California Regional Water Quality Control Board
Central Coast Region

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Arnold Schwarzenegger
Governor

MINUTES OF
REGULAR MEETING
Thursday and Friday, February 5-6, 2004
Regional Water Quality Control Board

Thursday, February 5, 2004, 3:00 p.m.

Chairman Bruce Daniels called the meeting of the Central Coast Regional Water Quality Control Board to order at 3:00 p.m. on February 5, 2004, in the Regional Board Conference Room, 895 Aerovista Place – Suite 101, San Luis Obispo, California.

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

Board Members Present:
Chairman Bruce Daniels
Vice Chair Jeffrey Young
Leslie Bowker *(arrived at 3:30 p.m.)*
Russell Jeffries
Daniel Press

Absent:
Gary Shallcross
Donald Villeneuve

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. State Board Liaison, Gary Carlton, is unable to attend today due to illness. There are two supplemental sheets for the workshop. Mr. Briggs introduced staff member Alison Jones.

3. Workshop to Discuss Proposed Conditional Waivers of Waste Discharge Requirements for Irrigated Agriculture..... Information/Discussion
[Alison Jones 805/542-4646 and Karen Worcester 805/549-3333]

The purpose of the workshop was to provide additional time for public comment after the January 9 Salinas workshop. Alison Jones of Regional Board Staff briefly presented proposed conditional waivers for discharges from irrigated agriculture. The proposed waivers were developed in response to revised Section 13269 of Porter-Cologne, which caused all existing waivers to sunset on January 1, 2003. The new waiver program would require all irrigated operations to develop and implement farm water quality management plans, complete 15 hours of water quality education, report management practice implementation and monitor water quality. Staff did not present information on the monitoring approaches since the meeting was primarily for additional public comment on what has been proposed. Monitoring approaches are still being developed and clarified.

Board Discussion
Board member Russ Jeffries raised the issue of proprietary information. Attorney Lori Okun responded that there is a State Board order addressing proprietary information. If a grower demonstrates that information is a trade secret, then the information will not be made available to the public but can be used for Regional Board purposes. The determination is made by staff and can be appealed to the Board. Alison Jones noted that the Regional Board is not asking for farm plans to be submitted.

Jeffrey Young stated that fees are not set by the Regional Board, nor has State Board set a timeline for fees. He noted that there should be equitability in fees and monitoring costs, and that the proposed costs benefit larger facilities. He also asked about very low threat discharges. Alison Jones responded that it would be possible to waive all or most costs for that category.

Public Comment
Public comment was received from several individuals and representatives of Central Coast agricultural and environmental organizations:

Agricultural Advisory Panel
The Board first heard comments from members of the Agricultural Advisory Panel, a group of Central Coast agricultural and environmental representatives that is providing recommendations to staff in the development of the proposed conditional waivers.

Miranda Leonard of Environmental Center of San Luis Obispo stated that a successful waiver program needed benchmarks for success, would provide immediate feedback to growers and follow-up by Regional Board staff, and needed fees to make the program sustainable. She also presented comments from Kaitilin Gaffney, Panel representative from the Ocean Conservancy, who urged the Board to adopt the Advisory Panel's recommendations, and stated that the proposed monitoring program is the bare minimum. The program must be scientifically supportable, have benchmarks and be adaptable.

Eric Cardenas of the Environmental Defense Center also asked the Board to adopt the recommendations of the Panel, and acknowledged that monitoring is a sticking point. One option might be to prioritize areas where problems have already been identified.

Kevin Merrill of the Central Coast Winegrowers' Association stated that progress has been made but that monitoring remains a challenge. He suggested using existing funds to initiate monitoring, and concentrate in problem areas.

Joy Fitzhugh, San Luis Obispo County Farm Bureau, said the Negative Declaration must look at the impact to prime agricultural lands, since the program could force small farms out of business. She also noted that there are water quality issues with organic production as well as conventional.

Dawn Mathes spoke for the Coalition of Central Coast County Farm Bureaus. She said all data should be gathered into one regional database and settlement funds should be used to create the program.

Drew Bohan of Santa Barbara Channelkeeper spoke in support of the job staff has done and noted that Karen Worcester and Dave Paradies are known statewide for their monitoring work. He also noted that monitoring is to fix problems and should be focused on problem areas, with triggers, to get to standards. Monitoring could be reduced in areas that do not show problems.

Other Public Comment
John Snyder requested definitions of terms and said that the MRP referenced in the document was not available.

Stephanie Wall of Salmon Enhancement provided information on their work with volunteers and landowners.

Chris Darway, a farmer in Arroyo Grande, expressed concern about the cost of monitoring many operations in multiple watersheds. He noted that there are many small farms in the region and stated that the monitoring program must be revised.

Keith Miller of Santa Rosa Creek said the cost of monitoring would take away from resources to fix problems and will result in worse water quality.

Laura Plaskett, LP Consulting, asked the Board to phase in monitoring and consider existing monitoring efforts, since money should be used for practices. She questioned how the Regional Board will implement the program, since State Board does not plan to set fees this year. She asked for information about how staff came up with projected monitoring costs.

Mike Broadhurst noted that if pesticides are used according to the label, EPA says they are not a problem. He also asked about data for Santa Rosa, which has a small amount of agriculture.

Carol Broadhurst said that Santa Rosa Creek is healthy and has steelhead. Because they are on drip irrigation, there is no chronic runoff, and they work to be in compliance.

John Beard, owner of a nursery in Soquel, expressed the hope that the Board will be as fair and equitable as possible in imposing costs. He stated that he had just completed a short course and didn't see how all

growers will be able to comply with the education requirement.

Ray Allen, Jr., from Cattlemen's Association of San Luis Obispo, agreed with other speakers that monitoring should focus on problem areas and expressed his opinion that the waiver goes beyond what is necessary. He urged the Board to phase in a program and take action in problem areas.

Robert Staller, an avocado grower, stated that monitoring would cost $15,000 per year and asked the Board to consider the real cost of monitoring.

Gene Mehlschau, who grows avocados and lemons, described their practices for minimizing fertilizer and pesticide applications and for reducing erosion, and said that any monitoring would take away from what they are doing.

Theresa McQueen spoke for the California Avocado Commission, asking the Board to consider how the new regulations will affect avocado growers, who have developed innovative pest management techniques and need to control access to prevent disease and pest infestations.

Jackie Crabb from San Luis Obispo County Farm Bureau expressed concern about how data will be evaluated, and how variability in data from labs will be addressed.

San Luis Obispo County Agricultural Commissioner Bob Lilley asked the Board to consider certification for watershed groups and said that key components are prevention, training, education, and the cooperation of agriculture. He said funds should come from other sources, such as urban, also.

Karen Mansfield presented information on monitoring costs compiled for the San Luis Obispo County Agricultural Task Force, and said it was not right to treat agriculture as guilty until proven innocent.

Deb Rose mentioned IPM (Integrated Pest Management) strategies being adopted by the Santa Barbara City Council as a source of information.

Emily Hansen from Monterey County Resource Conservation District (RCD) discussed the staffing constraints facing technical service providers, and expressed concern about the ability of farmers to implement practices or pay for them, since costs can't be passed along.

Adriana Morales of the Upper Salinas-Las Tablas RCD said that agricultural lands often receive polluted water from other sources, and the Board needs to get information from existing monitoring first.

Timothy Hollingsworth sees a problem with farmers having to pay for monitoring, but acknowledged that many growers use more fertilizer and chemicals that they need. He noted that Pest Control Advisors often work for companies that make profits off what they recommend.

Don Warden, a farmer in San Luis Obispo, said that many farmers cannot pay fees. He said it is important to have regionwide monitoring and to find grants to cover costs so money can go to implementing practices.

Bill Struble, who farms avocados in Nipomo, is concerned about access spreading disease and requested that inspectors request permission for access and be escorted by property owners.

Bruce Gibson submitted written comments that were read by Executive Officer Roger Briggs. Mr. Gibson said the Board should perform outreach to inform consumers that the proposed program will increase food costs.

Mike Cavaletto said sanitary conditions are important and noted that in Nipomo many houses on the mesa use chemicals and that needs to be considered.

Additional Discussion and Comments

Board member Jeff Young asked staff to develop language addressing the access issue and to find grant funds for education as soon as possible. He requested that staff do more outreach to Latino growers. Bruce Daniels said there is a need to look at variability and respond to it, depending on the problem. Existing monitoring data should be incorporated. Russell Jeffries thanked the audience and told them that the Board was there to help. Roger Briggs said documents will be posted on the website and more information on a low threat tier and monitoring costs for cooperative monitoring will be provided.

The meeting was adjourned at 5:48 p.m.

Friday, February 6, 2004, 8:30 a.m.

Chairman Bruce Daniels called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:35 a.m. on February 6, 2004, in the Regional Board Conference Room, 895 Aerovista Place – Suite 101, San Luis Obispo, California.

4. Roll Call ..... Executive Assistant Carol Hewitt

Board Members Present:
Chairman Bruce Daniels
Vice Chair Jeffrey Young
Leslie Bowker
Russell Jeffries
Daniel Press
Gary Shallcross
Donald Villeneuve *(arrived at 9:00 a.m.)*

5. 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. Mr. Briggs announced that Mr. Gary Carlton, State Board Liaison, is unable to attend the meeting today due to illness. Supplemental sheets are as follows: Items 14, 18, 21, and 34.

5a. Staff Award ..... Information

Mr. Briggs presented the Sustained Superior Accomplishment Award to our Regional Administrative Officer, Cyndee Jones. Chair Daniels extended his thanks and appreciation for her hard work. Cyndee also received $500 with the award.

11. Post-Earthquake Status of Waste Water Facilities, Landfills, and Power Plants ..... Status Report
[Matt Thompson 805/549-3159]

An award was also presented to Bruce Keogh and the Operators of the Morro Bay/Cayucos Waste Water Treatment Plant for their extraordinary efforts in repairing a large broken pipeline in a primary clarifier at the plant. The large pipeline had broken as a result of the 6.5 magnitude earthquake on December 22, 2003. The clarifier was brought back into operation on December 24, 2003. An award was presented to Gary Ellison, Bill Callahan, and Chris Nally of Fluid Resource Management for their extraordinary efforts in diverting inflow and procuring a emergency generator to restore power to the San Simeon Waste Water Treatment Plant. The plant suffered a power loss due to the December 22, 2003 earthquake.

Mr. Stewart Stewart and Operators of the Pismo Beach Waste Water Treatment Plant were presented with an award for their extraordinary efforts in diverting effluent via pumper trucks, and repairing a broken pipeline.

6. Regional Board Chair and Vice Chair Election ..... Board Motion

MOTION: Russell Jeffries nominated Jeffrey Young for the Chair position. SECONDED by Daniel Press. CARRIED – Unanimously (7-0)

Daniel Press extended his appreciation and thanks to outgoing Chair Bruce Daniels. Board member Young assumed the Chair position.

MOTION: Bruce Daniels nominated Russell Jeffries for the Vice-Chair position. SECONDED by Daniel Press. CARRIED – Unanimously (7-0)

7. Approval of Minutes for December 5, 2003 Meeting ..... Board Motion

MOTION: Daniel Press moved to approve the December 5, 2003 minutes. SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0)

8. Report by State Water Resources Control Board Liaison [Gary Carlton 916/341-5603] ..... Status Report

No report.

9. Public Forum ..... Board Direction

Mr. Guernsey, an elected official of the Avila Beach Community Services District and an Avila Beach resident, provided the Board with copies of an article entitled *Long-Term Ecosystem Response to the Exxon Valdez Oil Spill*. The article first appeared in the December 19, 2003, Vol. 302 issue of *Science*. He also indicated to the Board that San Luis Obispo County still has not provided a final version of their three-volume report entitled *Final Closure Reports, Project Avila*. The draft report was distributed to interested parties in 1999. Mr. Guernsey is disconcerted that so much time has elapsed since the cleanup effort was performed. Roger Briggs noted that because the document is a product of a contract the County has with a consultant, there is nothing short of verbal encouragement the Regional Board can do to get the County to generate and distribute the report. Mr. Guernsey requested that a future Board meeting include an item to address remaining areas of contamination in the Avila Beach area. He reported eight areas of personal concern and told the Board he would like to provide them with information regarding these areas: (1) the Cal Poly Pier entrance, (2) Avila Bay Drive in front of the San Luis Bay Inn, (3) San Luis Creek Plume, (4) Intertidal Plume, (5) East Front Street Plume, (6) north end of San Miguel Street, (7) along Avila Bay Drive west of Cave Landing Road, and (8) three properties on the southwest corner of San Miguel and First Street. Roger Briggs indicated that staff will respond to his concerns in writing and at the May 2004 Board meeting, when an Avila Beach item will be discussed.

10. Uncontested Items Calendar ..... Board Motion

Mr. Briggs recommended adding Item #21 to the consent calendar and pulling Item #27 off.

MOTION: Bruce Daniels moved to approve Item Nos. 21-26 and 28-29, and remove Item #27 on the proposed consent calendar. SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0)

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

Executive Officer Briggs noted that the Regional Board notified the Santa Ynez Valley Presbyterian Church of their enrollment in the General Order for Small Systems. We recommended that the Dorthea Lang Elementary School be authorized for discharge under the same order.

The enrollment of wineries into the program is moving along well. Board member Press thanked staff for providing such good information to the Board and the public on wineries.

Mr. Briggs noted the various dischargers to be enrolled in the general order for waivers of waste discharge requirements. He noted two underground tank cases, one is very close to meeting objectives (Toro Regional Park) and the other is a staff closed case.

13. Perchlorate Cases ..... Status Reports

Regional Board staff member David Athey summarized the current status of the Olin Corporation's, 425 Tennant Ave., Morgan Hill Facility and Whittaker Corporation's Former Ordnance Facility in Hollister. Board member Daniels inquired about the extent of the perchlorate plume and why there were so many untested wells in the Tier 5 area. Mr. Athey explained that Olin continues to test supply wells within and around the end of the nine-mile plume and has recently submitted a summary of fourth quarter 2003 groundwater monitoring results. Mr. Athey indicated that staff will continue to require Olin to monitor the plume limits until Regional Board staff is satisfied that the plume has been fully delineated. Mr. Young asked about the age of the plume and if there was any way to determine when the release occurred. Mr. Athey and Mr. Daniels hypothesized that the perchlorate plume emerged when site operations began 50 years ago, based on groundwater velocity and plume length.

Mr. Athey reported that Olin would provide a summary of their onsite soil remediation plan at the perchlorate community advisory group (PCAG) meeting February 13, 2004. Olin will also attend the March 19, 2004, Regional Board meeting to discuss perchlorate health risk assessment and analysis. Board member Daniels requested that a representative from California Office of Environmental Health Hazard Assessment be invited to provide comments on the upcoming public health goal issuance.

14. MTBE Cases ..... Status Reports

Regional Board staff confirmed the Executive Officer's observation that "red-inked" dates contained in the supplemental sheet were so denoted to indicate data that may be in need of updating and pointed out that those red flagged data points were also footnoted indicating that Santa Barbara County Local Oversight Program (SB Co) staff recognized there are still some items pending resolution.

Board member Daniels acknowledged SB Co staff's data management improvements and thanked them for their continuing efforts.

15. Corrective Action Plan Approvals ..... Status Report

Corey Walsh, staff Associate Engineering Geologist, responded to Regional Board questions concerning interpretation of methyl-tertiary-butyl ether (MTBE) isoconcentration contour map, Staff Report Attachment No. 1. The Regional Board indicated a concern for data gaps in the offsite plume assessment, including plume extent between MW-10 and apparent detached plume indicated by MW-14 concentrations, and total length/termination point of plume between MW-16

and MW-17. Staff discussed alternative interpretations of data, indicating additional data will be collected.

The proposed *Work Plan* for cleanup includes further evaluation using off-site ozone injection along Hawley Street south of MW-16, which will provide further delineation of the plumes extent and determine the need for further investigation.

The consultant's recent interpretation on January 20, 2004 of MTBE iso-concentration contours (Secor's Fourth Quarter 2003 Groundwater Monitoring Report), reflects a continuous plume between the site and MW-14.

16. Enforcement Report.....Status Report

Chair Young asked about the status of the Ventana Inn upgrade. Staff member Scott Phillips reported that staff met with Ventana Inn representatives last week and they are moving forward, however, they are behind schedule from what we originally requested. We expect a time schedule by the end of next week. They have identified what they are going to do and will be adding new leach fields and centralizing their tanks. The new leach fields should be put in by late July of this year. Board members were concerned about the timing and expressed interest in getting the project completed sooner. Staff expects a letter from the discharger next week that stipulates a timeline for the project. The Board will receive a copy of the letter. The Board suggested sending the Ventana Inn a letter stating that the Board questioned the status of the project at the February meeting and they are requesting a report submitted at the next meeting in March about what they are doing to fix the problem and when it will be resolved.

(Chair Young announced a break at 9:50 a.m. The meeting reconvened at 10:10 a.m.)

17. City of Hollister, San Benito County.....Order No. 2002-0105
[Matthew Keeling 805/549-3685]

Regional Board staff engineer, Matthew Keeling, presented the City of Hollister's request for exemptions to the community sewer system connection ban (Cease and Desist Order No. R3-2002-0105) for three facilities consisting of a new City fire station, San Benito High School expansion, and a new surgical wing at the Hazel Hawkins Hospital. Mr. Keeling recommended the Regional Board approve the City's request for all three facilities based on the following: (1) estimated water savings through retrofit of existing plumbing fixtures off-set estimated increases in flow resulted in no net increase in flow, (2) recent flow data indicate the City is not immediately at risk of exceeding permitted or disposal based capacity limitations, (3) City is currently in compliance with all Orders, and (4) the proposed facilities provide expanded essential public services to the community.

Regional Board member Daniels questioned whether the five 'required assurances' outlined in the January 22, 2004, letter from San Benito County and the San Benito County Water District to the City of Hollister should be included as Regional Board conditions. Mr. Keeling suggested they not, indicating that the two County agencies were not specifically opposed to the City's request and that the City was addressing the County's concerns.

Regional Board members Daniels and Jeffries questioned the validity of the flow rate estimates used in the City's calculations showing no net increase in flow. Mr. Keeling indicated the low flow toilet retrofit offset of 60 gallons per day was derived from numbers used by the San Benito County Water Resource Agency and that the water usage rates for the proposed facilities were calculated using the high-end range of widely accepted and used wastewater flow estimate values published in Metcalf and Eddy.

Additional concerns were raised by Board members regarding the City's ability to adequately fund the long-term wastewater management plan. Mr. Keeling indicated the City's initial estimate to complete the plan was approximately $36 million

and that the City currently had $16 million in Redevelopment and Sewer funds available. Mr. Keeling indicated the City was evaluating potential rate increases and bond measure to make up the remaining $20 shortfall. The City of Hollister Public Works Director, Mr. Clint Quilter, confirmed these numbers and indicated a public vote was not required for sewer revenue bonds (in response to Board member Shallcross' concern the City would have no backup plan if the community failed to support a bond measure). Mr. Quilter further indicated the City was in the process of an increased sewer rate fee and bond measure analyses.

Board members Shallcross and Bowker asked when the proposed projects would be completed and ready for connection to the city sewer. Mr. Quilter indicated the high school expansion was almost complete and would be ready for hookup in August 2004, and that the fire station and hospital would be ready in approximately one year during the winter of 2005.

Dr. Jean Burns Slater, San Benito High District Superintendent, spoke briefly about the high school expansion project stating that the project did not require city building permits as a state facility and funding was earmarked for the project prior to implementation of the connection ban. Dr. Burns Slater also stated the project was almost complete and would not result in an increase in students.

The Regional Board discussed their concerns regarding the City's past history of poor performance in dealing with wastewater issues, near capacity wastewater flows, and the City's ability to secure necessary funds to implement the long-term wastewater management plan versus the need for public services provided by the proposed projects. The Regional Board also discussed whether the City could proceed with permitting and building of the proposed facilities without connecting them to the city sewer. Staff Counsel Lori Okun stated the Board could only approve the sewer connections and not the building permits. The Board members then discussed approving the high school connection only with future consideration of the other two proposed facilities contingent on sufficient evidence the City secured complete funding for implementation of the long-term wastewater management plan. Board members requested staff give a status report during the July 9, 2004 board meeting outlining progress of the City's financial analysis and Report of Waste Discharge submittal.

MOTION: Russell Jeffries moved to approve the high school connection with future consideration of the proposed connections for the fire department and the hospital contingent on sufficient funding.

AMENDMENT #1: Daniel Press offered an amendment to the motion to permit connection to the high school only. Accepted by Russell Jeffries. SECONDED by Gary Shallcross.

AMENDMENT #2: Bruce Daniels offered an amendment to the motion to permit connection to the high school and support construction of the fire department, yet delay connection until it comes back before the Board. After legal clarification by Staff Counsel Okun, Bruce Daniels withdrew his AMENDMENT.

FINAL MOTION: Russell Jeffries moved to approve the high school connection only. SECONDED by Gary Shallcross. CARRIED – Unanimously (7-0)

18. City of Pismo Beach, San Luis Obispo County ..... Order No. 2004-0008
[Scott Phillips 805/549-3550]

Chair Young read an opening statement and all interested parties were sworn in. Regional Board staff engineer Scott Phillips presented the case for Mandatory Minimum Penalties for violations of Order No. 99-31. Over a two-year period from July 1, 2001 to July 31, 2003 the City's treatment plant incurred two hundred forty-five (245) violations of its permit for its wastewater treatment facility. The California Water Code requires a minimum penalty of $3,000 per violation, resulting

in a total penalty of $735,000. The violations are considered largely to be a result of an aging and run down wastewater treatment plant. Regional Board staff has been encouraging and working with the City since early 2003, to develop an appropriate Supplemental Environmental Project (SEP) proposal to which the Regional Board could redirect up to $375,000 of the penalty. It was determined just prior to the February 2004 Board Meeting that the restroom replacement project the City had chosen was ineligible as an SEP due to prior budgeting by the City of that project. Due to the lack of a viable SEP, staff recommended the full penalty be assessed against the City, and the penalties be directed to the State Water Resources Control Board's Cleanup and Abatement Account.

Dennis Delzeit, the City of Pismo Beach's Public Works Director, requested the Regional Board allow the City one more month to develop an appropriate SEP. He summarized the wastewater treatment plant's history and highlighted the recently improved effluent quality. He also informed Board members that the new wastewater treatment plant that will begin construction within the month of February. Mr. Delzeit answered questions from Board members and staff about the restroom replacement SEP, and other potential SEPs, including the concept of directing the penalties toward a project at the City's Ecological Preserve. Mr. Briggs said the staff has encouraged the City to develop an acceptable SEP for over a year. As the City has failed to do so, he reluctantly recommended the Board adopt the proposed Order, assessing the full penalty amount without a SEP.

There was significant discussion of what constitutes appropriate SEPs and the SEP projects previously considered by the City. Lori Okin, Regional Board attorney, clarified that the project would need a geographic nexus, but is not limited to the city limits. Several Board members expressed a strong desire to use a portion of the penalty for local water quality problems or environmental projects, and encouraged staff to work with the City to contact various non-profits and environmental groups in developing an appropriate SEP. Board members also expressed a willingness to continue the hearing to allow the City time to propose an SEP, but only if an appropriate SEP could be developed and presented to the Board no later than the May 2004 Board Meeting.

MOTION: Daniel Press moved to continue the issue to the May 14, 2004 meeting and directed staff to work with the City of Pismo Beach to develop SEP alternatives.

AMENDMENT: Leslie Bowker offered an amendment to close the portion of the hearing on the number of violations (245) and the dollar amount of the penalty ($735,000) for Order No. R3-2004-0008 with the exception of the SEP. Amendment accepted.

FINAL MOTION: Daniel Press moved to continue the issue to the May 14, 2004 meeting and directed staff to work with the City of Pismo Beach to develop SEP alternatives. Additionally, the violations and penalty portions of the hearing will be closed with the exception of the SEP issue. SECONDED by Bruce Daniels. CARRIED – Unanimously (7-0)

19. Goleta Sanitary District, Santa Barbara County ..... Order No. 2004-0003
[Mike Higgins 805/542-4649]

The Discharger waived the hearing, no hearing held.

20. Enforcement Options for Kelegian and Goldie Lane (Pierson) Properties, ... Board Direction
San Luis Obispo County [Donette Dunaway 805/549-3698]

Mr. Briggs reported that the sites are now stabilized. Mr. Jeffrey Emerick, Engineering Development Associates, was available to respond to questions. The Board asked questions about the condition of the land and how it was cleared. Sarah Christie, Sierra Club, encouraged the Board to pursue enforcement on the sites. She addressed sedimentation issues and noted that this is the largest violation of its type in San Luis Obispo County. Ms. Christie urged the Board to levy penalties. Board member Shallcross suggested that the two properties should be addressed separately. Board member Bowker would like Regional Board staff to vigorously pursue the water quality issues at the sites. Chair Young asked counsel if the Board could issue subpoenas. Counsel Okun said yes. The Chair directed the Executive Officer to draft Administrative Civil Liability complaints to give the Board the opportunity to consider the evidence and to take appropriate action.

(Chair Young announced a break for closed session and lunch at 12:40 p.m. The meeting reconvened at 1:40 p.m.)

27. Slick Gardner Biosolids Application Site, Santa Barbara County ..... Order No. 96-30
[Mike Higgins 805/542-4649]

Mr. Briggs said Mr. Gardner's representative left and Mr. Briggs recommended approval of the item based on the staff report submitted.

MOTION: Bruce Daniels moved to approve Order No. 96-30. SECONDED by Daniel Press. CARRIED – Unanimously (7-0)

30. Military Facilities Update [Michael LeBrun 805/542-4645] ..... Status Report

This was a written report only.

31. Land Disposal Unit Update [Michael LeBrun 805/542-4645] ..... Status Report

This was a written report only. Mr. Briggs thanked Michael LeBrun for his work in overseeing the Land Disposal Unit. Board member Daniels noted the excellent reports he has consistently submitted.

33. Reports by Regional Board Members ..... Status Report
Mr. Briggs announced a Chair's meeting on February 28, 2004. *(Note: The actual date of the Chair's meeting is February 25, 2004)*

34. Executive Officer's Report ..... Information/Discussion
[Roger Briggs 805/549-3140]

Mr. Briggs addressed fee inequities in Los Osos. He reported that a Coastal Commission meeting will be held in March in Monterey. Our Chair signed a letter to the Coastal Commission urging them to proceed with dispatch on the appeal. Staff is planning to go to the Coastal Commission

meeting. Board member Daniels offered his support at the meeting as well.

Staff is still in discussion with CalTrans regarding the ACL hearing that was suspended by the Board.

Mr. Briggs noted that information is included on Underground Tanks Financial Aid, a new program.

Karen Worcester provided a monitoring and basin planning update.

Lisa McCann provided a table for TMDLs.

(Chair Young recused from the Goleta item. Vice-Chair Jeffries conducted the meeting)

A supplemental sheet is included for Goleta Sanitary District. Mr. Briggs reviewed the details of the supplemental sheet and recent State Board decisions on the item. Mr. Briggs said he intends to bring two draft permits to the Board, one reflecting the District's existing revised application for a 301(h) permit, and one requiring secondary treatment with a time schedule and interim limits (perhaps in a Cease and Desist Order). The Board responded positively to the direction the staff is taking.

(Chair Young returned to the diocese)

Mr. Jeffries asked about the status of the golf course issue in Santa Cruz County. Chris Adair reported that staff is observing the site and Karen Worcester is researching for any herbicide or pesticide legacy contamination. Construction will begin this spring.

32. Chorro and Los Osos Creek Nutrient and Dissolved Oxygen TMDLs .....Status Report
[Katie McNeill 805/549-3336]

Staff provided a written status report but did not give a presentation. The Board had questions pertaining to toxic and background nitrate levels, statewide efforts to develop nutrient criteria, and the State's proposed TMDL Guidance policy. Staff responded to Board questions.

Chair Young adjourned the public meeting at 2:15 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 19, 2004 meeting in Salinas, California.

Jeffrey Young, Chairman

H/ALLMYDOCS/BOARD MINUTES/FEB04mins/carol