

CARPINTERIA SANITARY DISTRICT
IN THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

MINUTES

These are the **minutes** of the **regular** meeting of the Governing Board of the Carpinteria Sanitary District in the City of Carpinteria, County of Santa Barbara, and State of California.

The Governing Board of the Carpinteria Sanitary District held a regular meeting on **September 19, 2006**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Jeff Moorhouse – President
 Lin Graf – President Pro-Tem
 Michael Damron – Secretary
 Doug Treloar – Secretary Pro-Tem - **Absent**
 Patricia Horwitz – Treasurer

Staff Present: Craig Murray – General Manager
 Hamid Hosseini – Finance Director - **Absent**
 Judy Kirkman – Board Secretary

Legal Counsel Anthony H. Trembley
Present: Nancy Kierstyn-Schreiner

Public Present: Steve Halsted, V. Ronald Gouger, Mara Tucker, Peggy Gouger, Jim DeArkland, Al Clark, Teri Taylor, Richard Nahas, Giti White, Marilyn Ulvaeus, Glenn Hening, Blair Whitney, Tim Robinson, Hillary Hauser, Judith E. Meyer, Jean-Paul Garcia, Sandra Will-Carradine. There were other members of the public in attendance that did not sign in.

President Moorhouse called the meeting to order at 5:30 p.m. and then asked Director Horwitz to lead the pledge of allegiance. Director Horwitz then did so.

President Moorhouse noted for the record that Director Treloar was on vacation and absent from the meeting.

President Moorhouse asked if there were any modifications and/or changes to the agenda. Hearing none, the agenda stood as submitted.

Minutes of the September 5, 2006 Board Meeting. Director Horwitz made a motion that the September 5, 2006 minutes be approved as submitted; the motion was seconded by Director Graf and passed by a 4-0 vote.

Public Forum. None

Certification of Final Supplemental Environmental Impact Report and Approval of Projects for Implementation South Coast Beach Communities Septic to Sewer Project. President Moorhouse introduced General Manager. General Manager said the Board would be asked to consider and adopt findings set forth in the proposed resolutions for portions of the Rincon Point, Sandyland Cove, Sand Point Road and Padaro Lane projects. Implementation would consist of annexation of those areas into the District's service area boundary, formation of assessment districts and construction of public sewer infrastructure. General Manager said the Board would be asked to adopt a statement of overriding consideration and to adopt a mitigation monitoring reporting program for each approved portion of the project. General Manager said for the record, the Board is asked to certify the FSEIR for the Beach Club portion of the project, but staff is not recommending approval of the project, due to an expressed lack of interest from members of that community.

General Manager said his remarks and recommendation would be followed by a summary of the FSEIR by Simon Poulter of Padre and Associates. Nancy Kierstyn-Schreiner, District Counsel, will present an overview of the resolutions and the approval actions that the Board is asked to consider. There will be a period where the Board can ask questions and make comments. During the public comment time, members of the public can comment specifically on the project and project approvals. Staff would have an opportunity to respond to any comments that the Board would like staff to respond to, and then there would be deliberation and potentially an action by the Board.

General Manager said in the previous comments in the DSEIR, there was mention made of the EPA compliance order that was issued to the District. It was reported to the Board at the last Board meeting that EPA rescinded and terminated that Order, based on satisfactory compliance of the Order and improvements made to the District's system. A copy of the letter from the EPA was included in the Board packet.

General Manager introduced Simon Poulter from Padre and Associates. Mr. Poulter said his presentation was to review the findings of the Final Supplemental Environmental Impact Report, a supplement to the original EIR, which was completed in 2004. Simon said the purpose of the meeting was: 1) to provide project background, overview of project revisions and the need for the SEIR; 2) look at the changes in environmental impacts/mitigation; 3) identify commenting parties on the DSEIR; 4) describe the organization of FSEIR; 5) consider certification of the FSEIR, and 6) describe the next steps.

Mr. Poulter said the Supplemental EIR identified potential design improvements for the Rincon Point community sewer system to reduce some of the environmental impacts that were identified in the original EIR, reduce the construction impacts that were originally proposed, and reduce implementation costs. An engineering study was prepared to verify the feasibility of the design changes, and the SEIR was commissioned to address impacts associated with the changed project. The proposed project revisions occur in three jurisdictions, the County of Santa Barbara, Ventura County and the City of Carpinteria.

The proposed infrastructure revisions are: 1) low pressure sewer system alternative. All private homes would have private pumps installed in areas of previous septic tank disturbance and low-pressure force mains, and a consolidation and relocation of pump stations; 2) An additional sewer line (south and parallel to Rincon Point Lane, under either system); 3) New force main alignment from Rincon Point; 4) Revision to original force main alignments; and 5) possible use of trenchless pipe installation.

A diagram with proposed changes at Rincon Point was presented that included going from gravity to force mains and removal of the pump stations on either side of the creek corridor to be relocated to the north of the creek near the entrance to the community, with an alternative off to the side. Another change occurred outside the community and involved looking at an alternative force main that would continue up the Highway 101 corridor and tie in to the Bluffs III area.

The benefits of a low pressure force main system include: smaller diameter pipelines for narrower trenches, more shallow depth of pipeline installation, and only one publicly-owned pump station.

Mr. Poulter went over a revised schedule, which would include assessment district formation, annexation, project design, permitting, financing and construction, with an estimated actual construction time of six months.

The following impact changes were presented by Mr. Poulter:

Class I Impact Changes - **Surface Water Hydrology/Water Quality** – An alternative was proposed that avoided the areas where these impacts could occur. **Cultural Resources – Construction impact on intact cultural deposits in the eastern portion of the Rincon Point gated community associated with public and private infrastructure.** This impact will be reduced by proposed project changes and the potential use of trenchless technology.

Class II Impact Changes - **Geology – Erosion of stockpiled soil during construction.** This impact will be reduced with a low pressure sewer system. **Surface Water Hydrology and Water Quality – Rincon and Sandyland Pump Stations in 100-year flood plain** – Rincon public pump station has been relocated out of the 100-year floodway and flood plain. **Construction-related water quality impacts** have been reduced due to the low pressure force main system. **Stormwater infiltration with conventional manholes** – This impact has been eliminated for the Rincon Community because of the low pressure force main system and the elimination of manholes. **Root intrusion into private laterals** – With the low pressure system, there would be no root intrusion. **Biological Impacts** – There is improvement with the public pump stations, both in construction and operations because they are being moved away from the Rincon Creek area. As far as the impacts to potentially sensitive habitat up on the Carpinteria Bluffs, since the force main alternatives would be reduced, you do not have the excavations that would result in removal of sensitive habitats along the Bluffs. **Construction impacts on tidewater goby and**

southern steelhead in the Rincon Creek estuary – The removal of the pump stations away from the Creek reduces the potential of impacts to biological resources, also the force mains avoid some of impacts as previously identified. **There was an additional potential impact to the loss of a mature Monterey Cypress and specimen trees** in the Rincon Point area due to the construction. This is a new impact, however this issue is mitigable. **A new potential impact has been identified. Sewer construction on certain portions of the Carpinteria Bluffs has the potential to impact fairy shrimp which may be a listed species.** This impact is to be mitigated by avoidance and/or trenchless installation of the pipelines. **Cultural Resources** – continuation of a reduction of those impacts due to the use of the low pressure system because it reduces the amount of excavation that is necessary. The alignments 2 and 3 create a reduction of impacts to cultural resources by realignment and the associated reduction in excavation. Alignment 4 would not impact cultural resources. The new east-west sewer line south of Rincon Point Lane would impact cultural resources at the site. This is a new impact. Construction at the proposed public pump station location also has the potential to impact cultural resources. The alternative location that is proposed would reduce that impact.

Class III Impact Changes - There were no changes in the Class III Impacts, except the force main in alignment #4 avoids impacts to sensitive species that were identified along the Bluff areas, below Bluffs III.

Mr. Poulter went over the process to prepare and circulate the SEIR. He noted the FSEIR and the DSEIR were separate volumes, and to get a complete overview of the document, one would need to review both.

Nancy Kierstyn-Schreiner, Legal Counsel, gave an overview of the resolutions presented to the Board for consideration of adoption. She said the Board certified the original FEIR in September, 2004 and subsequently adopted Resolution R-159 that included findings and mitigation measures on behalf of the District. Legal Counsel said there were five separate resolutions addressing each of the five discrete communities. For the Beach Club Community, a resolution was presented certifying the FEIR, but not approving the project at this time. Legal Counsel said the District provided notice to all the property owners within 300 feet and provided a response to oral comments that occurred at the public meeting on June 20, 2006 and written comments on the DSEIR. Legal Counsel said with respect to Rincon, there were two Class I mitigation issues that could not be reduced, and they are Growth Inducement and Cultural Resource impacts for Rincon, provided the District proceeds with Alternative Alignment No. 4, which is what staff is recommending. Legal Counsel said with respect to the other three communities, Growth Inducement is the only issue that is not mitigated. All these issues are addressed in the findings and determinations in each of the resolutions for the five communities.

President Moorhouse said the Board would have an opportunity to ask staff questions. Director Horwitz wanted to clarify that Resolution R-185 for the Rincon approves the FSEIR, as well as the project. Legal Counsel said that was true of all the communities, except the Beach Club community.

President Moorhouse opened the meeting up for public hearing. President Moorhouse said the public's comments should be limited to three minutes. Steve Halstad was the first speaker.

Steve Halstad's comments: I am a Rincon resident and am very much in favor of the District providing a modern, all weather system for reliable disposal of the sanitary sewage. I appreciate very much the District's work on the project all these years.

Ronald Gouger's comments: I am a Rincon Point resident, and am so happy to get to a point to have sewer soon. It's been a long road, and I want to thank the Board and staff for all the work done on the project. I encourage the Board to finalize the project as quickly as possible.

Mara Tucker's remarks: I am a registered nurse in the community and have lived here for 30 years. I am one of the original members of CURE. CURE proceeded Heal the Ocean. CURE stands for Clean Up Rincon Effluent. Five residents got sick, winter of 1998. Sitting before the Board is our future generation. With the Board's approval, this isn't just for this generation, but for future generations. I want to thank the Board and staff for all their hard work over the years.

Peggy Gouger's remarks: Since its inception, I have been strongly in support of this sewer system for all of the residents at Rincon, especially when I think of how it will affect us and our children in the years to come. Thank you.

Jim DeArkland's remarks: I have been a resident of Rincon Point for about 19 years, and have owned two homes with septic systems there on and off the ocean. I am very familiar with their faults, and am in complete support of the program and I strongly urge the Board to adopt the findings and approve the project.

Al Clark's remarks: I have lived on the Ventura side of Rincon Point for the past 18 years. I replaced my septic system years at that time and have kept it up. In my opinion septic systems in this location are environmentally unfavorable, and the sewer is needed. I'd like to thank the Board for not giving up on this project.

Teri Taylor's remarks: I am representing Sandyland Cove. A lot of my neighbors asked me to come tonight to thank the Board for all the work done on this project and to tell the Board that they are in support of this project and hope the Board approves the project.

Richard Nahas' remarks: I live in the Rincon Point community. The South Coast Beach communities have valuable resources, and representation tonight from all the homeowners in the five communities underscores the quest of obligation to take protective measures to maintain the pristine coastline. With a few exceptions, I have talked to a lot of people who support the Septic to Sewer Project. In reviewing its positive elements on redesign of the system, I am now very comfortable with the viability of the system that is being proposed. I, personally, have been waiting eight years for this project, and hope that the positive progress that has been made with the redesign can now take seed tonight. I fully support the sewer system and urge the Board of Directors to certify the FSEIR, adopt the mitigation program and Statement of Overriding Considerations for the Septic to Sewer Project and move forward to the annexation of Rincon Point and the other communities and the formation of the assessment districts, and to provide the necessary approvals for the District to pursue the construction and operation of the Septic to Sewer Project.

Giti White's remarks: Good evening. I am speaking on behalf of Doug and Jaleh White who could not be here, but have submitted comments regarding this FSEIR. After over five years, we all remain concerned that CSD's decisions are being made in the absence of accurate baseline data characterizing the environmental setting of any project community. We remain troubled by years of "duck and dodge" environmental review which continues to avoid addressing agency and public concerns, as well as the requirements of the CEQA process. Your Board is actually considering certifying this

FSEIR and approving the project despite the fact that we still don't know which type of system will be built and where critical project infrastructure, such as pump stations, will be located. I urge you not to certify the FSEIR, nor adopt the Mitigation Monitoring and Reporting Program, without first establishing baseline environmental conditions, without determining what you intend to build and where, and without effectively mitigating the negative impacts of this project. Furthermore, an accurate description of baseline conditions is necessary because the Statements of Overriding Considerations that you are being asked to adopt in Resolutions R-185 thru R-189 must be supported by facts rather than assumptions and supposition. I urge you not to adopt these Statements of Overriding Considerations, nor approve this project for implementation because the data and studies references in FEIR and FSEIR do not support the conclusions that you are being asked to endorse. The assertions in the Statements of Overriding Considerations suggest unsubstantiated potential future environmental risks of septic systems but fail to recognize that alternative measures are available to address these risks should they arise (CEQA requires such analysis in evaluating the "no project" alternative). Instead, the conclusions that you are being asked to make stem from a disingenuous and incomplete analysis that fails to assess the comparative future risks associated with this proposed project. Rather than ignore concerns that private operation of pump infrastructure may pose a threat to public health and the environment than septic systems (such as Santa Barbara County Toro Canyon Plan), I suggest that CSD modify the FSEIR and Statements of Overriding Considerations to incorporate a comprehensive plan for operation and maintenance of private pump infrastructure. Such a plan provides a real opportunity for further risk reduction and mitigation of significant project impacts. Why take the risk of leaving private pump maintenance to inexperienced, ill equipped, and often absentee homeowners? If the CSD Board is confident that this entire system is safe and reliable, then I encourage you to assume responsibility for it.

Marilyn Ulvaeus' remarks: I live at 8112 Puesta del Sol in Carpinteria. As a native Californian and intermittent resident of Ventura County since 1937 and resident of Rincon Point since 1972, I have seen many changes take place in this area. I cannot in good conscience sit still and say nothing about the proposed project. The overdevelopment of most of the coast has removed many trees and vegetation, trees and vegetation that help purify the air we breathe. This project will increase the total footage of existing dwellings at Rincon Point plus open up many more acres between Carpinteria and Rincon Point to development. More development means more cars and traffic. Gone is our clean air. I call these serious impacts to our precious environment. Imagine what this will be like 10 years from now—an extension of Los Angeles. I call it an environmental catastrophe. How can the tremendously serious impact of disturbance to a documented cultural and archeological site be allowed to happen? Shouldn't we be trying to preserve what prehistoric archeological resources we have? And each individual residence when doing the private lateral hook up runs the risk of unearthing and destroying these artifacts also. I do not call abandoning septic tanks and leach lines a benefit when there has been no testing of our septic systems to show they are failing or polluting. Before being forced to hook up to sewer I think all residents should be shown proof and evidence that their septic systems have failed or are polluting the creek and ocean. You are ready to approve and adopt this project before you know if you can get the necessary CAL-TRANS permit and where the pump station will be placed. What does the assessment district include? Does it include the Bluffs and district park where toilets will be connected and a future hotel on the Bluffs built? These are all questions that need to be answered before anyone whether pro or con the sewer can vote.

Glen Hening's remarks: I'd like to thank the Board for moving this process forward. This December I'll be celebrating my 40th anniversary of riding the waves at Rincon. Twenty-two years ago I had the opportunity to start an organization called The Surfrider Foundation. Ten years ago I had the opportunity to start an organization that holds a position a little different than what we're talking about here, in that what we're talking about with the threats that face a lot of surfers has to do with attitude in the water rather than chemicals in the ocean – except at Rincon. In 1996, John Flores of the Ventura Chapter, did a baseline E.coli study. Data does exist that did find pollutants in the creek above and below the Rincon homeowners area. Another test was done in 1999 that was funded through the Clean Water Classic. I had the opportunity to get that event off the ground, along with Elizabeth Fuller and all the Rincon surfers. For the last ten years we have been the single most dedicated source of funds to try to get the water clean at Rincon. We've been working at it so long, there is a surfer in the audience tonight that wasn't even born when we started, and yet we are doing this for future generations, not just ourselves. The idea that such terms like “duck and dodge” or “disingenuous” or “here comes LA” are scare tactics that may be common in today's world of politics, but they have no place here. What we're talking about are residents who want to honor their responsibility to a natural resource that does not belong to anyone - it belongs to the dolphins and sea life. It's absolutely imperative that every individual concern gets addressed, and the documentation is as thorough as anything I've seen lately. I do reports on military sites that have or had pollution problems. I understand bulletproof documents, and this is one of them. I urge the Board to adopt the resolutions in full, to come up with the statements that will mitigate the Class I impacts, and to get moving on this project, so we don't have to hold Rincon Clean Water Classic #11.

Blair Whitney's remarks: I'd like to thank the Board for allowing speakers. I am at the meeting to speak in support of this project, particularly at Rincon. I've been surfing at Rincon for many decades, and now my young daughter hangs out at the beach. She doesn't surf yet – she's only two years old, but she does put her hand in the sand and then into her mouth. I worry about what's in the sand. I know when my father had to do a septic system, you had to have a certain grade to your land or you couldn't do a septic system. I just think about all the houses at Rincon, and everyone going to the bathroom every day, and where all that “poop” is going. It's going right out on the beach. If you could just pump the effluent into your system, that would be good.

Tim Robinson's remarks: I am a resident of Sand Point Road and an environmental scientist and surfer. I wanted to bring to everyone's attention the challenge of the stubborn Rincon folks who opposed the EIR and brought about the SEIR and a much better project than what we had in the first place. They need to be recognized for their work with CEQA to take a marginal project and make a much better project. We are all going to benefit. As far as Sand Point Road, the SEIR did not really address a lot of the issues there. I have two concerns I wanted to express to the Board: 1) We are going to have private pumping systems, and there are a lot of people that don't live there, and I'm worried about them being maintained. I ask the Sanitary District to help us work with all the landowners there to put together a good maintenance program that will take care of that; 2) Build out issue. On Sand Point Road we don't have build out, but there are several areas where build out can take place. Houses are being torn down and bigger houses are being built. We are working on this build out issue so that Class I impacts can be addressed and that people don't need to change the sewer for further build out on our coastline. It will be a benefit for all of us on the water.

Hillary Hauser's remarks: I represent Heal the Ocean. Heal the Ocean got its start in 1998 because surfers came to us and said we're getting sick at Rincon – hundreds of surfers. One of the first things Heal the Ocean did was do a DNA test. The DNA test showed there was human fecal material at the Rincon lagoon and not in the other places tested. Opponents of this project need to realize that the Regional Water Quality Control Board say there are no alternatives. There are no alternatives since septic systems are allowable in the Rincon area because of the small lots and high ground water, and if this project does not go through, basically we are shooting ourselves in the foot. Recommending the sewers and getting them off septic systems are the Director of Public Health, Environmental Health, the Board of Supervisors of Santa Barbara County and the Board of Supervisors of Ventura. The EIR process has been a long one. Half a million dollars have been spent on both the EIR and the FSEIR. The opponents that challenged the EIR - yes the SEIR is a better project. The questions have been answered. For the opponents to use an environmental reason to oppose this project now is wrong. What has happened, it's cost their neighbors almost a million dollars in inflation. This Rincon project is in line for a state grant to help. Because of the water quality issues that have been recognized, not only by the state and county, but Public Health, it is absolutely imperative that we get the septic out of here. The only alternative is bringing public sewer to the residents, and I want to thank this Board for hanging in there for eight years. Please approve this project and the FEIR.

Jean Paul Garcia's remarks: I am here on behalf of Santa Barbara Surf Club as well as I am the owner of Santa Barbara Seals and Surfs Club. I listened to a lot of fantastic speakers tonight, and I was wondering how much time they spend in the water. My kids and I have spent a lot of time in the water for many, many years and I can tell you my kids are getting sick. These are young kids – 7 years old, 8 years old, teenagers and members of the Santa Barbara Surfs Club. The ocean is a natural habitat that kids should be able to enjoy and participate in. It's something that they enjoy and it's a positive thing for them. You take that away – there's not much left. It saddens me that people that have been around long enough to see changes do not realize the impacts and how severe they are upon our community. I applaud you for sticking through the project. I applaud Hillary for doing what she does. She's a huge influence to a lot of the kids. The ocean is producing a lot of dead animals. Every year I have to explain to the kids why they are dead. I have a degree in environmental studies and am knowledgeable on the reasons behind it, and I hope this project goes through.

Judith Meyer's remarks: I have been living at the Rincon Point since 1987. I'm a professor of Microbiology at Santa Barbara City College. When we first moved to Rincon Point Lane, I sent my son out to get a sample of water over by 6 Rincon Point, which is on the Santa Barbara side. We tested it and it was fine. Two years later I moved to 8108 where I currently live and I sent my son out to get a sample of water to test. I tested the water at the lab and I asked him where he got the water. He said in front of the house. We tested the water in front of the house again and again and it was extremely polluted. I have never been able to get a sample in front of my house that was clean. The county of Santa Barbara no longer tests in front of my house. They go up and take a test on the other side. When I realized this, I called and asked why they had changed their testing location. They said I was located in Ventura County. I called Ventura County and asked them to come up and test in front of Rincon Creek. They did not want to test, so you surfers need to know they are not testing the water at Rincon Creek anymore. I am here to support the project. I can't believe the research is being ignored.

Sandra Will Carradine's remarks: It seems this is a difficult audience here. It seems there has been a lot of position planning. I've been a part of most of these meetings for the last seven years. I've been a

resident at Rincon Point since 1999. I find it very interesting, because I'm really for the environment and what's best for it, and yet I've been clumped into a Rincon dirty-rotten polluter by certain organizations - one of them happens to be Surf Rider Foundation. Yet when I look at printed material, in Scientific America in June, 2005, it states that the most significant problem stems from unwise growth, not poverty and not poor sanitation. The construction of so many homes, roads, shopping centers and parking lots has disrupted the natural drainage system in coastal areas and waste that was once filtered by forests or wetlands. Yes, I really question all of you seriously. I really mean this. How many of you actually read the EIR and the SEIR and know what it states and doesn't state? It does state in there that it totally disclaims that implementation of this process won't clean the water. Implementation of this process, with two storm drains, which is the leading cause of pollution to our waters, and I agree is a significant concern. I care about the waters. I have two children myself. But two storm drains that drain off of 500,000 visitor parking lots drain down into the Rincon Creek, but in the DEIR there is no mention of this. There isn't any mention that those storm drains will be addressed or approved once this process is implemented. I go to other meetings, and I don't see many of you at them - the Watershed Coalition meetings where those people say we are so excited to implement steelhead back in Rincon Creek. I raised my hand and said that was interesting because I was at a meeting where I was a dirty rotten Rincon polluter, and they say the water is the cleanest in the watershed in that area in our counties. I have these articles in case anyone wants to read them. I think instead of being pitted against each other, maybe we can open our minds and hearts and work together.

President Moorhouse said the meeting would recess for five minutes, and the next order would be for staff to respond to some of the comments made from the public. President Moorhouse recessed the meeting at 6:40 pm. The meeting reconvened at 6:52 pm. President Moorhouse said at this time staff would respond to some of the comments. General Manager said he'd like to thank everyone for coming out and participating in the process and making comments. General Manager said staff reviewed some of the remarks made, and would respond to those comments that were felt to represent new information or items not considered in the FSEIR document.

Simon Poulter, from Padre and Associates, said there were two speakers who brought up concerns about the availability of baseline data regarding the potential for contamination, particularly at Rincon Point. Specifically, as responded to in the FSEIR, staff provided a response to one of the comments which outlined where the baseline data for water quality both in and around the Rincon Point area was provided, and that is specifically stated on page i-153, response to comment #18, which identified both in the DEIR, section 1 and section 4.2 where water quality data is incorporated by reference and citing numerous studies that had been done by both public and private agencies. Some water quality data was presented this evening by one of the last speakers. We've identified and included in the FEIR some additional water quality studies that were not part of the DEIR that were part of our original comment letter.

General Manager said one of the speakers mentioned that the project did not specifically mention the infrastructure locations, and he wanted to clarify for the public and the Board that the resolutions very specifically state which alignment alternative was being selected for a specific project. In the case of Rincon Point, staff recommends that the Board approve a project that includes a pump

station location and an alternative pump station location. Both are clearly defined in the figures that are contained in the FSEIR.

Simon Poulter said the next concern that was raised was the effectiveness of the mitigation that would be proposed. Mr. Poulter said there is a mitigation and monitoring program that is part of the Board's approval process that clearly outlines what the mitigation measure is, who is responsible for the implementation, as well as the timing of that implementation. As a lead agency under CEQA the District will be responsible for assuring that compliance. There will be other permits issued by other agencies that will include certain conditions that will be the District's responsibility to follow.

Mr. Poulter said there was another question concerning policy consistencies that were raised during the course of the review. Mr. Poulter said there was an extensive policy analysis by both the City of Ventura and the County of Santa Barbara in section five of the DEIR, and the project components are identified their consistencies with the various policies that are associated with the areas where the sewer lines are going through.

General Manager said in response to a comment made by a resident of Sand Point Road, there was a question raised about the maintenance and operation of private pump stations within that community. General Manger said he wanted to remind the Board that no changes in the original proposal, the FEIR for Sand Point Road were proposed. General Manager said the infrastructure did not contain a low pressure sewer system or private grinder pump stations, as staff recommended for Rincon Point. General Manager said it was a conventional gravity sewer system with pump stations that are owned, operated and maintained by the District.

Legal Counsel said she'd like to respond to a comment made regarding two storm drains not being addressed. Legal Counsel said the District's project was to build a pipeline and that flood control improvement was the jurisdiction of another public agency, other than the District, and that's why it is not being addressed in the environmental document.

Legal Counsel said she'd also like to add the two alternative pump station locations that are being recommended for Rincon Point are outside the 100-year floodplain.

Legal Counsel said she'd like to clarify there were very specific project objectives noted in the environmental document. They are: consideration of annexation of the discrete communities into the district, whether to pursue formation of assessment districts, and ultimate approval of construction of a sewer pipeline for one or more of the discreet communities. Legal Counsel said there was a distinction between that and a Statement of Overriding Consideration. As required by state law, there are specific grounds to support a Statement of Overriding Consideration, and one of them is social. Outlined in the resolutions are several social benefits. Social benefits of the project include the potential for increased surface and groundwater quality associated with elimination of aging and/or failed septic systems in some of these communities and replacement with a master publicly owned system.

President Moorhouse said the public hearing was closed and would be brought back to the Board for deliberation to decide on the matter. Director Damron said this had been going on over the course of years, and this project had been studied very thoroughly. Director Damron said the DSEIR addressed a lot of issues that came up in the first EIR. Director Damron said, as a native Carpinterian, this project is obviously the right thing to do. Director Damron said we live in a democracy, and he was not going to stand by and have a couple of residents hold the greater

community hostage over an issue like this. Director Damron said he was in complete support of the EIR, SEIR, and the resolutions that follow.

Director Horwitz said she'd like to remind everyone that the District has a mission and that mission is to provide our customers with reliable, cost effective wastewater treatment. Director Horwitz said how she felt about water quality was her own personal belief. Director Horwitz said tonight a group of people came to the Board and four of the five areas have been diligent in trying to get this project through. Director Horwitz said the SEIR document is a better project than the first one, and she appreciated staff bringing this before the Board. As far as the issue of water quality, that is a political issue, not the Board's issue. As far as mansionization, that is a zoning issue, and she encouraged the public to take that issue to the proper agency and express their concerns. Director Horwitz said she was in support of the resolutions.

Director Graf said he also believed the majority of homeowners wanted this and have wanted it for a long time and the District did not have any other choices. The public came to the District and asked for the system. There have been enough studies by all organizations that have demonstrated there is a potential water issue based on having septic systems out there. Director Graf said he was in favor of moving forward with the project.

Director Graf said he would like to make a motion that the Board: 1) certify the FSEIR of the South Coast Beach Communities Septic to Sewer Project; 2) adopt findings and approve projects as set forth in Resolutions R-185, R-186, R-187 and R-188; 3) adopt R-189 which certifies the FSEIR, but does not approve the Beach Club Road portion of the project for implementation; 4) adopt a Statement of Overriding Considerations for all approved portions of the project; and 5) adopt a Mitigating Monitoring and Reporting Program for all approved portions of the project. The motion was seconded by Director Damron.

President Moorhouse said he agreed with Director Horwitz on the mission of the Carpinteria Sanitary District, and the District is here for the ratepayers. The public came to the District with a request to provide service. President Moorhouse said the District also is here to protect the current ratepayers, and that's why much of the costs are born by the residents of the project communities. President Moorhouse said he grew up here and surfed Rincon when he was a kid, and my kid surfs the Rincon. President Moorhouse said if those houses were built today, he didn't think any agency would allow septic to be placed there. President Moorhouse said if the residents want the sewer system, and the District is creating a better place for the residents, he was all for support of the project. President Moorhouse said in regards to the build out issues, the mansionization of the coastal communities and obliterating the coastlines with houses, he was not for this, but encouraged the public to go to the proper agency to address this issue.

President Moorhouse said this was a roll call vote. The Board Secretary called for the vote. Director Graf voted aye, President Moorhouse voted aye, Director Horwitz voted aye, and Director Damron voted aye. The motion passed by a 4-0 vote.

Approval of Contract Change Order Nos. 001 and 002 – Influent Pump Replacement and Primary Clarifier Rehabilitation Project. General Manager said the Board approved Cash Contract #324 on January 17, 2006 and entered into a construction agreement with Cushman Contracting Corporation to complete the project. During construction, unforeseen conditions within the covered primary clarifier tank were discovered. These changes were not reflected in the as-builts. Also, there

was more severe corrosion to parts within the tank. District staff directed Cushman to perform work that was outside the scope of the original contract but deemed necessary or critical to successful completion of the project. Change Order No. 001 was negotiated with Cushman. The total contract amendment is \$7213.24 with 3 days of contract time extension. Change Order No. 002 was proposed by Cushman and amended the contract by \$7941.07 with 14 days of contract time extension. This represents a change order total of \$15,155.07 or 3.3% of the original contract amount. Staff is recommending that the Board approve Change Order Nos. 001 and 002 to Cash Contract No. 324.

Director Damron made a motion that the Board approve Change Order Nos. 001 and 002 to Cash Contract #324; Director Horwitz seconded the motion and the motion passed by a 4-0 vote.

General Manager's Status Report. General Manager reported on the following: **Influent Pump Replacement/Primary Clarifier Rehabilitation Project** – This project is basically complete. A formal Notice of Completion is expected to come to the Board in October. **NPDES Permit Reopener Request** – The District made a formal request to the Regional Board to have its NPDES Permit reopened for the purpose of eliminating those provisions and requirements pertaining to management and operation of our wastewater collection system. The District is now enrolled under the statewide General WDR implemented by the State Water Resources Control Board and the NPDES provisions are considered duplicative regulations. Reopening the permit carries the same public review requirements as permit issuance and the Regional Board will not consider the action until its December meeting. **SAMA Meeting Report** – The September SAMA meeting was held at the City of Santa Barbara El Estero WWTP. A major discussion topic related to air quality regulation and the recently enacted Fleet Rule for Public Agencies and Utilities. The City of Santa Barbara is moving forward with a lateral inspection program with a component that provides for reimbursement of costs up to \$2,000 for lateral replacement. Montecito Sanitary has a similar program in place. **Operations Update** – the WWTP and Collection System are operating fine with no SSOs to report. The lift stations are operating fine. The pump has been replaced at Lift Station 2. Staff is soliciting quotes for inspection and structural condition assessment of the outfall pipe.

Board Committee Reports

Finance Committee. Did not meet.

Personnel Committee. Did not meet.

Public Relations Committee. Did not meet.

Board General Items

Future Agenda Items: None.

Adjournment. There being no further items to discuss, President Moorhouse adjourned the meeting at 7:25 p.m.

Michael Damron
Secretary

Lin Graf
President Pro-Tem

Patricia Horwitz
Treasurer

Jeff Moorhouse
President

Douglas Treloar
Secretary Pro-Tem