

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

**STAFF REPORT FOR REGULAR MEETING OF OCTOBER 17, 2008**

Prepared on September 24, 2008

**ITEM NUMBER: 15**

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

This item presents a brief discussion of issues that may interest the Board. Upon request, staff can provide more detailed information about any particular item.

**WATER QUALITY CERTIFICATIONS**

[Matt Thompson 805/549-3159]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must ensure 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 pages lists applications received from July 1, 2008 to August 30, 2008.

**WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM JULY 1, 2008 THROUGH AUGUST 30, 2008**

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage <sup>1</sup>	Mitigation <sup>2</sup>	Certified
Westmont College	Phase 1: Riparian Enhancement and Pedestrian Bridge	Construction of a footbridge to replace an existing sub-standard footbridge for pedestrian access to new residence hall buildings. Riparian enhancement will provide mitigation for impacts to coast live oak.	Santa Barbara	Santa Barbara	Chelham Creek, tributary to Sycamore Creek	0.00534	8.25	To be Determined
Milt Souza	Heritage Ranch Tract 1990 Commercial Center Pad Construction	Construction of commercial facilities on tract 1990, Lot 109, part of County-approved development.	Paso Robles	San Luis Obispo	Nacimiento River	0.083	0.18	9/15/2008
Brett Gray, Cachuma Operation and Maintenance Board	Lauro Retention Basin Expansion	Enlargement of an existing regulatory facility for water from Lake Cachuma and Gibraltar Reservoir prior to treatment of drinking water.	Santa Barbara	Santa Barbara	Lauro Reservoir, San Roque Creek	0.02	0.02	9/2/2008
Jim Colton, City of Santa Barbara	Haley/ De La Vina Street Bridge Replacement	Replacement of an obsolete bridge, improve hydraulic capacity under new bridge.	Santa Barbara	Santa Barbara	Pacific Ocean		0.07	To be determined
Ed Chadwell	Ed Chadwell Streambank Protection	Reduction of sediment generation into creek while stabilizing eroding banks to limit further bank erosion.	Nipomo	San Luis Obispo	Deleissigues Creek	0.05		To be determined

<sup>1</sup> Total Acreage includes both temporary and permanent impacts to riparian, streambed, and/or wetland environments within federal jurisdiction.

<sup>2</sup> Mitigation acres are reported only for Certified projects. Water Board compensatory mitigation requirements are determined based on area impacted. They are generally 2:1 for streambed impacts and degraded wetland impacts, 1:1 for riparian impacts, and 3:1 for wetland impacts. Mitigation acreage is final upon issuance of certification and not shown unless the Water Board has issued certification.

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage <sup>1</sup>	Mitigation <sup>2</sup>	Certified
Mark Schleich, County of Santa Barbara	Tajiguas Landfill Reconfigurati on and Baron Ranch Restoration Plan	Reconfiguration of Pila Creek to maintain landfill capacity and improve drainage and water quality.	Canada de le Pila	Santa Barbara	Pila Creek	5.03		Awaiting CEQA compliance
Gerald Weeks, County of Ventura	Carne Road Bridge Scour Protection	Repair scour-related deficiencies of the bridge.	Near Ojai	Ventura	Thatcher Creek	0.085		To be determined
Kit Crump, NOAA Fisheries	Lower San Vicente Enhancemen t Project	Enhancement and stabilization of the documented rearing habitat and refuge function of Lower San Vicente Pond for coho salmon and steelhead trout.	Davenport	Santa Cruz	San Vicente Creek	0.2	Self- mitigating	9/25/08
Karen Miner, California Dept. of Fish and Game	Western Goleta Slough Wetlands Restoration	Enhancement of 3.7 acres of wetlands and the creation of 4 acres of wetlands to mitigate for a residential development in Goleta.	Goleta	Santa Barbara	Goleta Slough	0.001	Self- mitigating	To be determined
Gary Ruggerone, Caltrans	State Route 192 Bank Stabilization	Installing rock slope protection (RSP) along an eroded bank, removing mid-channel sediment and rock, and trimming vegetation.	Santa Barbara	Santa Barbara	Sycamore Creek	0.012		Waiting for fee
Chad Wittstrom	San Miguel Terrace Residential Development	Subdivide property into 38 lots with building envelopes suitable for single-family residences. Provide access and drainage for these lots.	San Miguel	San Luis Obispo	Salinas River	0.021		To be determined

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage <sup>1</sup>	Mitigation <sup>2</sup>	Certified
Don Dey, City of Gilroy	Chestnut Street Bicycle and Pedestrian Bridge	Installation of an outfall will require the removal of 7 cubic yards of bank slope. The outfall will cover 100 square feet of channel slope. Two Cubic yards of RSP will be installed around the outfall pipe along with grout around the pipe.	Gilroy	Santa Clara	Miller Slough	0.00192		To be determined
Bill Kostelnik, Sempra Utilities	Line 906F Pressure Betterment	Installing 7 miles of new 6-inch steel main supply lines will require trenching and directional bore around various culverts, agricultural flood canals, and natural drainages.	Santa Maria	Santa Barbara	Sisquoc River, Santa Maria River	0.06		To be determined

## GROUNDWATER/CLEANUP UPDATES

### Santa Ynez Airport Closed Landfill [Martin Fletcher 805/549-3694]

#### Background:

During the October 19, 2007 Water Board meeting, Steve Pappas (resident of Santa Ynez Valley) requested that the Water Board require the County of Santa Barbara to stop all development activity on and adjacent to the Santa Ynez Airport Closed Landfill (Landfill) and require an Environmental Impact Report (EIR) prior to development. According to Mr. Pappas, an initial study on the Airport's proposed expansion stated that the County of Santa Barbara would not prepare an EIR or a Negative Declaration. At the December 7, 2007 Board meeting, Water Board staff provided an update to the Board regarding the California Environmental Quality Act (CEQA) and the County of Santa Barbara's preliminary expectations for proposed Santa Ynez Airport improvements. In the update, Water Board staff indicated that an EIR is not warranted for minor development on top of the Landfill, provided it not compromise containment of the waste or source control efforts. Additionally, minor development would not inhibit the Board's ability to regulate the site as a closed, abandoned, or inactive landfill under General Waste Discharge Requirements Order No. R3-2004-0006.

#### Update:

On July 17, 2008, Santa Barbara County Planning and Development released for comment, a Draft Mitigated Negative Declaration for the Proposed Santa Ynez Airport Improvements. In a letter dated September 12, 2008 [see **Attachment 1**], Water Board staff commented on proposed improvements as they relate to the Landfill, and included comments on storm water and low-impact development considerations. The Santa Ynez Airport improvements, as described in the Draft Mitigated Negative Declaration, are not likely to cause additional impacts to groundwater from the Landfill, provided that the County complies with the following conditions, as outlined in our September 12, 2008 letter:

- Development and land use in the vicinity of the Landfill must not compromise the long-term containment of waste, ongoing source control efforts, or prevent future groundwater corrective actions and monitoring.
- Development and land use must allow for appropriate maintenance of the final cover.
- Development and land use must allow for access to the Landfill by the Santa Barbara County Public Works Department and appropriate regulatory agencies.
- Installation of septic tanks or leachfields must be greater than 100 feet from the perimeter of the landfill.

Additionally, Water Board staff is currently evaluating the Santa Barbara County Public Works Department final cover design for the Landfill. Water Board staff will take into consideration the proposed land use on top of the Landfill when approving the final cover design for the landfill.

### Conoco-Phillips Pipeline – Nipomo Creek Site [Rich Chandler 805/542-4617]

At their Board Meeting in September 2008, Water Board members received public input and had questions about a release of crude oil beneath Nipomo Creek. Water Board staff, in consultation with the California Department of Fish and Game, are weighing the potential impact of leaving contamination in the vicinity of the creek against potential damage to plant and animal life associated with digging up the creek and removing the contamination. Water Board staff will require a remedial plan from Conoco-Phillips which will include recommendations from California Department of Fish and Game. We will provide an update on the Conoco-Phillips Pipeline - Nipomo Creek site as part of the December agenda, because we want to make this as accessible as possible for those members of the public that raised this issue.

## STORM WATER REPORTS

### Santa Cruz Frisbee Golf Course Erosion Control [Roger Briggs 805/549-3140]

A Board member informed me that the Santa Cruz Frisbee Golf Course (next to Delaveaga Golf Course in Arana Gulch watershed) is currently being graded, and asked that we check on the status of this site.

Our staff checked with the City. This project seems to be a good one. The City said the project is funded by the California Coastal Conservancy for the purpose of controlling erosion in the area. The project is about 0.75 acres in size. Since the project is less than an acre, the City is not required to obtain permit coverage from us.

The project consists of paving a dirt parking lot, building swales to receive runoff from the new lot, and building a detention basin to receive road and hillside runoff. Runoff from the new paved lot will be dispersed from the swales into a field to prevent hydromodification issues.

The project is expected to be completed by mid-October. Between now and then, the City plans to implement the full suite of construction BMPs, and the perimeter control will be installed well before rainy season. Straw blankets will be used to control sediment at the basin. The swales will be planted, rather than seeded, to better ensure vegetation establishment. All other applicable City construction Best Management Practices will also be used. After project completion, erosion control and other BMPs will remain in place until vegetation establishment. Regarding the detention basin, it will be on-line and functioning this winter. To prevent the basin from being a source of sediment, the entire basin will be lined with straw blankets. The purpose of this project is to control what has been an ongoing erosion problem; we expect less erosion from the project area than has regularly occurred in years past. Their goal during and after the project is to prevent erosion at the site in the first place, with the understanding that if unforeseen problems arise, they will have adequate funding to address them. The City has contingency funds in case any runoff problems need correcting during this winter.

### Large Construction Sites and Potential Storm Water Issues [Matt Thompson 805/549-3159]

A Water Board member recently sent the Executive Officer a message asking about potential erosion problems from two large housing projects in Monterey County that have been put on hold due to the housing slump. Many acres have been graded but will not be built upon in the near future. The two large projects are the East Garrison Village and the Marina Dunes, both on the former Fort Ord. The Board member also suggested that staff consider whether this is going on all over the region and whether these large graded areas may cause a water quality problem this wet season. The Board member asked if there was any way to get ahead of this potential problem.

In response to this message, the Water Board stormwater program manager asked all stormwater staff to use the CIWQS database (CA Integrated Water Quality System) and contact the local agencies in their respective geographic areas in order to take inventory of all large development projects that may be open indefinitely due to the housing slump. If there are large projects that need erosion and sediment control prior to the wet season, staff will contact the permit holder and remind them to install appropriate erosion and sediment control prior to the wet season. Staff is prepared to follow up with a more formal written notice if necessary. If the local agencies are responsible for regulating construction stormwater issues in their jurisdiction (e.g., Phase II communities with approved stormwater management programs), staff will work through those local agencies.

Staff Environmental Scientist David Innis contacted the developers of the two construction sites mentioned by the Board member. At East Garrison Village, the developer is completing site work (installing detention basins), but has installed temporary erosion controls (sprayed bonded fiber matrix on exposed soils and installed fiber rolls) in preparation for the wet season. The site lies on very well drained soil, most of which drains to detention basins, so the potential for runoff is low. Mr. Innis also contacted the City of Monterey, which has jurisdiction over this construction site. In the most recent annual report for its stormwater management program, the City of Monterey indicates its staff conducts field inspections during heavy rain and soon after the rain to verify erosion control effectiveness and determine need for any changes.

For the Marina Dunes area, the large graded project is Cypress Marina Heights, at Abrams Avenue and Upper Patton Park, in the City of Marina. A full time superintendent and the project owner's representative regularly inspect this site. All slopes and bare areas have been sprayed with a soil binder (guar & fiber). All stormwater runoff is collected in two large detention basins. The project owner states no water has left the site in two years. The City of Marina is in the process of annexing this area into their jurisdiction. Mr. Innis contacted Marina's stormwater manager, who indicated this site has been prepared to prevent runoff and erosion for the winter. In response to staff's recent review of the Monterey Regional 2006-2007 Annual Report, Marina indicates its staff conducts inspections each week during construction and before and after every rain event. With the level of oversight and permanent facilities to accept runoff from large storm events, staff is confident there should not be erosion issues at these former Fort Ord sites this wet season.

## ADMINISTRATIVE REPORTS

### Statewide On Site Systems Regulations [Roger Briggs 805/549-3140]

At our last meeting in September, the Board asked about the status of statewide septic system regulations development. The State Board has been working on draft regulations to be responsive to AB 885 by Assembly Member Hannah Beth Jackson of our region which requires the State Board on or before January 1, 2004, and in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties, to adopt regulations or standards for the permitting and operation of on site sewage treatment systems. Former Governor Gray Davis signed the bill into law in September 2000. AB 885 requires the Water Board to develop uniform requirements for the minimum acceptable operation of septic tanks, including standards that protect the beneficial use of potentially affected water. Assembly Member Jackson introduced the bill to address inconsistencies in regional and local septic tank requirements, in addition to public health and environmental issues surrounding their operation.

The State Board's on site system regulation work has its own web page:  
[http://www.waterboards.ca.gov/water\\_issues/programs/septic\\_tanks/](http://www.waterboards.ca.gov/water_issues/programs/septic_tanks/)

The State Board is expecting the CEQA document from the contractor now, and has noticed State Board's intent to release it once it is out with a current version of the draft regulations and draft waiver. State Board is in the process of locating twelve sites for workshops throughout the state, probably in October, November, and December. Tentative adoption would then be March or April, 2009, at best.

Attached is a copy of the State Board's policy list, providing the status of all developing policies [see Attachment 2].

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

Dominic Roques participated in a panel discussion at the workshop, "Turning Water Scarcity Into Water Abundance" in San Luis Obispo on September 3, 2008. The event was co-sponsored by the SLO County Storm Water Management Program, SLO Green Build, Surfrider Foundation, Sierra Club, and the Morro Bay National Estuary Program. Mr. Roques' comments focused on Water Board efforts to promote Low Impact Development in the Central Coast Region.

Budget [Roger Briggs 805/549-3140]

The Governor signed the budget September 23, but left his budget Executive Order in place for the fiscal year to achieve expenditure reductions. The Governor also blue lined (deleted) some parts of the budget approved by the legislature. As of this writing, we do not have details, but presumably, the hiring freeze will remain in effect. I will update the Board at our meeting. In the meantime, the State Board has anticipated budget cuts and asked the regions to identify the best areas to cut within narrow constraints. We are updating our work priorities and responding to the State Board, but the anticipated cuts have so far been a moving target. Now that the budget is finally signed we will receive more final directions from the State Board on regional allocations and cuts and we will update the Board on our budget for the fiscal year.

**ATTACHMENTS**

1. Regional Board Letter dtd 9/12/08.
2. Policies/Significant General Permits