



California Regional Water Quality Control Board Central Coast Region



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Arnold Schwarzenegger
Governor

MINUTES OF SPECIAL MEETING Friday, November 19, 2004 Regional Water Quality Control Board

Vice-Chairman Russell Jeffries called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on November 19, 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:
Vice-Chair Russell Jeffries
Gary Shallcross
Bruce Daniels (*attended by phone*)
Leslie Bowker (*attended by phone*)
Daniel Press (*attended by phone*)

Absent:
Donald Villeneuve
Jeffrey Young

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and Janet Hashimoto/USEPA, and asked all interested parties who wished to comment to fill out testimony cards and submit them. The State Board Liaison, Gary Carlton, was unable to attend today's meeting. Item No. 5/Wastewater Collection Systems Tributary to the Goleta Sanitary District WWTP will be deferred to our December 2-3, 2004 Board meeting, as the dischargers requested more time for review and that request was granted. Mr. Briggs announced that Brad Hagemann, Assistant Executive Officer,

will be leaving our agency to accept another position. Mr. Briggs presented a plaque to Mr. Hagemann for 17 years of dedicated service at the Regional Board. Vice-Chair Jeffries extended his appreciation for Brad's years of service and hard work on behalf of the Board members. Staff Counsel, Lori Okun, covered teleconference procedures and noted that three Board members (Leslie Bowker, Bruce Daniels, and Daniel Press) are participating by teleconference at this meeting and that all action items will require a roll call vote.

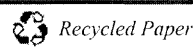
3. Uncontested Items Calendar Board Motion

Item No. 4/ Vandenberg Air Force Base Class III Landfill is the only item on the consent calendar

today. Mr. Briggs noted the good work that staff has done with this item.

MOTION: Bruce Daniels moved to approve the consent calendar. **SECONDED** by Leslie Bowker. **CARRIED** – Unanimously by a roll call vote (5-0).

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6. Goleta Sanitary District, Santa Barbara County Order No. R3-2004-0129

Regional Board Vice-Chair Russell Jeffries opened the public hearing of the Goleta Sanitary District (GSD) Settlement Agreement and Clean Water Act Section 301(h) Modified (Waiver) NPDES Permit by explaining hearing procedures. All persons involved in the matter were sworn in. Executive Officer Roger Briggs provided background of Clean Water Act Section 301(h), and explained the joint hearing procedures with U.S. Environmental Protection Agency (EPA), and that approval constitutes concurrence and Clean Water Act Section 401 certification. Janet Hashimoto, Chief of U.S. EPA Region 9's Monitoring and Assessment Unit, stated that she had been authorized by Regional Administrator Wayne Natri to serve as U.S. EPA's Hearing Officer. She explained U.S. EPA's public noticing, public comments, permit effective dates, and appeal procedures. Mr. Briggs highlighted three Supplemental Sheets on this item. Legal Counsel Lori Okun explained why some documents/exhibits submitted by GSD were excluded from the hearing record. She also noted that three of the Board members were participating in today's hearing via telephone, as described in Agenda Addendum Notice Nos. 1-3. Mr. Briggs then highlighted several late letters received.

Ms. Okun presented the proposed Regional Board and GSD Settlement Agreement. She provided background leading to the Settlement Agreement; GSD's obligations, including a requirement to upgrade to full secondary treatment within 10 years, enhanced treatment provisions, and dismissal of pending litigation; a "First 5-Year Permit" with a 301(h) Waiver; a "Second 5-Year Permit" with either a 301(h) Waiver, or a full secondary NPDES permit with a Time Schedule Order or Cease and Desist Order; Force Majeure provisions, and enforcement provisions.

Regional Board staff member Todd Stanley presented Order No. R3-2004-0129, reissuance of GSD's 301(h) Waiver and NPDES Permit. Mr. Stanley provided facility background; displayed population and wastewater flow projections; explained primary differences with the existing NPDES Permit, discussed GSD's comments and staff responses as detailed in the Supplement Sheets, and explained why staff did not concur

with GSD's Reasonable Potential Analysis. Mr. Stanley proposed a revision of Provision G.2 to continue existing collection system requirements until new Collection System Waste Discharge Requirements (WDRs) are adopted. Mr. Stanley concluded his presentation by recommending adoption of Order No. R3-2004-0129, including the changes noted in Supplemental Sheet Nos. 1-3, and revision of Provision G.2.

Board Member Shallcross asked if the revised language of Provision G.2 is adequate. Ms. Okun stated that it was. Board member Daniels asked staff to clarify the enhanced treatment provisions. Mr. Briggs described the enhanced treatment provisions of the Settlement Agreement.

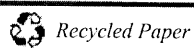
Mr. Kamil Azoury, General Manager of GSD, thanked the Regional Board, staff, and U.S. EPA. He urged issuance of the 301(h) Waiver and NPDES Permit, but requested a 90-day delay of the Sewer System Management Plan requirements, and re-opener clauses in the permit to allow consideration of any State Board future sewer system requirements, and amendments to the Ocean Plan regarding Reasonable Potential Analysis.

Ms. Okun stated that the NPDES Permit already contains a sufficient re-opener clause.

Ms. Rebecca Bjork of the Sanitation Agency Managers Association of Santa Barbara County read a letter stating that Regional Board staff had not provided adequate or fair notice of their Sewer System Management Plan requirements, and requested the Regional Board wait for General WDRs for Collection Systems or State Board's future sewer system requirements.

Mr. Briggs provided Mr. Azoury with an opportunity to identify which specific provisions require a re-opener clause or which specific requirements in the draft order are problematic to the District, since this is the time for the Board to consider what to adopt. Mr. Azoury did not identify specific provisions, but emphasized that time was needed to involve other jurisdictions dealing with sewage spills. Mr. Briggs stated that multi-jurisdictional sewage spill responses

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required by the proposed sewer system requirements do not differ from existing requirements.

(Vice-Chair Jeffries announced a break for Closed Session at 10:15 a.m. The meeting reconvened at 10:38 a.m.)

Attorney Marco Gonzalez, representing Heal the Ocean, stated that Heal the Ocean does not intend to appeal the 301(h) Waiver and NPDES Permit, but emphasized that previous Regional Board findings justifying denial remained relevant if the 301(h) Waiver and NPDES Permit were to be appealed. He supported the terms of the Settlement Agreement, and milestones, incorporation of Sewer System Management Plan requirements into the NPDES Permit, and staff's response to GSD's Reasonable Potential Analysis. Mr. Gonzalez requested Heal the Ocean be included with future notices regarding the settlement and permit.

When the public hearing reconvened, Mr. Azoury and Mr. Stanley provided closing statements. Mr. Stanley again recommended adoption of Order No. R3-2004-0129, including the changes noted in Supplemental Sheet Nos. 1-3, and revision of Provision G.2.

Mr. Briggs stated that the proposed Sewer System Management Plan requirements are consistent with other dischargers.

At the request of Board member Daniels, Ms. Okun read Mr. Gonzalez' November 11, 2004 letter and GSD's November 16, 2004 response into the hearing record.

Board members Daniels, Press, Bowker, and Shallcross each expressed general support for staff's recommendation. Board member Jeffries stated that he wished the upgrade timeline were shorter than ten years, but that he was agreeable to ten years.

MOTION: Board member Daniels moved to adopt Order No. R3-2004-0129, including all recommended staff changes. **SECONDED** by Daniel Press. **CARRIED - Unanimously by a roll-call vote (5-0).**

8. Board Meeting Schedule for 2005 Board Approval

Executive Officer Briggs recommended approval of the revised Board Meeting Schedule for 2005.

MOTION: Gary Shallcross moved approval of the Board Meeting Schedule for 2005. **SECONDED** by Bruce Daniels. **CARRIED - Unanimously by a roll call vote (5-0).**

10. Public Forum Board Direction

David Nelson, Morro Bay resident, asked the Board to order a monitoring program for the Morro Bay estuary, and to end Duke Energy's administrative extension on their discharge permit.

Julie Tacker, Los Osos - asked the Board to support her efforts in moving the sewer to another location in Los Osos.

9. Executive Officer's Report Status Report

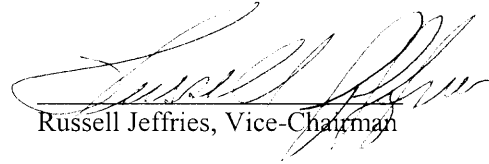
Executive Officer Briggs noted a letter from various agencies addressing Areas of Special Biological Significance (ASBS). Mr. Briggs will provide a follow-up to the letter at the December 2-3, 2004 Board meeting. Russell Jeffries

extended his thanks to his fellow Board members and staff for their support over the many years he has served, and also acknowledged the services performed for the Board by Carol Hewitt, Executive Assistant. Mr. Jeffries also believes the

Regional Board should keep looking at the sensitive Arana Gulch area. Dr. Press also expressed his appreciation for his time on the Board (should he also be subject to termination of his term) and talked about how impressed he has

been with the Regional Board staff. Vice-Chair Jeffries said the next Board meeting will be held on December 2-3, 2004 in San Luis Obispo, and he adjourned the public meeting at 11:07 a.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its February 11, 2004 meeting in Salinas, California.



Russell Jeffries, Vice-Chairman

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