

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR THE REGULAR MEETING OF MARCH 19, 2004

Prepared on February 23, 2004

ITEM: 17

SUBJECT: Resolution No. R3-2004-0053 - Time Extension Request for Submittal of Modified Application for Secondary Treatment Standards for the Goleta Sanitary District, Santa Barbara County

SUMMARY

The Goleta Sanitary District (District) has requested a 60-day time extension for submittal of a modified NPDES application pursuant to Resolution No. R3-2002-0077. Proposed Resolution No. R3-2004-0077 amends the previous resolution to grant the time extension.

BACKGROUND

On April 19, 2002 the Regional Board convened a joint hearing with the U.S. Environmental Protection Agency (U.S. EPA). The purpose of the hearing was to consider concurrence for a 301(h) waiver granted by U.S. EPA in a federally issued National Pollutant Discharge Elimination System (NPDES) permit. After a motion to adopt waste discharge requirements concurring with the 301(h) variance failed, the majority of the Regional Board passed a motion directing staff to prepare findings denying concurrence of the 301(h) waiver. The Regional Board then continued the hearing to allow staff time to prepare draft findings.

Additional written and oral testimony was provided before and during the Regional Board's May 31, 2002 meeting. The Regional Board voted at that meeting to adopt the following findings:

- a. Clean Water Act section 401 Certification of the federal NPDES permit was denied.
- b. Concurrence with the federal NPDES permit 301(h) variance was denied because the tentative federal draft permit was not certified in accordance with state law specified by 23 C.C.R. sections 3855 et seq.
- c. Concurrence with the federal NPDES permit 301(h) variance was denied.

On July 12, 2002, Regional Board considered and then adopted Resolution No. R3 2002-0077 (Attachment No. 1). The Resolution required the District to submit a modified NPDES application to the Regional Board by December 12, 2002.

On August 8, 2002, the District filed a timely petition with the State Water Resources Control Board, requesting review of Resolution R3-2002-0077.

On December 13, 2002, the Regional Board considered and then adopted Revised Resolution No. 2002-0077, requiring: "The Discharger shall submit a modified NPDES permit application to the Regional Board within 45 days after the State Board issues a decision agreeing with Resolution R3-2002-0077."

DISCUSSION

At January 22, 2004, State Water Resources Control Board hearing, the State Board denied the District's petition of Resolution No. R3-2002-0077. Based upon the January 22, 2004 date on which State Board took action on the petition. The forty-five day period for submittal of a modified NPDES application ends March 7, 2004. On February 18, 2004, the District requested a 60-day extension to comply with the modified application requirement.

Staff supports the District's 60-day extension request. The District has requested the extension in order to fully brief and allow time for input from their Board members. In addition, this extension will provide time for the District to plan and prepare the application.

Purposed Resolution No. R3-2004-0053 modifies Resolution No. 2202-0077 to provide for a 60-day extension for submittal of a modified NPDES application. As proposed, the Resolution requires submittal of a modified NPDES application by May 7, 2004.

We have also attached a Santa Barbara News Press article regarding the District filing a lawsuit appealing the recent State and Regional Board decisions.

RECOMMENDATION

Adopt Resolution No. R3-2004-0053.

ATTACHMENT

1. Resolution No. R3-2002-0077
2. Resolution No. R3-2004-0053
3. Santa Barbara News Press Article.

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