

California Regional Water Quality Control Board

Central Coast Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

NOTICE OF PUBLIC MEETING

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD MEETING

Thursday and Friday, December 2-3, 2004
895 Aerovista Place, Suite 101 San Luis Obispo, CA 93420
[See Page 9 for location map]

[Staff will review and transmit all written material to the Board Members received by Wednesday of the week prior to the Board meeting, 5:00 p.m., or by any earlier due date required in a hearing notice for a specific agenda item. Please see the Conduct of Meeting section on Page 8, and below, for the Regional Board's procedures for accepting late submittals.]

[The board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Whenever possible, 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. Please notify staff three weeks prior to meetings of a request for presentations planned for longer than three minutes, for scheduling purposes. The Chair will decide if the request should be granted, and staff will let the speakers know if the Chair granted the request.

Note: Public Forum to be held no earlier than 3:00 p.m.. as Item No. 32.

Thursday, December 2, 2004, 1:00 p.m.

1. Roll Call [Carol Hewitt 805/549-3503] Board Members Present
2. Introductions [Roger Briggs 805/549-3140] Guests and Staff Present
3. Uncontested Items Calendar [**This item will be heard on Friday, November 19 as Item 9a.**] Board Motion

Enforcement Items

4. [David Pierson](#), Creston, San Luis Obispo County Order No. R3-2004-0110
(*Consideration of Administrative Civil Liability*) [Bruce Paine 805/542-4782]
5. [Haig Kelegian](#), Creston, San Luis Obispo County Order No. R3-2004-0125
(*Consideration of Administrative Civil Liability*) [Bruce Paine 805/542-4782]

Administrative Items [Note: Items listed below may be discussed on Friday, December 3]

32. Public Forum [**This item to be heard no earlier than 3:00 p.m.**] Board Direction
(*Any person may address the Board on any matter within its jurisdiction that is not on the agenda. Please walk to the rostrum and after receiving recognition from the Chair, give your name and address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief. The Chair generally limits the time allotted to each speaker to **three** minutes).*)
33. Reports by Regional Board Members Status Report

Your comments on agenda items should be submitted according to the deadlines we send with draft agenda items to our interested parties lists. The Regional Board can then review your comments with our staff analysis and response. If you wish to be added to our list for a specific item, please contact the staff person listed with each item in this agenda notice.

Central Coast Regional Board Meeting Agenda

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- 34. [Executive Officer’s Report](#) [Roger Briggs 805/549-3140] Information/Discussion
To view entire item, see Page 4-5.

Closed Session [Lori Okun 916/341-5199]
To view entire item, see Page 5.

Friday, December 3, 2004, 8:30 a.m.

- 6. Roll Call [Carol Hewitt 805/549-3503].....Board Members Present
- 7. Introductions [Roger Briggs 805/549-3140] Guests and Staff Present
- 8. Approval of October 22, 2004 Meeting Minutes.....Board Motion
- 9. Report by State Water Resources Control Board Liaison [Gary Carlton 916/341-5603].....Status Report
- 9a. Uncontested Items CalendarBoard Motion
(Agenda Item numbers 15 through 23a and 26-27, with a single asterisk () are expected to be routine and non-controversial. Recommended action on these items will be taken at the beginning of the meeting without discussion. If any Interested Party, Board Member, or the Executive Officer requests that an item be removed from the calendar, it will be taken up in order).*

Low Threat and General Discharge Cases

- 10. [Low Threat and General Discharge Cases](#).....Information/Discussion/Board Approval

General Low Threat NPDES Permit:

Avila Valley Hot Springs, San Luis Obispo County [Matt Thompson 805/549-3159]

General Statewide Waste Discharge Requirements Order No. 97-10-DWQ:

Ravine Water and Amusement Park, Paso Robles, San Luis Obispo County [Tom Kukol 805/5493689]

General Waste Discharge Requirements for Wineries:

Tobin James Cellars, Paso Robles, San Luis Obispo County [Tom Kukol 805/5493689]

Kendall-Jackson Winery, Soledad, Monterey County [Martin Fletcher 805/549-3694]

Recommended Case Closures:

Former Arco Service Station No. 2132 Santa Cruz, Santa Cruz County [Tom Sayles 805/542-4640]

Cleanup Cases (Note: Board may give direction to staff)

- 11. [Underground Tank Program & MTBE Cases](#).....Status Reports
 Chevron Products Company, 2194 Main Street, Cambria, San Luis Obispo County [John Mijares 805/549-3696]
 California Water Service Company Supply Wells, Pajaro Street and Bridge Street, Salinas, Monterey County [John Goni 805/542-4628]
 Camp Evers Combined Site (Four Gasoline Service Stations) Mount Hermon Road at Scotts Valley Drive, Scotts Valley, Santa Cruz County [Wei Liu 805/542-4648]
 Quick Stop Market No. 78, 5505 Soquel Drive, Soquel, Santa Cruz County [Tom Sayles 805/542-4640]
 Los Osos Valley Garage, Former Bear Valley Chevron Service Station, 1099 Los Osos Valley Road, Los Osos, San Luis Obispo County [Corey Walsh 805/542-4781]
 Regionwide MTBE Listing and High Priority Sites List [Burton Chadwick 805/542-4786]

Central Coast Regional Board Meeting Agenda

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- 12. [Perchlorate Cases](#) Status Reports
 United Defense, San Benito County [David Athey 805/542-4644]
 Whittaker Corporation, San Benito County [David Athey 805/542-4644]
 McCormick Selph, San Benito County [David Athey 805/542-4644]
 Olin Corporation, Santa Clara County [David Athey 805/542-4644]

Enforcement

- 13. [Enforcement Report](#) [Gerhardt Hubner 805/542-4647]..... Status Report
- 14. [Regional Water Quality Planning and Priorities](#)..... Board Discussion
 [Roger Briggs 805/549-3140]

Permits

- *15. [Casmalia Hazardous Waste Facility](#) Order No.R3-2004-0124
 (Update of NPDES Permit No. CA 0049972) [Dan Niles 805/549-3355]

Waste Discharge Requirements

- *16. [Pacheco Pass Class III Landfill](#), Santa Clara County Order No. R3-2004-0111
 (Update of Waste Discharge Requirements) [Thea Tryon 805/542-4776]
- *17. [County Services Area No. 45](#), Rancho Larios, San Benito County Order No. R3-2004-0153
 (Update Waste Discharge Requirements) [Scott Phillips 805/549-3550]
- *18. [Sunnyslope County Water District](#), Ridgemark Estates, San Benito County Order No. R3-2004-0065
 (Update Waste Discharge Requirements) [Matthew Keeling 805/549-3685]
- *19. [Fiero Lane Water Company](#), San Luis Obispo, San Luis Obispo County Order No. R3-2004-0154
 (Revision of Waste Discharge and Water Recycling Requirements) [Matt Thompson 805/549-3159]
- *20. [One More Time, Inc.](#), Cayucos, San Luis Obispo County..... Order No. 92-137
 (Rescission of Waste Discharge Requirements) [Matt Thompson 805/549-3159]
- *21. [Parish Residence Septic System](#), San Juan Bautista, San Benito County..... Resolution No. R3-2004-0173
 (Waiver of Waste Discharge Requirements) [Matthew Keeling 805/549-3685]
- *22. [Premier Cinemas Septic System](#), Hollister, San Benito County Resolution No. R3-2004-0174
 (Waiver of Waste Discharge Requirements) [Matthew Keeling 805/549-3685]
- *23. [Kendall-Jackson Winery](#), Soledad, Monterey County Order No. 98-02
 (Rescission of Waste Discharge Requirements) [Martin Fletcher 805/549-3694]
- *23a. [ChevronTexaco San Ardo Oilfield Water Management Facility](#), Monterey County Order No. R3-2004-0141
 (Update Waste Discharge Requirements and rescind NPDES Permit No CA004983)
 [Tom Kukol 805/549-3689]

Watershed Management [These items will not be heard until at least 9:30 a.m.]

- 24. [Guadalupe Settlement Fund](#): Funding for Cooperative
 Monitoring Program for Irrigated Agriculture and Student Staffing Support

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- [Julia Dyer 805/594-6144 and Alison Jones 805/542-4646]..... Update and Board Approval
- 25. [Former Pacific Gas and Electric Company](#), Moss Landing, Monterey County
Supplemental Environmental Projects; Request for Funding
[Amanda Bern 805/594-6197 and Alison Jones 805/542-4646]..... Update and Board Approval
- *26. [Los Osos Creek Nutrient TMDL](#)..... Resolution No. R3-2004-0165
(*Adopt Resolution*) [Katie McNeill 805/549-3336]
- *27. [Dairy Creek Dissolved Oxygen TMDL](#)..... Resolution No. R3-2004-0166
(*Adopt Resolution*) [Katie McNeill 805/549-3336]
- 28. [San Luis Obispo Creek Pathogen TMDL](#)..... Resolution No. R3-2004-0142
(*Adopt Resolution to Amend the Basin Plan*) [Christopher Rose 805/542-4770]

Status Reports [These items will not be heard until at least 10:45 a.m.]

- 29. [Development of a Regional Sediment Assessment Framework](#)..... Status Report
[Mark Angelo 805/542-4771]
- 30. [San Lorenzo River Sediment TMDL Implementation and Monitoring](#)..... Status Report
[Katie McNeill 805/549-3336]
- 31. [Summary of Timber Activities and Proposed Actions](#)..... Status Report
[Howard Kolb 805/549-3332]

Administrative Items [Note: Items listed below may be discussed on Thursday, December 2]

- 32. Public Forum..... Board Direction
*(Any person may address the Board on any matter within its jurisdiction that is not on the agenda. Please walk to the rostrum and after receiving recognition from the Chair, give your name and address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief. The Chair generally limits the time allotted to each speaker to **three** minutes).*
- 33. Reports by Regional Board Members Status Report
- 34. [Executive Officer’s Report](#) [Roger Briggs 805/549-3140] Information/Discussion

Water Quality Certifications

(A chart is provided in the agenda listing the applications received from September 1, 2004 through October 31, 2004. A listing of pending applications for Water Quality Certifications pursuant to Section 401 of the Clean Water Act may be obtained by calling Sandy Cheek at 805-542-4633).

Watershed Reports

Status Reports (Informational Updates; NOTE: Board may give policy direction):
Status of Winery Regulation [Matt Thompson 805/549-3159]

Regionwide Reports

Total Maximum Daily Load Program [Lisa Horowitz McCann 805/549-3132]
Regional Monitoring and Basin Planning [Karen Worcester 805/549-3333]

Cleanup Reports

Underground Tanks Summary Report dated October 21, 2004 [Burton Chadwick 805/542-4786]

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Administrative Reports

Presentations and Training [Roger Briggs 805/549-3140]

Closed Session

Discussion of Cases in Litigation [Staff Counsel Lori Okun] Closed Session
(The Board will meet in closed session to discuss pending litigation in the cases of South County Regional Waste Water Authority v. Regional Water Quality Control Board; Voices of the Wetlands, et al, v. Regional Water Quality Control Board (Monterey County Superior Ct. Nos. M54889 and M67321; Sixth District Court of Appeal Case No. H028021); Birkey et al. v. Olin Corporation et al. (Santa Clara County Superior Ct. No. 104CV012714); Goleta Sanitary District v. Regional Water Quality Control Board and State Water Resources Control Board (Santa Barbara County Superior Ct. No. 1156012); Concerned Citizens of Los Osos v. SWRCB [and Regional Water Quality Control Board] (San Luis Obispo County Superior Ct. No. CV-040842); Petitions of Cambria Community Services District and Cambria Legal Defense Fund (SWRCB/OCC File Nos. A-1462, A-1462(a)); Petition of Los Osos Community Services District (SWRCB/OCC File No. A-1337); Petition of Julian Weissglass et al, SWRCB-OCC File No. A-1598; Petition of Olin Corporation et al. SWRCB-OCC File Nos. A-1654 and A-1654(a); Petition of Wells & Haws SWRCB/OCC File No. A-1659 (Former Fenn Dry Cleaners, 201 E. Figueroa St, Santa Barbara; Petition of County of Santa Cruz (South County Regional Water Authority NPDES Permit), SWRCB-OCC File No. A-1670, as authorized by Government Code (GC) Section 11126[e][2][A]. The Board may discuss significant exposure to litigation as authorized by GC Section 11126[e][2][B]. The Board may also decide whether to initiate litigation as authorized by GC Section 11126[e][2][C].

Adjournment

The next regularly scheduled Board meeting is on February 10-11, 2005 in Salinas.

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REGIONAL BOARD MEETING SCHEDULE 2004

| Date | City | Address |
|----------------------------------|--------------------------|--|
| January 9, 2004 (Ag workshop) | Salinas | Richard W. Nutter Agricultural Conference Center 1432 Abbott Street, Salinas, CA 93901 |
| February 5-6, 2004 | San Luis Obispo | Regional Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906 |
| March 19, 2004 | Salinas | Salinas City Council Chamber Rotunda 200 Lincoln Avenue, Salinas, CA 93901 |
| May 13-14, 2004 | San Luis Obispo | Regional Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906 |
| June 9, 2004 | (Offsite) Avila Beach | Avila Beach – Cal Poly Pier (former Unocal pier) Avila Beach, CA 93424 |
| July 8-9, 2004 | Watsonville | Watsonville City Council Chambers, 250 Main Street, Watsonville, CA 95076 |
| Sept. 10, 2004 | San Luis Obispo | Regional Board Conference Room 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401-7906 |
| October 22, 2004 | Santa Barbara | Santa Barbara County Supervisors Board Hearing Room 105 East Anapamu St. - 4th Floor, Santa Barbara, CA 93101 |
| December 2-3, 2004 | San Luis Obispo | Regional 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 |
| Brad Hagemann, <i>Assistant Executive Officer/Ombudsman</i> | 805-549-3697 |
| Carol Hewitt, <i>Executive Assistant</i> | 805-549-3503 |
| Cyndee Jones, <i>Regional Administrative Officer</i> | 805-549-3372 |
| Lori Okun, <i>Staff Counsel</i> | 916-341-5165 |
| Sheila Soderberg, <i>Cleanup/SLIC</i> | 805-549-3592 |
| Harvey Packard, <i>Northern Permitting</i> | 805-542-4639 |
| Chris Adair, <i>Northern Non-point Source/Stormwater</i> | 805-549-3761 |
| Gerhardt Hubner, <i>Southern Permitting</i> | 805-549-4647 |
| 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 |
| John Robertson, <i>Southern Non-point Source/Stormwater/Land Disposal Unit</i> | 805-542-4630 |
| Karen Worcester, <i>Regional Monitoring/Basin Planning</i> | 805-549-3333 |

Please send or fax correspondence to:

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

(When mailing or faxing correspondence, please note comment at bottom of Page 1 of this notice)

CENTRAL COAST REGIONAL BOARD MEMBERS

| Board Member | Appointment Category | Term Expires |
|--|------------------------------|---------------------|
| Leslie S. Bowker Los Osos | County Government | 9/30/2007 |
| Bruce K. Daniels Capitola | Water Quality | 9/18/2006 |
| VACANT | Irrigated Agriculture | 9/30/2004 |
| Russell M. Jeffries Vice-Chair, Salinas | Water Quality | 9/30/2004 |
| Daniel M. Press Santa Cruz | Public | 9/30/2004 |
| VACANT | Industrial Water Use | 9/30/2004 |
| Gary Shallcross Monterey | Recreation, Fish or Wildlife | 9/18/2006 |
| Donald A. Villeneuve Cambria | Water Supply | 9/30/2005 |
| Jeffrey S. Young Chair - Santa Barbara | Municipal Government | 9/30/2005 |

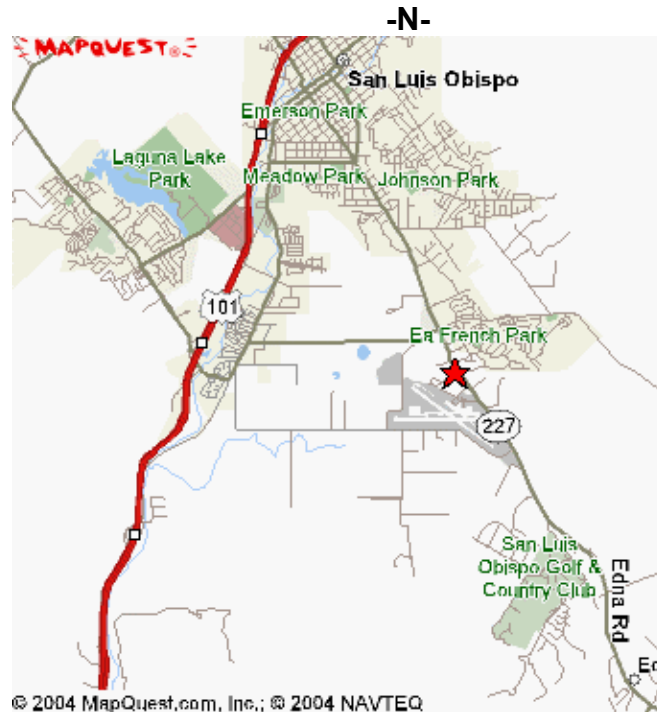
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CONDUCT OF MEETING AND HEARING PROCEDURES

- A - The primary duty of the Regional 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 testimony and information from staff and 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. 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. 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 rules that exclusion would create a severe hardship and that no party (including Regional Board staff) will be prejudiced by the late submission. 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.
- E - The Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Whenever possible, 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. Please notify staff three weeks prior to meetings of a request for presentations planned for longer than three minutes, for scheduling purposes. The Chair will decide if the request should be granted.
- F - Material presented to the Board, as part of testimony (e.g., photographs, slides, charts, diagrams, etc.) that is to be made part of the record 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 Regional Board staff prior to the meeting to arrange for equipment set-up.
- G - **HEARING RULES FOR CONTESTED HEARINGS ON WASTE DISCHARGE OR WATER RECYCLING REQUIREMENTS, NPDES PERMITS, ADMINISTRATIVE CIVIL LIABILITY ORDERS AND INVESTIGATION OR ENFORCEMENT ORDERS [CWC §§ 13267, 13300-13308, 13383]:** Only designated parties will have these rights: 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. Designated parties are Regional Board staff and any person named in the proposed order. 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 Regional Board no later than two weeks after the draft order is available for public comment (or any earlier or later date specified in a hearing notice for a specific item). The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.
- H - 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.
- I - All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record.
- J - Any person affected adversely by a certain decision of the California Regional Water Quality Control Board, Central Coast Region (Regional Board), may petition the State Water Resources Control Board (State 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 Board must receive the petition within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.
- K - A copy of the procedures governing Regional Water Quality Control Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code sections 11400 et seq. but not Government Code sections 11500 et seq.
- L - The facility is accessible to people with disabilities. Individuals who require special accommodations are requested to contact John Goni (805/542-4728) at least five 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.
- M - All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit pending before the Regional 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 Regional Board Member.
- N - 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 Regional Board, are prohibited from making a contribution of \$100 (or more) to any Board Member for three months following a Regional Board decision on the permit application.

Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
805-549-3147



Regional 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 before Broad Street (227).

From 101 North take Los Osos Valley Rd. exit, turn left until South Higuera, turn left until Tank Farm Rd., turn right until Broad Ave. (227), turn right until Aerovista Place, turn right and park in first parking lot on left.

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

-S-