

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

**STAFF REPORT FOR REGULAR MEETING OF MAY 31, 2002**

Prepared on April 29, 2002

**ITEM: 33**

**SUBJECT: Executive Officer's Report to the Board**

Brief discussion of some items of interest to the Board follow. Upon request, staff can provide more detailed information about any particular item.

**Watershed and Cleanup Branch Reports**

**REGULATION SUMMARY OF  
MARCH 2002**

[Corinne Huckaby 805/549-3504]

Orders

Reports of Waste Discharge Received	6
Requirements Pending	36
Inspections Made	44
Self-Monitoring Reports Reviewed (WB)	106
Self-Monitoring Reports Reviewed (CB)	37
Stormwater Reports Reviewed	15

Enforcement

Non-Compliance Letters Sent:	
NPDES Program	5
Non-Chapter 15 WDR Program	17
Chapter 15 Program	0
Unregulated	1
Stormwater	10
CAOs Issued	0
ACL Complaints	1

**WATER QUALITY CERTIFICATIONS**

[Corinne Huckaby 805/549-3504]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must assure that beneficial uses will be protected, and water quality standards will be met.

Conditional Certification is appropriate when a project may adversely impact surface water quality. Conditions allow the project to proceed under an Army Corps permit, while upholding water quality standards.

Staff will recommend "No Action" when no discharge or adverse impacts are expected. Generally, a project must provide beneficial use and habitat enhancement for no action to be taken by the Regional Board. A chart on the following page lists applications received from March 16 to May 3, 2002.

**WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM MARCH 16 THROUGH MAY 3, 2002**

<b>Date Received</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Receiving Water</b>	<b>Action Taken</b>	<b>Project Location</b>
March 19, 2002	Santa Barbara Co. PWD	Refugio Road at Quiota Creek Crossings #2, 6, 8	Santa Ynez River	Pending	Santa Ynez Valley
March 22, 2002	California Department of Parks & Recreation	Seacliff Pier Repairs	Pacific Ocean	Pending	Aptos
March 28, 2002	George Shyavitz and Sandra Short	Culvert under single family residence driveway	Unnamed tributary to	Standard certification	Atascadero
April 3, 2002	Santa Barbara Co. PWD	Tajiguas Landfill Sedimentation Basin Maintenance	Pila Creek to Pacific Ocean	Pending	Santa Barbara County
April 4, 2002	CalTrans	9 culvert extensions	Unnamed tributaries to the	Pending	Southern Monterey County
April 4, 2002	CalTrans	Cuesta Grade Improvement Project	San Luis Obispo Creek	Standard Certification	Cuesta Grade
April 5, 2002	Santa Cruz Co.	Green Valley Road Culvert	Green Valley Creek	Pending	Watsonville
April 10, 2002	Santa Clara Valley Transportation Authority	Hwy 101 and State Route 152 improvements	Miller Slough	Pending	Gilroy
April 15, 2002	Monterey Peninsula Water Mgmt Dist.	San Clement Ford Modification	Carmel River	Standard Certification	Carmel Valley
April 15, 2002	Monterey Peninsula Water Mgmt Dist.	Old Carmel Dam and glide modification	Carmel River	Standard Certification	Carmel Valley
April 15, 2002	Monterey Peninsula Water Mgmt Dist.	Inflow by-pass at Rancho San Clemente Reservoir	Pacific Ocean	Standard Certification	Carmel Valley
April 15, 2002	Monterey Peninsula Water Mgmt Dist.	Improve Fish Passage through San Clemente Reservoir	Pacific Ocean	Standard Certification	Carmel Valley
April 15, 2002	Monterey Peninsula Water Mgmt Dist.	Spawning Habitat Restoration Project - Pilot Gravel Injection Program	Pacific Ocean	Standard Certification	Carmel Valley
April 15, 2002	Resource Conservation District of Monterey County	Implementation & maintenance of conservation practices on agricultural lands	Salinas River	Pending	Monterey Country
April 15, 2002	Monterey Peninsula Water Management	Pine Creek critical riffle modification	Pine Creek	Standard Certification	Carmel Valley
April 16, 2002	Monterey County Water Resources Agency	Salinas River Channel Maintenance Program	Salinas River	Pending	Monterey County
April 16, 2002	George Akel, Newman Development Group	Highway 152 Retail Center - Storm Drain Outfall	West Branch Llagas Creek	Pending	Gilroy
April 16, 2002	Dr. Walter Mark, Swanton Pacific Ranch	Lower Scotts and Queseria Creeks Riparian Restoration Project in Southern Coho Stream	Queseria Creek, Scotts Creek	Pending	Davenport
April 18, 2002	Santa Cruz Co.	Webb Road Storm Damage Repair	Unnamed creek which empties	Pending	Watsonville
April 22, 2002	Brookside Glen Homeowners Assoc.	Brookside Glen Bank Erosion Repair	Branciforte Creek	Pending	Santa Cruz
April 22, 2002	Santa Barbara Co. PWD	Hollister Ave/Maria Ygnacio Creek Scour	Maria Ygnacio Creek	Pending	Goleta

**Item No. 33**  
**Executive Officer's Report**

**May 31, 2002**

April 24, 2002	San Luis Obispo County Community College	Pennington Creek Bank Stabilization	Pennington Creek tributary to Chorro	Pending	San Luis Obispo
April 24, 2002	Santa Cruz PWD	Branciforte Creek Flood Channel Maintenance	Branciforte Creek	Pending	Santa Cruz
April 24, 2002	Santa Cruz Co.	Larkin Valley Road, Storm Damage Repair	Harkin Slough	Pending	Watsonville
April 24, 2002	City of Santa Cruz PWD	San Lorenzo River Maintenance	San Lorenzo River	Pending	Santa Cruz
April 25, 2002	Santa Cruz Co.	Redwood Road Storm Damage Repair	Unnamed tributary to	Pending	Watsonville
April 29, 2002	Rancho de Paraiso, LLC	Rancho de Paraiso Lot Development	Graves Creek	Pending	Atascadero
April 29, 2002	City of Salinas Recreation-Park Department	Natividad Creek Stormwater Detention and Wetland Restoration	Natividad Creek	Pending	Salinas
May 2, 2002	San Mateo County	Gazos Creek Emergency Bank Protection	Gazos Creek	Pending	Pescadero

## WATERSHED BRANCH REPORTS

### Status Reports

#### Los Osos Wastewater Project [Sorrel Marks 805/549-3695]

Following is a brief summary of issues relating to the Los Osos wastewater project since the status report provided for the Board's February 1, 2002 meeting.

The Los Osos Community Services District (CSD) is proceeding with the design phase of the project and also with purchase of disposal and habitat mitigation property (partially funded by a Proposition 13 grant). The CSD is conducting a number of community workshops to assist property owners to identify and plan for their individual connections to the community system. Also, staff is working with the CSD to assist in its development of an on-site management district for those areas which will not be connected to the sewer. Further detail regarding the project status is summarized in the most recent quarterly status report from the CSD **(See Attachment No. 1).**

By February 6, 2002 letter **(See Attachment No. 2)**, staff provided additional clarification to Mr. Dennis Carver regarding his request for exemption from the Basin Plan discharge prohibition area. Staff's earlier response letter (dated November 26, 2001) is also included for reference **(See Attachment No. 3).**

By February 19, 2002 letter to Ms. Cinthea Coleman **(See Attachment No. 4)**, staff responded to requests for information regarding water quality issues in Los Osos. Earlier response to Ms. Coleman's request (dated November 21, 2001) is also included for reference **(See Attachment No. 5).**

On March 7, 2002, the CSD adopted a basin-wide ground water monitoring program, in order to evaluate shallow ground water quality as well as long-term trends. By April 15, 2002 letter, staff notified the CSD of its concurrence with the monitoring plan and our tentative scheduling of Board consideration of Waste Discharge

Requirements for the project in December **(See Attachment No. 6).**

By letters dated March 21, and April 16, 2002, staff responded to requests from Los Osos residents, Mr. Gordon Taylor, Mr. Jim Marrocco and Mr. Al Barrow. Letters are included as **Attachment Nos. 7, 8 and 9.**

On April 29, 2002, staff sent a letter of complaint to U.S. EPA regarding a presentation of one of its public education grant recipients. The letter is included as **Attachment No. 10.**

In order to address questions regarding Regional Board authority, water quality and related issues, staff has participated in the following public meetings (since the Status Report provided in the February agenda):

February 21<sup>st</sup>: Meeting of the Los Osos CSD Board of Directors; Regional Board staff made a presentation summarizing the history and current status of water quality issues in Los Osos and Montgomery Watson Harza (project design consultant to the CSD) made a presentation regarding on-site systems evaluated in a recent Ventura Regional Sanitation District study.

April 18<sup>th</sup>: Meeting of the Los Osos CSD Board of Directors regarding on-site system management districts.

May 8<sup>th</sup>: Meeting of the Los Osos CSD Board of Directors regarding U. S. EPA support for the project; staff plans to participate in the meeting, along with representatives from U. S. EPA, and will provide an update regarding meeting results.

On April 30, 2002, the U. S. Ninth Circuit Court of Appeals ruled to dismiss an appeal filed by a citizens' group opposing the wastewater project. A press release regarding the ruling is included as **Attachment No. 11.** This most recent court ruling is the seventh court action supporting the project.

In an effort to provide public outreach to Los Osos community members, staff has prepared a series of Frequently Asked Questions (FAQ) sheets for distribution at meetings and by individual mailing to

all Los Osos property owners. The FAQ sheets are included as **Attachment No. 12.**

Cruise Ships [Eric Gobler 805/549-3467]

In early March, we learned that cruise ships will be visiting Central Coast waters and ports. Princess Cruises, Star Princess, stopped in Santa Barbara on May 6. Due to wind and sea conditions it was unable to stop in Monterey on May 7. The ship is on a cruise from southern California to Alaska and return. The Star Princess is a brand new ship (first voyage from Los Angeles, March 16, 2002), carries up to 2600 passengers, and is equipped with the latest wastewater treatment and storage facilities. It is a very large vessel, rated at about 109,000 gross tons. Royal Caribbean Cruises Ltd and Crystal Cruises are planning port calls in Monterey on September 18 and October 9, respectively. Details of the fall cruises are currently unconfirmed.

At the March 22nd Regional Board Meeting, several special interest groups and citizens expressed concerns about waste management practices and the potential impact to water quality, sea life and water resources. Since March, Regional Board staff has been actively involved in meetings and information gathering related to planned cruise ship activities.

A major water quality concern related to cruise ship activity is waste management. Potential waste streams include solid waste (garbage, plastics, etc.), sewage (black water, toilet waste), gray water (laundry, shower & galley waste), bilge water (water that collects in the hull, often is stagnant and contains oil), ballast water (water used to stabilize the vessel, normally added as fuel is used and discharged when fuel is added), and chemical wastes (photo processing, dry cleaners, medical wastes, beauty wastes, etc.). Although regulatory authority for vessel waste discharges is limited, Princess Cruises has indicated its intent to observe a "zero discharge" policy while in Monterey Bay National Marine Sanctuary Waters (see attached letters). The discharge policy in the Santa Barbara Channel area is no discharge outside the International Maritime Organization shipping vessel track. Since the track generally is more than 12 miles from the shoreline, any allowable waste discharge will generally be more than 12 miles from shore. However, shipping

lanes are much closer to shore at the west and east ends of Santa Barbara Channel – approximately four miles from shore at the east end, passing through the Channel Islands Sanctuary, through State waters in our Region, and passing within about a mile of Anacapa Island, a National Park. Since the Star Princess is equipped with an approved marine sanitation device, discharge quality will meet federal standards and will generally be substantially beyond state waters. [Note that large cruise lines, including those visiting our Region ports this year, have in force a policy to voluntarily withhold discharge of all sewage and gray water within three miles of shore.]

Generally, Regional Board authority is limited to state coastal waters (three statute miles from shore). Vessels are excluded from National Pollutant Discharge Elimination System (NPDES) permitting requirements by 40 CFR 122.3 (a). Commercial vessels with installed toilets are required to have an approved marine sanitation device (MSD) installed as well. The MSD must be approved by the US Coast Guard and must treat sewage to ensure an effluent quality with a total fecal coliform count of 200 per 100 ml or less and a suspended solids concentration of 150 mg/l or less in accordance with 40 CFR 140.3(d). While vessels are required to meet these standards, there are no self-monitoring requirements to ensure that the standards are in fact being met. There are no regulations governing gray water discharges.

Oily waste discharge (i.e., bilge water) is regulated by 33CFR151.10. This section of the federal regulations prohibits discharge of oily mixtures into the ocean unless the vessel is equipped with an approved oil-water separator and alarm system. The discharge must not contain oil exceeding 15 ppm (undiluted). California Department of Fish and Game prohibits discharge of "visible oil" within state waters. Federal regulations prohibit discharge of any amount of oil within Monterey Bay National Marine Sanctuary waters.

The State Lands Commission regulates ballast water, along the California coast. At this time, all ships are required to "manage" ballast water. This means that ballast water must be exchanged at least 200 miles from California shorelines and where water depth is at least 2000 meters. Due to concerns with transporting "exotic and invasive species" from foreign waters, the cruise ship

industry is working closely with State Lands to ensure proper ballast water management. Princess Cruises, according to State Lands officials, has been a leader in developing improved means for ballast water management and the Star Princess is equipped with a state-of-the-art ballast water management system being tested by the State Lands Commission.

Other wastes, including chemical wastes and solid wastes, are managed differently on each ship. According to Princess Cruise officials, the Star Princess has a closed system to contain all chemical, medical and solid wastes. These wastes are taken ashore at the larger ports. Santa Barbara Harbor and Monterey Harbor do not have facilities to receive any waste streams, so they will be contained onboard and brought ashore outside our Region.

It is important to note that there is a significant effort, nationwide, to improve waste management practices associated with the cruise ship industry. As a result of a petition from the Bluewater Network (on behalf of 53 organizations), USEPA is assessing cruise ship discharges. Additionally, in California, AB2746 created the Cruise Ship Environmental Task Force (effective January 1, 2001) to evaluate environmental practices and waste streams of large passenger vessels (those exceeding 300 gross tons). The Task Force was convened by the California Environmental Protection Agency, and includes representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The US Coast Guard participates in an advisory capacity.

The purpose of the task force is to gather information necessary for preparing a report to the legislature by June 1, 2003. The report will include the following information:

- (a) A summary review of environmental rules, regulations, reports, reporting procedures, and mechanisms for the management of waste applicable to large passenger vessels based on international, federal, and state law.
- (b) A review and analysis of information contained in any report submitted to any state or federal entity by the owner or operator of a large passenger vessel related to the matters subject to

this division, as well as reports and other records submitted to the task force under this division.

(c) Identification of areas of concern that may not be covered by existing reporting requirements that should be included in federal or state reporting requirements.

(d) Identification of mechanisms to better coordinate the activities of the various state and federal agencies that regulate the operation of large passenger vessels.

(e) Observations regarding the potential impacts of reported quantities and characteristics of releases of waste on water quality, the marine environment, and human health, taking into consideration applicable water quality standards, and an evaluation of the air contaminant emissions on air quality and human health, taking into consideration applicable air quality standards.

(f) Recommendations to the US Coast Guard and state agencies, as appropriate, to address any areas where additional regulations or reporting may be appropriate.

As a result of AB2746, large passenger vessels must now provide quarterly reports to the State Water Resources Control Board identifying any gray water or sewage that they discharged during the previous calendar quarter while the vessel was located in the marine waters of the state. The Task Force is currently in the information gathering stage. Princess Cruises has agreed to provide the Task Force a separate report verifying its waste discharge practices (including "no discharge" in Monterey Bay National Marine Sanctuary waters) during its May 6 and May 7 voyage, within two weeks.

With respect to the May 6 and May 7 port calls of the Star Princess in Santa Barbara and Monterey Harbors, the US Coast Guard has not committed to any specific monitoring. They are focusing their regulatory efforts on ship and passenger safety. Princess Cruises had arranged an onboard environmental tour on May 7<sup>th</sup> while in Monterey Bay. Unfortunately, wind and sea conditions were determined to be unsafe to allow passengers to come to shore and to allow boarding for the environmental tour. Thus, Princess cancelled the tour. The tour was intended to allow various local, state and federal agencies to board the ship and

observe the various waste storage, treatment and discharge facilities, and record-keeping procedures. Following the environmental tour, agency staff met officials from Princess Cruises, Royal Caribbean Cruise Lines, Crystal Cruises, and the International Council of Cruise Lines to discuss additional cruises planned in the Central Coast area in the Fall. Regional Board staff member, Eric Gobler, attended the follow-up meeting. Royal Caribbean Cruises, Ltd and Crystal Cruises confirmed their Monterey Bay port calls on September 18<sup>th</sup> and October 9<sup>th</sup>, respectively. Both cruise lines indicated their ability to store wastes while within Monterey Bay National Marine Sanctuary waters. They verbally agreed to not discharge wastes to the ocean while within Sanctuary waters. Their "no discharge" policies will be confirmed in writing prior to the port calls. Additionally, both cruise lines are willing to allow onboard environmental tours. Details will be arranged well in advance. Neither cruise line is planning central coast port calls, other than Monterey Bay, in the fall. Eric Gobler will attend the May 31<sup>st</sup> Board Meeting to answer any questions related to cruise ship activities.

It should be noted out that Princess Cruises' officials have shared information openly about the local May 6 and May 7 port calls, planned tracks and waste management practices. Their position to observe a "zero discharge" policy within the Monterey Bay National Marine Sanctuary and at least 12 miles offshore (with exceptions noted) in other areas is appreciated and certainly will enhance protection of the sensitive marine waters and associated resources and beneficial uses. The verbal "no discharge" commitment by Royal Caribbean Cruises, Ltd and Crystal Cruises is also very helpful. Four letters have been attached (**See Attachment Nos. 13, 14, 15, and 16**) that acknowledge the benefits and importance of not discharging wastes to Sanctuary waters.

Reclaimed Water Use for Wetland Restoration in Moro Cojo Slough, Monterey County [Lida Tan 805/542-4785]

On April 30, 2002, Regional Board staff approved a proposal to use reclaimed water from the Castroville Sea Water Intrusion Project Tertiary Plant for wetland restoration efforts in Moro Cojo Slough. The project is proposed by Dr. Robert Burton of Creative Environmental Conservation, Inc (CEC), a local non-profit group that has been spearheading the wetland restoration efforts on

active agriculture lands in the Moro Cojo Slough. This effort is part of the Moro Cojo Non-Point Source Implementation Plan.

With the cooperation of local farmers, CEC recently built a series of shallow ponds along the borders of active farmland in the lower Moro Cojo Slough. The ponds are located in the area where runoff water can be efficiently captured by the natural topography and hydrology of the surrounding areas. The long-term goal is for the shallow ponds to become wetlands and seasonal wet areas, and in time they will be opened to flows from the Castroville and Moro Cojo Sloughs. It is anticipated that these wetlands should dramatically improve the quality of runoff as it flows through the wetland filter, increase floodwater storage capacity, and improve sediment retention and aquifer recharge. Local farmers will benefit from the wetlands because the wetlands will create a barrier preventing rodents from migrating to nearby row crops. A local farmer has agreed to provide some of his allotted reclaimed water from the Castroville tertiary plant to start filling the shallow ponds. The reclaimed water will be needed for the first three to five years to maintain water levels in the ponds to support the plants and wildlife while the natural water flow from the surrounding areas is being formed. Once the ponds are opened to the flows from the Castroville and Moro Cojo Sloughs, they should become self-sustaining and the need for reclaimed water will cease.

Since the ponds are designed to catch irrigation runoff and winter storm water runoff, the proposal is to use the reclaimed water in the summer season only during the periods when the farmers are not irrigating. The amount of reclaimed water needed for the project is expected to be a small percentage of the farmer's allotment (on the order of a few hundred gallons per day). A water meter will be installed to provide an accurate count of total usage.

Although the current Waste Discharge Requirements Order No. 94-101 which regulates the uses of the reclaimed water does not include the CEC's proposed use, staff believes that the proposed use will improve the water quality of the subject area by creating wetlands and preventing agriculture runoffs. As long as the shallow ponds need to rely on the reclaimed water, CEC is required to fully comply with Order No. 94-101 and its Monitoring and Reporting Program for the

reclaimed water use. California State Water Resources Control Board Strategic Plan (Goal 3) encourages more balanced and efficient use of water through water transfers, recycling and conservation. The Municipal Wastewater Reclamation Survey (SWRCB, 1987) indicates that wildlife habitat enhancement is the fourth largest use of the reclaimed water in California.

Loma Alta Farm, Santa Cruz County [Bill Arkfeld 805/542-4627]

During the Executive Officer Report of the March 2002 Board Meeting, Regional Board staff summarized the current status of this investigation. At the request of Mr. Buddy Fallon, Regional Board staff is attempting to determine whether the Loma Alta Farm is discharging horse manure and soil onto Mr. Fallon's property and if so, what are the potential water quality impacts. The evidence to date that this may be occurring includes several photographs, Mr. Fallon's statements and observations by Board Member Russ Jeffries. Mr. Fallon, Regional Board staff and Mr. Wahler from Loma Alta Farm have agreed to the following:

- 1) **Best Management Practices:** Regional Board staff are coordinating with Loma Alta Farm to ensure implementation of appropriate manure management and erosion control best management practices. To date, the Loma Alta Farm owners have been very cooperative and are utilizing best management practices. However, Regional Board staff will continue to encourage possible improvements of best management practices as appropriate. Current best management practices include covering of compost piles, daily stable cleaning, vegetated buffer zones, and incorporation of organic matter (compost) into soils used for farming.
- 2) **Manure/Compost Tracking:** The owners of the Loma Alta Farm have agreed to keep records of the amount of manure produced (collected from stables), amount of compost created, the amount of compost sold and the amount of compost applied to land.
- 3) **Soil Sampling:** On April 16, 2002, Regional Board staff collected 10 soil samples from Mr. Fallon's property. All samples were collected from a depth of 3 to 6 inches and analyzed for nitrogen compounds, phosphorous, potassium,

pH and moisture content. As of May 6, the analytical results for these samples were not available. The sample results will be forwarded to Mr. Fallon promptly when available. Mr. Fallon agreed to send sample results he has already collected once he receives the results of the Regional Board's sampling project.

Regional Board staff will continue to work with Mr. Wahler and Mr. Fallon to resolve Mr. Fallon's concern that contaminants may be migrating onto his property.

De Laveaga Golf Course, Santa Cruz County [Bill Arkfeld 805/542-4627]

At the March 22, 2001 Board Meeting, Mr. Buddy Fallon expressed concerns with the proposed renovation of the De Laveaga Golf Course. Mr. Fallon stated that a representative of the City of Santa Cruz indicated during a public meeting that no permits would be required for a project expected to involve about 50,000 cubic yards of soil grading. Regional Board staff contacted Steve Hammack of the City of Santa Cruz Parks and Recreation Department. Mr. Hammack is the Superintendent of Parks for the City of Santa Cruz. Mr. Hammock indicated that his agency is just beginning a master plan process for the Golf Course. The Master Plan is expected to address operation and improvements of the Golf Course for the next 25 years. Mr. Hammack indicated that his Department will obtain all appropriate permits, fully comply with all applicable regulations and perform environmental review pursuant to the California Environmental Quality Act. Regional Board staff will review environmental documents and issue permits as appropriate.

Regional Board staff also inquired about the Frisbee Golf Course located next to the De Laveaga Golf Course. Mr. Hammack indicated that the land is currently owned by the City of Santa Cruz and leased by the National Guard Armory. Mr. Hammock explained that Legislation was passed by the State of California that requires the City to transfer ownership of the Frisbee Golf Course to the National Guard. Regional Board staff inspected the Frisbee Golf Course on April 16, 2002, and found significant erosion. Controlling erosion at the Frisbee Golf Course is a goal of the Arana Gulch Watershed Alliance.



Regional Board staff is coordinating with the involved parties to seek a solution to this erosion problem.

City of Hollister Wastewater, San Benito County  
[Matt Fabry 805/549-3458]

**Update on City of Hollister Wastewater Issues**

Since the March 22, 2002 Regional Board meeting, there have been several developments regarding the City of Hollister's (City) wastewater treatment and disposal systems. Seepage of treated wastewater from a disposal bed at the City's Domestic Wastewater Treatment Plant to the San Benito River channel was observed during a routine compliance inspection by Regional Board staff. Violations of influent flow limitations were reported for the months of February and March 2002. A levee breached in a disposal pond at the City's Industrial Wastewater Treatment Plant, resulting in discharge of approximately 15 million gallons of treated wastewater to the San Benito River channel. Details of these events are provided, as follows.

**Treated Wastewater Seepage to San Benito River**

- In 1998, the San Benito River began eroding close to the City's disposal ponds, so the City constructed a berm *within* Disposal Bed 13, reducing its size and providing greater distance between the river channel and percolating wastewater. City staff decided in May 2001 to breach this internal berm and utilize the full capacity of Disposal Bed 13. Although the City's decision to breach the berm included plans to observe the riverbank for signs of seepage, it appears the City failed to make these observations. Regional Board staff performed a routine compliance inspection at both the Industrial and Domestic Wastewater Treatment Plants (IWTP and DWTP) on March 27, 2002. During the DWTP inspection, staff observed ponded water in the San Benito River channel, adjacent to the riverbank along Disposal Bed 13 (just west of Highway 156 bypass, adjacent to river). Seepage from the riverbank was the source of ponded water. City staff estimated the rate of seepage to be 50 gallons per day and it appeared the ponded water percolated into the ground within approximately 25 feet of the seepage point. Surface water was not impacted by the seepage, as the main San Benito River channel was on the other side of the riverbed. Public contact was unlikely due to the remote location of the seepage.

DWTP operational staff collected samples of both ponded water and treated effluent in Disposal Bed 13, to analyze for chlorides. The chloride concentrations in both samples were nearly identical, indicating the ponded water was treated effluent seeping through the riverbank. The City pumped Disposal Bed 13 dry, and the seepage slowed and was not visible by April 1.

After pumping Disposal Bed 13 dry, the breached berm was repaired and operational staff lightly loaded the portion of the bed furthest from the river with treated wastewater. The City regularly observed the riverbank and no seepage was detected. The City plans to continue loading Disposal Bed 13 and observing the riverbank to determine if it is safe for ongoing wastewater disposal.

The City is concerned, based on the riverbank elevation of the seepage, there may be irrigation pipes buried between Disposal Bed 13 and the river that act as a conduit for percolating wastewater. When the river eroded the riverbank in that area in 1998, old irrigation pipes were exposed. The City plans to dig a trench along an adjacent access road to investigate this possibility, and will report their findings to the Board.

Regional Board staff issued a Notice of Violation for the seepage on April 12, 2002. The Notice of Violation requires submittal of a technical report by May 12, 2002, containing additional information regarding the seepage. Any additional details received will be provided to the Regional Board through a supplemental sheet prior to the May 31, 2002 meeting.

**Influent Flow Violations** - The City of Hollister's April 22, 2002 self-monitoring report for the DWTP indicates violations of the monthly average influent flow limitation for the months of February and March. A new flow meter was installed at the DWTP in late January 2002, and according to the self-monitoring report, appears to be accurate. However, in a May 2, 2002 meeting with Regional Board staff, City staff stated further evaluation indicates the new flow meter may be inaccurate. High water levels in the primary treatment pond have caused hydraulic backups in the influent channel so flow-metering results are questionable. The City plans to drop the water levels in the primary pond to allow evaluation of the metering at the DWTP over a 30-day period. The City is also having an independent evaluation of the flow

metering system at both plants by Hydrosience Engineers, Inc. The City expects to have preliminary results of the investigation prior to the May 31, 2002 Regional Board meeting, and additional information will be provided to the Board through a supplemental sheet.

Regional Board staff will be issuing a Notice of Violation for the reported flow violations requiring a definitive evaluation of current and past flow metering data. If current flow metering data are proved accurate, the City will be required to take corrective action to address the flow violations.

**Levee Failure at Industrial Wastewater Treatment Plant** - On May 6, 2002, a levee on Disposal Pond 6 at the IWTP catastrophically failed, discharging approximately 15 million gallons of treated wastewater to the San Benito River. A gopher hole is believed to have caused the levee failure, as City crews cutting weeds on the levee observed water coming out of a hole at approximately 3:30 PM. Within an hour, the levee had breached to a fourteen-foot gap. The majority of discharge from the pond was contained by about 7:30 that evening, and fully contained by 10:15 PM. The City has built a dam across the river downstream of the Highway 156 bypass, adjacent to the DWTP disposal ponds. This dam contained the majority of flow in the river, although some water traveled further downstream as the dam was being constructed. Regional Board staff estimates the total extent of flow reached less than one mile beyond the Highway 156 bypass (less than two miles from the point of discharge). The City plans to pump water contained behind the constructed dam into the disposal ponds at the DWTP. The San Benito River was not flowing at the time of discharge. Appropriate agencies were contacted and the City indicated a formal spill report will be filed within prescribed timelines. Regional Board staff met with City staff to discuss the discharge and viewed the failed levee and downstream dam on May 7, 2002. Upon reviewing all information related to the discharge, Regional Board staff will evaluate appropriate enforcement action and present findings to the Board at the July 12, 2002 meeting.

## **CLEANUP BRANCH REPORTS**

### **Status Reports**

Unocal Guadalupe Oil Field, San Luis Obispo County [Katie DiSimone 805/549-3690]

**Summary** - The following is a status report of Unocal's Guadalupe oil field cleanup. This information was current on April 26, 2002.

The Executive Officer has approved final work plans for the hot water/steam injection pilot test at the oil field. The County of San Luis Obispo completed an addendum to the environmental impact report and approved permits for the project, though the California Coastal Commission's approval is still pending. In anticipation of permit approvals, Unocal is working to complete contracts to begin drilling in early to mid May 2002. Unocal will begin construction of piping and other system equipment in August 2002. The pilot test will begin in October 2002, and will run for approximately six months.

Unocal and Regional Board staff members continue to address site-characterization issues through a facilitated work group. The ecological and human-health risk assessments are still on schedule to be completed in September 2002. Significant progress has been made on the topics of confining unit integrity and natural attenuation of contaminants in groundwater.

Douglas Gustafson, 472 Lighthouse Avenue, Pacific Grove, Monterey County [Jay Cano 805/549-3699]

Regional Board Staff has been working to achieve cleanup of petroleum at a site at 472 Lighthouse Avenue in Pacific Grove. According to Monterey County's information, leakage or spills of fuel oil many years ago caused soil and ground water contamination of the site and neighboring properties. Several years ago, Mr. Douglas Gustafson removed some of the petroleum at the 472 Lighthouse property, however, petroleum remained under adjacent properties. A previous landowner, Blackwell family, was responsible for the original release. In order to initiate action for cleanup, staff has sent letters to Gustafson and the Blackwells naming them as responsible parties and directing investigation and cleanup. The Blackwells have responded, however, Gustafson

evades staff's attempt to contact him. Recently, staff sent a request to the Monterey County District Attorney's Office requesting assistance to force Mr. Gustafson to comply with Regional Board directives **(See Attachment No. 17)**.

### **Corrective Action Plan Approval, Underground Tank Program**

Tosco (Unocal) Service Station # 1011, 201 Monterey St., Salinas, Monterey County [John Goni 805/542-4628]

Regional Board Staff has concurred with a corrective action plan proposing use of ozone micro-sparging to oxidize gasoline hydrocarbons. A contaminant plume of Benzene (5,600 ppb) and TPH (51,00 ppb) has been delineated at this site, with the majority of contaminants on-site. Ozone will be applied into groundwater at micro-sparge points along the down-gradient property lines. Staff has revised the groundwater monitoring to include analyses for potential gasoline hydrocarbons and oxygenate breakdown products. MTBE has been found at the site in relatively low concentrations (280 ppb in October of 2000, non-detect since then). Detection levels for MTBE have been lowered to confirm the oxygenate or its breakdown products are not present at the site. The ozone micro-sparging systems performance will be evaluated on an ongoing basis by Phillips 66 Company's (formerly TOSCO) Environmental Project Manager. Tosco will submit a six-month operational analysis to Regional Board Staff giving a formal review of the system's performance and recommendations for further action as needed to complete site cleanup.

Underground Tanks Summary Report dated April 19, 2002 [Jay Cano 805/549-3699]

**(See Attachment No. 18)**

### **Regionwide Reports**

Proposition 13 Grant Proposal Update [Alison Jones 805/542-4646]

In December 2001, the SWRCB announced the availability of \$82 million in Prop. 13 Phase II water quality/watershed grants, and solicited

concept proposals for grant projects. Monies were allocated into five different funding programs administered by the SWRCB (or jointly between CALFED and the SWRCB). Concept proposals could be submitted to one or more programs. The funding programs and monies allocated to each are listed below:

- Coastal Nonpoint Source (CNPS) - \$30 million (\$18.2 million designated for projects within Regions 1, 2 and 3);
- Nonpoint Source (NPS) - \$32 million (no funds available for Region 3);
- Watershed Protection Program (WPP) - \$10 million (all designated for San Diego, Ventura, Los Angeles, Orange, San Bernardino and Riverside Counties);
- CALFED-Watershed Program - \$10 million;
- CALFED-Drinking Water Quality - \$10 million (funding generally within the area of the Central Valley / Delta System)

The deadline for submittal of concept proposals to the SWRCB was February 1, 2002. State Board staff reviewed concept proposals for completeness and format, and forwarded eligible proposals to each of the regional boards, CALFED, and Coastal Commission on or about March 1, 2002. Sixty-nine concept proposals were submitted to the Central Coast Region, all for the Coastal Nonpoint Source Program, which was the only funding source available to Region 3 during Phase II.

The concept proposals generally consisted of a two-page concept proposal form, a two-page project summary, and a one-page map. Regional Board staff reviewed each of the 69 concepts relative to the requirements and limitations of the Prop. 13 Coastal Nonpoint Source program, implementation priorities for the Region, technical/scientific merit, geographic relevance, and cost effectiveness. Concept proposals went through several screening processes, including a joint evaluation between Regional Board and California Coastal Commission staff for the Coastal Nonpoint Source program. Staff completed evaluation sheets for each concept proposal, ranking them high, medium, or low, for the each of the following criteria: Technical Merit; Coastal Water Quality Priority; Likelihood of Success; and Stakeholder Support and/or Education and Outreach.

Many excellent concept proposals were received. However, because of limited resources available, only the most highly ranked concepts and the concepts addressing the highest regional priorities were selected to go forward to the next step in the grant selection process. The next step requires submittal of a full proposal, including a detailed scope of work and project budget. On or about April 5, 2002, letters were mailed to each applicant, either inviting them to submit a full proposal or informing them that they were not selected to go forward. Staff review sheets were available upon request.

Twenty-three proposals were selected to go forward, with an unmodified total dollar value of approximately \$17 million. Several invitation letters included a recommendation that the cost of proposals be reduced. The total modified dollar value is approximately \$13 million. Forty-six proposals were eliminated from the grant selection process, and these totaled over \$30 million. Staff will work with applicants to modify and refine full proposals. The State and Regional Boards for Regions 1, 2 and 3 sponsored a workshop on May 3 in Oakland to provide information on Phase II, Stage II of Proposition 13 and Clean Water Act 319(h) and 205(j) grant funding. Attachment 1 contains a complete listing of all proposals received and proposals selected to go forward.

Total Maximum Daily Loads [Lisa McCann 805/549-3132]

**(See Attachment No. 19)**

### **Administrative Reports**

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

On April 11, John Robertson and Julia Dyer attended an Oso Flaco Watershed Group meeting. The goal of the meeting was to shape the final outline of a collaborative watershed management plan. Achieving consensus between the Dunes Center, farmers and landowners, Cachuma RCD, and the Regional Board has proven challenging, yet, meetings have been productive and staff is optimistic that a management plan that is agreeable to all stakeholders should be finalized in the next few months.

On April 25, Julia Dyer participated in an Earth Day open house at Vandenberg Air Force Base. Julia joined with Vandenberg environmental staff and an on-base consultant for the Earth Day open house, which served as an outreach opportunity to educate children and base personnel about water quality issues using the EnviroScape model, a working watershed model. Working co-operatively with stakeholders at outreach events such as this not only educates the community, but also builds greater familiarity and stronger relationships with our counterparts in the San Antonio and Santa Ynez watersheds.

On April 17, Hector Hernandez attended "Perchlorate and NDMA in Groundwater: Occurrence, Analysis and Treatment". The training was presented by Groundwater Resources Association of California and held in Baldwin Park, California.

On May 3, 2002, Regional Board staff accompanied Regional Board member, John Hayashi, to the official closing ceremonies/media day for the Monarch Lane oil field waste clean up, Nipomo, San Luis Obispo County. On September 8, 1999, the Regional Board adopted Resolution 99-03 granting \$395,485.00 for the cleanup of oil field wastes found at a number of private residences on or adjacent to Monarch Lane in Nipomo. Department of Toxic Substances (DTSC) used this money along with \$750,000 of general fund money the Governor directed toward the project, to remove this nuisance waste. During the past five months approximately 100,000 cubic yards of oily wastes have been removed from the site. With the wastes removed, and properties restored, all involved enjoyed a day of reflection on a job well done. Staff intends to give the Board a five-minute video review of the project at the July meeting.

Larry Harlan and Chris Rose attended Training for the BASINS Model on April 16-19. AQUA TERRA Consultants and CH2M Hill provided the DWQ-sponsored training, which was held in Santa Clara. The EPA-developed BASINS Model provides GIS integration for a variety of water quality models. Water quality models covered in this training session included the Hydrologic Simulation Program - FORTRAN (HSPF) and PLOAD, each of which may be applied to the development of TMDLs.

**ATTACHMENTS**

1. LOCS D April 2002 Quarterly Status Report
2. Regional Board Response Ltr dtd 2/6/02 to Dennis Carver
3. Regional Board Response Ltr dtd 11/26/01 to Dennis Carver
4. Regional Board Response Ltr dtd 2/19/02 to Cinthea Coleman
5. Regional Board Response Ltr dtd 11/21/01 to Cinthea Coleman
6. Regional Board Ltr of Notification dtd 4/15/02 to LOCS D
7. Regional Board Response Ltr dtd 3/21/02 to Jim Marrocco
8. Regional Board Response Ltr dtd 3/21/02 to Gordon Taylor (includes previous Taylor letters)
9. Regional Board Response Ltr dtd 4/16/02 to Al Barrow, C.A.S.E.
10. Regional Board Ltr of Complaint dtd 4/29/02 to West Virginia University and USEPA
11. LOCS D Press Release with the Ninth District Circuit Court of Appeals Ruling
12. Regional Board FAQ Sheets Sent to the Community of Los Osos
13. Princess Cruises Ltr dtd 4/16/02 to the Regional Board
14. Princess Cruises Ltr dtd 4/24/02 to the Regional Board
15. Save Our Shores Ltr dtd 4/29/02 to the Regional Board
16. The Ocean Conservancy Ltr dtd 5/6/02 to the Regional Board
17. Regional Board Ltr dtd 5/6/02 to the Deputy District Attorney, Monterey
18. Underground Tanks Summary Report dtd 4/19/02
19. TMDL Components to be Completed During Fiscal Year 2001-2002