

[CORRECTED] NOTICE OF PUBLIC MEETING
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
Thursday and Friday, December 14-15, 2006
895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401
[See Page 8 for location map]

Note: Corrections were made specifically to Page 1 of the agenda notice regarding Cease and Desist Order numbers listed in items 3 and 4.

Thursday, December 14, 2006, 8:30 a.m.

1. [Roll Call](#) [Carol Hewitt 805/549-3503]..... Board Members Present
2. [Introductions](#) [Michael Thomas 805/542-4623]..... Guests and Staff Present

Enforcement

3. [Proposed Settlement Regarding Los Osos Individual Septic System Dischargers](#), San Luis Obispo County; Proposed Orders Nos. R3-2006-1005, -1007, -1009, -1033, -1042, -1043, -1044 (additional Proposed Orders from the list presented in item #4, below, may be added to this item if additional Designated Parties negotiate proposed settlements before the meeting).

(The Water Board will consider approval of settlements negotiated between Designated Parties subject to proposed individual enforcement actions and the Water Board's Los Osos Prosecution Team; draft settlement agreements would obviate the need for individual Cease and Desist Orders for settling Designated Parties provided that Designated Parties agree to certain conditions.)

[Matt Thompson 805/549-3159]

4. [Public Hearing: Los Osos Individual Septic System Dischargers](#), San Luis Obispo County, Proposed Orders Nos. R3-2006-1000 to -1004, -1008, -1012 to -1021, -1023 to -1032, -1034, -1036 to -1041, -1045 to -1049.

(Hearings on Individual Cease and Desist Orders for owners and occupants of properties in the Los Osos/Baywood Park prohibition zone will be conducted pursuant to the Chairman's Notice of Hearing, dated September 9, 2006; the Chairman's Revised Hearing Notice, dated October 16, 2006; and the Chairman's Order of Proceedings, dated November 21, 2006. These documents are incorporated herein, and are available on-line at:

<http://www.swrcb.ca.gov/rwqcb3/los%20osos/index.htm>.

*The Order of Proceedings is also **attached** here for reference. The Water Board will consider the evidence adduced for each proposed Cease and Desist Order and may issue the proposed Cease and Desist Orders as presented, or as modified by the Water Board following its deliberations; the Water Board also may decide not to issue individual Cease and Desist Orders. The Board **may** meet in closed session to deliberate on a decision to be reached based upon evidence introduced in a hearing. [Govt.Code Section 11126(c)(3).] This item may need to be continued on Friday, December 15, 2006, at the Friday session of the Water Board meeting.)*

[Matt Thompson 805/549-3159]

5. [Public Forum](#) [This item will be heard after 1:00 p.m.]..... Board Direction
Item 4 is a public forum where any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least one week prior to the meeting (the Friday before a Friday meeting). Comments regarding matters that are scheduled for a future meeting will be restricted. Information about restricted ex parte communications is available on the State Water Board website at: <http://www.waterboards.ca.gov/docs/exparte.pdf>]

Adjournment

This meeting will be continued to Friday, December 15, 2006 at 8:30 a.m. at the Central Coast Regional Water Board office in San Luis Obispo.

The next regularly scheduled Board meeting will be held on February 9, 2007, at 8:30 a.m. at the City Council Chambers Rotunda in Salinas, California.

CENTRAL COAST WATER BOARD MEETING SCHEDULE 2006/2007

Date	City	Address
December 14-15, 2006 (Los Osos Hearing)	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
February 9, 2007	Salinas	Salinas City Council Rotunda Chambers 200 Lincoln Avenue, Salinas, CA 93901
March 23, 2007	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
May 11, 2007	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
June 6, 2007 Offsite	San Luis Obispo	(Location to be determined)
July 6, 2007	Watsonville	Watsonville City Council Chambers, 250 Main Street, Watsonville, CA 95076
September 7, 2007	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
October 19, 2007	Santa Barbara	Santa Barbara County Supervisors Board Hearing Room 105 East Anapamu St. - 4th Floor, Santa Barbara, CA 93101
December 7, 2007	San Luis Obispo	Central Coast Water Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906

LEAD STAFF PERSONS

Roger W. Briggs, <i>Executive Officer</i>	805-549-3140
Michael Thomas, <i>Assistant Executive Officer/Ombudsman</i>	805-542-4623
Carol Hewitt, <i>Executive Assistant</i>	805-549-3503
Cyndee Jones, <i>Regional Administrative Officer</i>	805-549-3372
Lori Okun, <i>Senior Staff Counsel</i>	916-341-5165
Harvey Packard, <i>Division Chief</i>	805-542-4639
Sheila Soderberg, <i>Cleanup/SLIC</i>	805-549-3592
Chris Adair, <i>Storm Water</i>	805-549-3761
John Robertson, <i>Northern Permitting/Land Disposal Unit</i>	805-542-4630
VACANT, <i>Southern Permitting</i>	-----
Eric Gobler, <i>Cleanup/Perchlorate Sites</i>	805-549-3467
Burton Chadwick, <i>Cleanup/UST</i>	805-542-4786
Lisa Horowitz McCann, <i>Watershed Assessment</i>	805-549-3132
Angela Schroeter, <i>Non-Point Source/Grants</i>	805-549-4644
Karen Worcester, <i>Regional Monitoring/Basin Planning</i>	805-549-3333
Alison Jones, <i>Agricultural Program Coordinator</i>	805-542-4646

Please send or fax correspondence to:

Central Coast Water Board
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906
Phone: 805-549-3147 Fax: 805-543-0397

CENTRAL COAST WATER BOARD MEMBERS

Board Member	Appointment Category	Term Expires
Leslie S. Bowker Los Osos	County Government	9/30/2007
VACANT	Water Quality	9/18/2010
John H. Hayashi Arroyo Grande	Irrigated Agriculture	9/30/2007
Russell M. Jeffries Vice-Chair, Salinas	Industrial Water Use	9/30/2008
Monica S. Hunter Los Osos	Public	9/30/2008
Daniel M. Press Santa Cruz	Water Quality	9/30/2008
Gary C. Shallcross Monterey	Recreation, Fish or Wildlife	9/18/2010
Jeffrey S. Young Chair, Santa Barbara	Water Supply	9/30/2009
VACANT	Municipal Government	9/30/2009

CONDUCT OF MEETING AND HEARING PROCEDURES

- A -** The primary duty of the Central Coast Water Board is to protect the quality of waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic, municipal, and industrial waste discharges. Specific responsibilities and procedures of the Regional Water Quality Control Boards and the State Water Resources Control Board are outlined in the Porter-Cologne Water Quality Act (Division 7), California Water Code.
- B -** The purpose of the meeting is for the Board to obtain input from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Board will vote only on matters listed on the agenda as action items. The Board may give direction to the Executive Officer on any matter discussed during the meeting.
- C -** Agenda items are numbered for identification purposes and will not necessarily be considered in the order listed.
- D -** **RULES FOR LATE SUBMISSION OF WRITTEN MATERIALS:** This paragraph applies only if there are no deadlines for written testimony or comments in a separate hearing notice for an item. Written material received after the due date on the first page of the agenda and before noon on the Monday of board meeting week generally will not be provided to Board members until the day of the meeting, but will become part of the record unless the Chair rules that the late submission would prejudice the Central Coast Water Board staff or any party. Written material received after noon on the Monday of board meeting week will not be provided to Board members or become part of the record, unless the Chair approves the late submission. The Chair will not approve a late submission if doing so would prejudice any party (including Central Coast Water Board staff) or the Board, but may modify this rule if a party demonstrates severe hardship. The Chair will rule at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) will generally be deemed prejudicial unless all designated parties (see below) have time to consider the evidence before the meeting. The rules for the submission of written materials for the public hearings regarding the issuance of individual Cease and Desist Orders for owners and occupants of properties in the Los Osos/Baywood Park prohibition zone (Items #3 & #4) have been established by procedural orders and hearing notices posted at the Water Board's web site for the Los Osos enforcement proceedings: <http://www.swrcb.ca.gov/rwqcb3/los%20osos/Index.htm>
- E -** The Board and staff welcome information on pertinent issues, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. In order to give everyone an opportunity to be heard, comments should have been previously submitted in writing and a time limit on presentations may be imposed on any agenda item. Speakers should plan to summarize key points within three minutes. You will need to receive approval from the Chair prior to meetings to speak for longer than three minutes. Please make your request to the Executive Officer at least one week before the meeting.
- F -** Material presented to the Board, as part of testimony (e.g., photographs, slides, charts, diagrams, etc.) must be left with Executive Assistant Carol Hewitt. Photographs or slides of large exhibits are acceptable. If you plan to use visual aids such as PowerPoint, contact the Central Coast Water Board staff prior to the meeting to arrange for equipment set-up. You must provide a printed or electronic copy of any PowerPoint presentation. All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.
- G -** **BOARD MEETING PRINCIPLES AND CONDUCT:** Any person who appears before the Board has an obligation not to act abusively or discourteously. Zealous representation of your interest, or the interest of a person or organization you represent, should be carried out in a professional manner. Speakers should not engage in derogatory conduct based on race, national origin, religion, gender, sexual orientation, or similar characteristics of any person. Speakers should always be civil and courteous when communicating with Board members, staff, or other interested persons. All speakers should be punctual and prepared for all Board meeting appearances so that all matters may start on time and proceed efficiently. The Board will not delay proceedings to accommodate late arrivals. The same considerations apply to members of the audience who choose not to address the Board.

The Board may refuse to allow any person who engages in discourteous or disruptive conduct to speak. In the event that any person or group intentionally interrupts the orderly conduct of a meeting, the Board

can have the person or group removed from the meeting. In the event that order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in session. (Gov. Code § 11126.5.) The Board may place reasonable limitations on taking still or video photographs or using placards or signage if these disrupt the meeting.

The Board may also issue contempt sanctions in adjudicatory proceedings. "Adjudicatory proceedings" include all permitting, cleanup and enforcement matters, but do not include basin planning. Any person is subject to the contempt sanction in an adjudicatory proceeding, whether or not the person is a "party" to the matter. The Board can issue contempt citations for the following conduct: obstruction or interruption of the meeting or hearing by any of the following: (1) disorderly, contemptuous, or insolent behavior toward the Board; (2) breach of the peace, boisterous conduct, or violent disturbance; or (3) other unlawful interference with the process or proceedings. Conduct that is not in the Boardroom but that is near the meeting or hearing can also give rise to contempt sanctions. (Ca. Gov. Code sections 11455.10-11455.30; Ca. Code of Civ. Proc. section 128.5; Cal. Code of Regs, tit. 23, sections 648(b), 648.8.)

If the Board decides to impose contempt sanctions, the process is as follows. The Board first makes findings that a person should be cited for contempt. The findings are then referred to a court. The court will issue an order to the person(s) involved to appear before the court and defend the contempt charge. The court then may issue the same types of contempt penalties that would apply in a civil court trial, or dismiss the matter. In addition, the Board can order payment of attorney's fees when any person engages in bad faith actions or tactics that are "frivolous" or solely intended to cause unnecessary delay. In that case, the person engaging in the improper conduct must pay the attorneys fees of any party that result from the conduct. "Frivolous" means totally and completely without merit, or for the sole purpose of harassing another party (including Water Board staff). An order to pay attorney's fees takes effect immediately, does not require court action, and cannot be petitioned to the State Water Board.

Public participation is very important to the Board. Members of the public should not be afraid to comment on matters before the Board, even if they do not fully understand the applicable law. However, public participation is hampered by an individual's or a group's disruptive conduct. It is not the intent of the Board to use its contempt powers (including attorney's fee orders) before providing a warning and allowing an opportunity to correct the conduct and avoid contempt proceedings. Additional information on Board meeting conduct is available on our website:

<http://www.waterboards.ca.gov/centralcoast/Board/Meetings/conduct.htm>

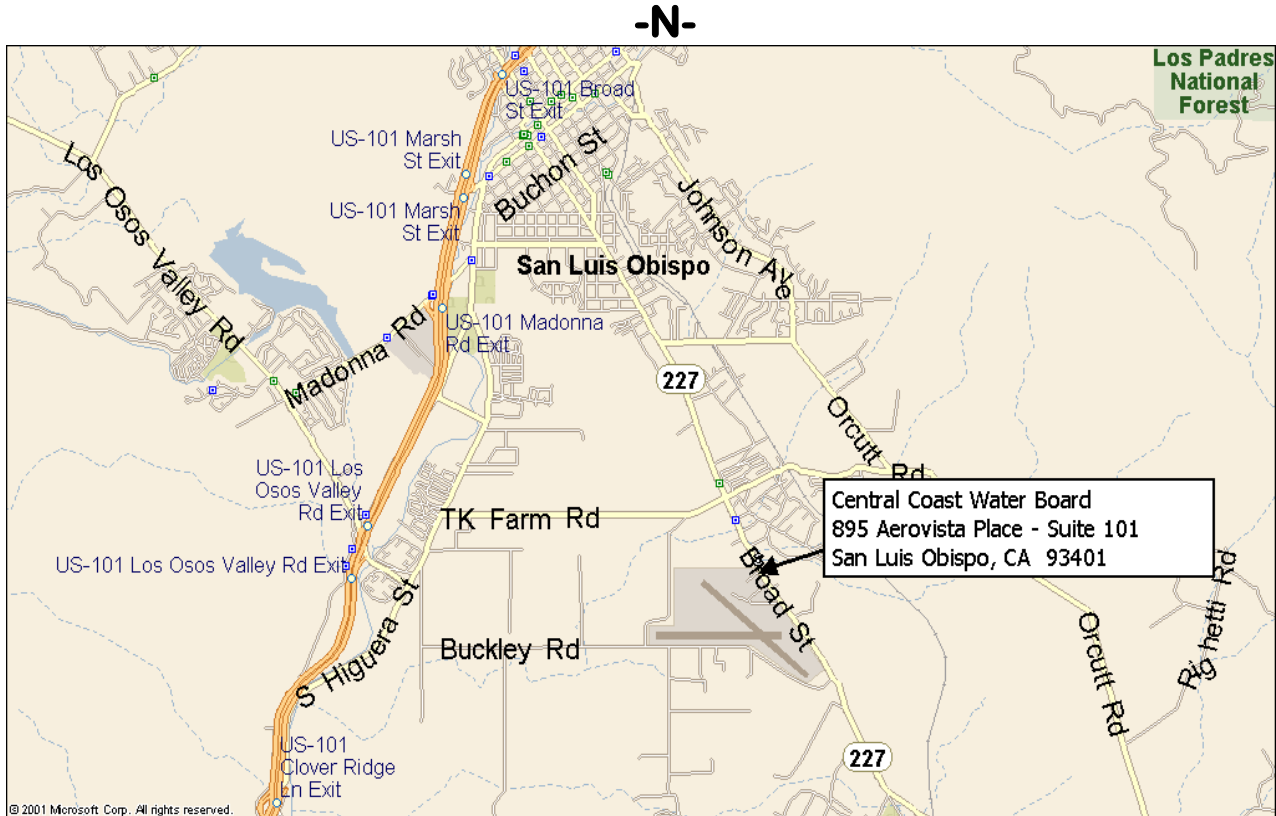
- H - HEARING RULES FOR CONTESTED HEARINGS IN ADJUDICATORY MATTERS (WASTE DISCHARGE OR WATER RECYCLING REQUIREMENTS, NPDES PERMITS, ADMINISTRATIVE CIVIL LIABILITY ORDERS AND INVESTIGATION OR ENFORCEMENT ORDERS [CWC §§ 13267, 13300-13308, 13383]: This section applies unless there are different requirements in a hearing notice for an item. The Board will conduct an informal hearing. Designated parties may request these procedures: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. The request for a formal hearing must be received by the Executive Officer at least five working days before the hearing, and must specify the formal procedures the party is requesting. Failure to make a timely objection to the use of an informal procedure, in accord with the directions below, will constitute consent to the informal hearing (Title 23, California Code of Regulations, Section 648.7). The Water Board may overrule an objection to the informal procedures for any reason, unless the objection is by a person who is the subject of the order in question. If the objection is by the person who is the subject of the order, the Water Board may overrule the objection if authorized by Government Code Section 11445.20(a), (b) or (d).

Designated parties are any persons named in the proposed order. Central Coast Water Board staff is a designated party for administrative civil liability complaints, and for cease and desist orders that establish monetary liability and that are not issued concurrently with waste discharge requirements. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of an item by submitting such request in writing to the Central Coast Water Board no later than two weeks after the draft order is available for public comment. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

- I - The Board Chair may specify a time limit for oral presentations and testimony. Board members may interrupt a presentation with questions or comments. The time for Board member questions and witnesses' answers will not count toward the time limit for a presentation.

- J - All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.**
- K - Any person affected adversely by a decision of the Board, may petition the State Water Resources Control Board (State Water Board) according to Water Code section 13320 and Title 23 California Code of Regulation section 2050. The Petition should be addressed to Office of Chief Counsel and must be filed within 30 days of the Executive Officer's or the Board's action or failure to act. The State Water Board must receive the petition within 30 days of the Central Coast Water Board's action (i.e., the meeting date). Copies of the law and regulations applicable to filing petitions will be provided upon request and are available on the State Water Board website, www.waterboards.ca.gov**
- L - A copy of the procedures governing Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Central Coast Water Board are conducted pursuant to Government Code sections 11400 et seq. but not Government Code sections 11500 et seq. The Chair may waive any procedural statutes or regulations that are not required by the United States or California Constitutions.**
- M - The facility is accessible to people with disabilities. Individuals who require special accommodations are requested to contact John Goni (805/542-4628) at least seven working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.**
- N - All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board must submit a statement to the Board disclosing any contributions of \$100 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent within the last 12 months to any Central Coast Water Board Member.**
- O - All permit applicants or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board, are prohibited from making a contribution of \$100 (or more) to any Board Member for three months following a Central Coast Water Board decision on the permit application.**

Central Coast Water Board
895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401
Phone: 805-549-3147



Central Coast Water Board Offices:

From Airport: turn left on Airport Drive (located between airport parking lots), go to Aerovista Park and turn right. Turn right into parking lot just before Broad Street (227).

From 101 Southbound: take Los Osos Valley Rd. exit, turn left on Los Osos Valley Rd., turn left on S. Higuera St., turn right on Tank Farm Rd., turn right on Broad St. (227), turn right on Aerovista Place and park in first parking lot on left.

From 101 Northbound: take Los Osos Valley Rd. exit, turn right on Los Osos Valley Rd., turn left on S. Higuera St., turn right on Tank Farm Rd., turn right on Broad St. (227), turn right on Aerovista Place and park in first parking lot on left.