeting Schedule for 2006 as recommended.

**SECOND:** Daniel Press

**CARRIED:** Unanimously (6-0)

22. Reports by Central Coast Water Board Members.....Status Report

No reports at this time.

23. Executive Officer's Report.....Information/Discussion

Executive Officer Briggs announced that State Board Member, Pete Silva, is leaving effective November 11, 2005. Also, Michael Lauffer is our new Chief Counsel at the State Board. We have received a letter of resignation from Board Member Bruce Daniels. We will recognize him at the next Board meeting Mr. Daniels can attend. The Monterey Regional Storm Water Management Plan hearing is scheduled for the February 2006 Board meeting. A detailed summary of the Plastics Waste Conference is provided in response to a Board member request. Dr. Press requested any papers that may have been submitted at the conference. The Regional Monitoring report included information on marine monitoring activities as requested by Dr. Hunter. A summary of the status of the TMDL effort is provided. He noted items recommended for delisting at the State Board. Mr. Briggs addressed a Sanitary Agencies Management Association (SAMA) meeting in Guadalupe. He also attended the American

Society of Civil Engineers (ASCE) meeting in Pismo Beach and was able to hear a presentation on low impact development by San Luis Obispo County staff. The Regional Board will have a low impact development workshop at the Embassy Suites on November 18, 2005.

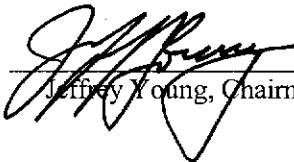
Public comment:

Robert Almy, Manager, Santa Barbara County Water Agency – urged the Regional Board staff to bring their Storm Water Management Program (SWMP) before the Board for approval. He is concerned about funding for the program that is contingent upon approval.

Kira Schmidt, Executive Director, Santa Barbara Channelkeeper - urged the Board to dedicate as many resources as possible to getting the SWMPs through the process as quickly as possible.

Chairman Young adjourned the public meeting at 3:43 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its December 1-2, 2005 meeting in San Luis Obispo, California.



Jeffrey Young, Chairman

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