



**SANTA MARIA PUBLIC AIRPORT DISTRICT
BOARD OF DIRECTORS**

Thursday
June 8, 2023

Administration Building
Airport Boardroom
6:00 P.M.

**REGULAR MEETING
A G E N D A**

This agenda is prepared and posted pursuant to the requirements of the California Government Code Section 54954.2. By listing a topic on this agenda, the Santa Maria Public Airport District has expressed its intent to discuss and act on each item. The Santa Maria Public Airport District welcomes orderly participation at its meetings from all members of the public. This includes assistance under the Americans with Disabilities Act to provide an equally effective opportunity for individuals with a disability to participate in and benefit from District activities. To request assistance with disability accommodation, please call (805) 922-1726. Notification at least 48 hours prior to the meeting would enable the Santa Maria Public Airport District to make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Moreno, Adams, Baskett, Clayton, Brown

- 1. MINUTES OF THE REGULAR MEETING HELD MAY 25, 2023**
- 2. COMMITTEE REPORT(S):**
 - a) **AVIATION SUPPORT & PLANNING (Standing or Ad Hoc)**
 - b) **ADMINISTRATION & FINANCIAL (Standing or Ad Hoc)**
 - c) **MARKETING & PROMOTIONS (Standing or Ad Hoc)**
 - d) **CITY & COUNTY LIAISON**
 - e) **STATE & FEDERAL LIAISON**
 - f) **VANDENBERG LIAISON**
 - g) **BUSINESS PARK COMMITTEE (Ad Hoc)**
- 3. GENERAL MANAGER'S REPORT**
- 4. MANAGER OF FINANCE & ADMINISTRATION REPORT**
 - a) **Demand Register**
- 5. DISTRICT COUNSEL'S REPORT. (Joshua George and Natalie Frye Laacke)**
- 6. PUBLIC SESSION: Statements from the floor will be heard during public session. Request to Speak forms are provided for those wishing to address the board. After completing the form, please give it to the Clerk. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public are cordially invited to speak on agenda**

items as they occur. Staff reports covering agenda items are available for review in the offices of the General Manager on the Tuesday prior to each meeting. The Board will establish a time limit for receipt of testimony. The board reserves the right to establish further time limits for receipt of testimony.

7. **PRESENTATION BY RICK WOOD, FROM THE CALIFORNIA SPECIAL DISTRICT ASSOCIATION REGARDING CALIFORNIA COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM (CLASS).**
8. **RESOLUTION 926. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT ADOPTING THE APPROPRIATIONS SUBJECT TO LIMITATION FOR FISCAL YEAR 2023-2024 UNDER CALIFORNIA CONSTITUTION ARTICLE XIII B (AS AMENDED) AND IMPLEMENTING STATUTES.**
9. **ADOPTION OF RESOLUTION 927. A RESOLUTION OF THE GOVERNING BODY OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS.**
10. **AUTHORIZATION FOR THE PRESIDENT AND SECRETARY TO EXECUTE THE SERVICE AGREEMENT BETWEEN THE DISTRICT AND MEAD & HUNT, INC. FOR AIR SERVICE DEVELOPMENT CONSULTING SERVICES**
11. **AUTHORIZATION FOR THE PRESIDENT AND SECRETARY TO EXECUTE THE SECOND AMENDMENT OF SERVICE AGREEMENT BETWEEN THE DISTRICT AND THE WIDROE GROUP, INC FOR GOVERNMENT AFFAIRS CONSULTING SERVICES.**
12. **AUTHORIZATION FOR TUITION REIMBURSEMENT FOR ONE STAFF MEMBER.**
13. **DISCUSSION AND DIRECTION TO STAFF REGARDING A HANGAR WAIT LIST APPLICATION FROM DAVID BASKETT.**
14. **REPORT FROM STAFF REGARDING THE DRAFT CLEANUP AND ABATEMENT ORDER FOR 2986 INDUSTRIAL PARKWAY, SANTA MARIA, CA.**
15. **CLOSED SESSION. The Board will hold a Closed Session to discuss the following item(s):**
 - a) **Conference with Legal Counsel-Anticipated Litigation (Paragraph (2) or (3) of subdivision (d) of Gov. Code Section 54956.9) Significant exposure to litigation: (One case).**
 - b) **Conference with Legal Counsel-Anticipated Litigation (Paragraph (4) of subdivision (d) of Gov. Code Section 54956.9) Initiation of litigation: (One Case).**
 - c) **Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Section 54956.9-Baskett v. SMPAD, United States Bankruptcy Court Central District of California – Northern Division Case No. 9:22-bk-10011-RC.**
16. **DIRECTORS' COMMENTS.**
17. **ADJOURNMENT.**

MINUTES OF THE REGULAR BOARD
MEETING OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT HELD MAY 25, 2023

The Board of Directors of the Santa Maria Public Airport District held a Regular Meeting at the regular meeting place at 6:00 p.m. Present were Directors Adams, Baskett, Clayton, and Brown. General Manager Pehl, Manager of Finance & Administration Reade, and District Counsel George were present. Director Moreno was absent.

1. MINUTES OF THE REGULAR MEETING HELD May 11, 2023. Director Brown made a Motion to approve the minutes of the regular meeting held May 11, 2023. Director Clayton Seconded and it was carried by a 3-0 vote. Director Baskett voted "No".
2. COMMITTEE REPORT(S):
 - a) AVIATION SUPPORT & PLANNING (Standing or Ad Hoc) – The committee met to discuss an easement.
 - b) ADMINISTRATION & FINANCIAL (Standing or Ad Hoc) – The committee met to discuss the upcoming budget.
 - c) MARKETING & PROMOTIONS (Standing or Ad Hoc) – No meeting scheduled.
 - d) CITY & COUNTY LIAISON – No meeting scheduled.
 - e) STATE & FEDERAL LIAISON – No meeting scheduled.
 - f) VANDENBERG LIAISON – No meeting scheduled.
 - g) BUSINESS PARK COMMITTEE (Ad Hoc) – No meeting scheduled.
3. GENERAL MANAGER'S REPORT. General Manager Pehl thanked President Moreno for organizing a tour with the Orcutt Academy Flying Club. It was a success, and he looks forward to bringing more tour groups to the airport.
4. The Manager of Finance & Administration presented the Demand Register to the Board for review and approval.
 - a) Demand Register. The Demand Register, covering warrants 071548 through 071595 in the amount of \$166,894.41, was recommended for approval as presented. Director Baskett made a Motion to accept the Demand Register as presented. Director Brown Seconded and it was carried by a 4-0 vote.
 - b) Budget to Actual. Received and filed.
 - c) Financial Statements. Received and filed.
5. DISTRICT COUNSEL'S REPORT. District Counsel George introduced his new colleague, Daniel Cheung. He also mentioned that the Board would have to table item 9 on this

agenda. The item needs to sit in front of the public for 15 days, which we were one day short of.

6. PUBLIC SESSION: Statements from the floor will be heard during public session. Request to Speak forms are provided for those wishing to address the board. After completing the form, please give it to the Clerk. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public are cordially invited to speak on agenda items as they occur. Staff reports covering agenda items are available for review in the offices of the General Manager on the Tuesday prior to each meeting. The Board has established a three-minute time limit for receipt of testimony. The board reserves the right to establish further time limits for receipt of testimony.

Thomas Gibbons, a member of the public, raised concerns about the consent calendar being used.

7. Presentation by Trina Froehlich, Mead & Hunt, Inc. regarding air service development efforts at the Santa Maria Airport.
8. Presentation by John Smith, Tartaglia Engineering, regarding the Capital Improvement Plan.
9. Resolution 926. A Resolution of the Board of Directors of the Santa Maria Public Airport District adopting the appropriations subject to limitation for fiscal year 2023-2024 under California Constitution Article XIII B (As Amended) and implementing statutes. This item will be available to the public and will be adopted at the next meeting.
10. Resolution 927. A Resolution of the Board of Directors of the Santa Maria Public Airport District for the election of directors to the Special District Risk Management Authority Board of Directors. This item was tabled until a later date.
11. Review and approval of the budget for fiscal year 2023-2024. Director Baskett made a Motion to approve. Director Brown Seconded and it was approved by a 4-0 vote.
12. The Consent Calendar is approved by ROLL CALL VOTE on one Motion. These items are read only on request of Board members.

The following items are presented for Board approval without discussion as a single agenda item in order to expedite the meeting. SHOULD ANYONE WISH TO DISCUSS OR DISAPPROVE ANY ITEM, it must be dropped from the blanket Motion of approval and be considered as a separate item.

It is the recommendation of staff that the Board receives, and file and/or approve the following leases and agreements or other routine items and authorize the President and Secretary to execute them:

- a) Authorization for one staff member to attend the AAAE Accreditation Academy to be held July 9th-14th, 2023, in Denver, CO.
- b) Authorization for two staff members to attend the SWAAAE Summer Conference to be held July 23rd-26th, 2023, in Phoenix, AZ.

- c) Authorization for two staff members to attend the Takeoff North America air service development conference to be held August 13th-15th, 2023, in Atlantic City, NJ.
- d) Authorization for one staff member to attend the Airports Council International-North America annual conference to be held September 30th- October 3rd, 2023, in Long Beach, CA.
- e) Authorization for one staff member to attend the CalPERS Educational Forum to be held October 2nd-4th, 2023, in Los Angeles, CA.
- f) Authorization for the President and Secretary to execute the Revocable License Agreement between the District and Valley Art Gallery.
- g) Authorization for the President and Secretary to execute the Revocable Permit Agreement between the District and Skydive Santa Barbara, LLC.
- h) Authorization for the President and Secretary to execute the consent to sublease between the District and Gresser, Inc. to subsidiaries of Gresser Inc., JDB Pro Inc., dba Central West Produce.
- i) Authorization for the President and Secretary to execute the consent to sublease between the District and JDB Pro Inc. to Sunlife Farm, Inc.

Director Baskett made a Motion to approve the consent calendar. Director Brown Seconded and it was carried by the following roll call vote. Directors Adams, Baskett, Clayton and Brown voted "Yes".

13. Authorization for the General Manager to enter into a contract with Channel Island Roofing in the amount of \$34,790.00 for roof repairs from wind damage to the building located at 3203 Lightning Street, Santa Maria, CA 93455. Director Baskett made a Motion to approve. Director Brown Seconded and it was carried by a 4-0 vote.

RECESS: At 7:19 p.m.

Return to OPEN SESSION: At 7:31 p.m. The Board and staff reconvened to Open Session.

14. CLOSED SESSION. At 7:31 p.m. the Board went into Closed Session to discuss the following item(s):
- a) Conference with Legal Counsel-Anticipated Litigation (Paragraph (2) or (3) of subdivision (d) of Gov. Code Section 54956.9) Significant exposure to litigation: (Two cases).
 - b) Conference with Legal Counsel-Anticipated Litigation (Paragraph (4) of subdivision (d) of Gov. Code Section 54956.9) Initiation of litigation: (Two Cases).
 - c) Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Section 54956.9-Baskett v. SMPAD, United States Bankruptcy Court Central District of California – Northern Division Case No. 9:22-bk-10011-RC.

At 8:10 pm., the Board and staff reconvened to Open Public Session.

No reportable actions.

15. DIRECTORS' COMMENTS: Director Baskett would like to see the District hire a wildlife specialist to reduce birds in hangars and on the airfield. He is happy to see a project addressing ADA access. He would like that to include buttons on doors. He reiterated his desire for energy independence. Director Baskett welcomed the new attorney and notified him Josh was a good attorney and has done a lot of good for the airport despite having personal disputes.

Director Clayton expressed his gratitude to Tom Widroe for helping solve various issues related to the District.

Director Brown responded to Director Baskett's comments at the last board meeting. He stated he would not resign, and he would like to see the written agreement Mr. Baskett referred to regarding his hangar termination.

Director Adams had no comment.

16. ADJOURNMENT. Director Adams asked for a Motion to adjourn to a Regular Meeting to be held on June 8, 2023, at 6:00 p.m. at the regular meeting place. Director Adams made that Motion, Director Clayton Seconded and it was carried by a 4-0 vote.

ORDER OF ADJOURNMENT

This Regular Meeting of the Board of Directors of the Santa Maria Public Airport District is hereby adjourned at 8:13 p.m. on May 25, 2023.

Ignacio Moreno, President

David Baskett, Secretary

2022-2023

**DEMAND REGISTER
SANTA MARIA PUBLIC AIRPORT DISTRICT**

Full consideration has been received by the Santa Maria Public Airport District for each demand, numbers 071596 to 071625 and electronic payments on Pacific Premier Bank and in the total amount of \$790,539.54.

MARTIN PEHL
GENERAL MANAGER

DATE

The undersigned certifies that the attached register of audited demands of the Santa Maria Public Airport District for each demand, numbers 071596 to 071625 and electronic payments on Pacific Premier Bank in the total amount of \$790,539.54 has been approved as being in conformity with the budget approved by the Santa Maria Public Airport District and funds are available for their payment.

VERONEKA READE
MANAGER OF FINANCE AND ADMINISTRATION

DATE

THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT APPROVED PAYMENT OF THE ATTACHED WARRANTS AT THE MEETING OF JUNE 8, 2023.

DAVID BASKETT
SECRETARY

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
* 71596	5/30/2023	ADB SAFEGATE Americas LLC	\$30,702.67	Signs - Landing Area
* 71597	5/30/2023	American Industrial Supply	\$31.35	Shop Supplies/Maintenance
* 71598	5/30/2023	AT&T	\$176.46	Telephone Service
* 71599	5/30/2023	Bagby Plumbing Service & Repair	\$757.22	Misc Maintenance
* 71600	5/30/2023	Consolidated Electrical Distributors, Inc.	\$78.87	Fencing and Gates Maintenance
* 71601	5/30/2023	City of Guadalupe	\$22,879.63	Security Service/LEO - March 2023
* 71602	5/30/2023	City of Santa Maria-Util Div	\$4,720.96	Utilities - Water
* 71603	5/30/2023	Clark Pest Control	\$272.00	Building Maintenance - Terminal
* 71604	5/30/2023	Federal Express	\$95.73	Shipping Services
* 71605	5/30/2023	Fence Factory	\$168.24	Fencing and Gates Maintenance
* 71606	5/30/2023	Ferguson Enterprises, Inc.	\$1,121.76	Misc Maintenance
* 71607	5/30/2023	Frontier Communications	\$718.82	Telephone Service
* 71608	5/30/2023	Grainger	\$140.47	Weed/Wildlife Maintenance
* 71609	5/30/2023	Hayward Lumber Company	\$16.08	Misc Hangar Maintenance
* 71610	5/30/2023	Heath, Ray	\$3,575.20	Consulting Services - Contingencies
* 71611	5/30/2023	Home Depot	\$298.91	Pavement Maintenance - Terminal
* 71612	5/30/2023	Quinn Company	\$221.30	Misc Hangar Maintenance
* 71613	5/30/2023	MRC	\$250.48	Toner - Copier
* 71614	5/30/2023	San Luis Powerhouse	\$2,365.00	Generator Maintenance
* 71615	5/30/2023	SBCSDA	\$80.00	Special District Dinner Meeting
* 71616	5/30/2023	Service Star	\$12,694.19	Janitorial Service
* 71617	5/30/2023	Santa Maria Valley Crop Service	\$3,195.86	Weed/Wildlife Abatement
* 71618	5/30/2023	Tartaglia Engineering	\$41,471.00	Taxiway Rehabilitation
* 71619	5/30/2023	Midi, Inc. DBA Valley Glass & Mirror Co.	\$649.00	Building Maintenance - Terminal
* 71620	5/30/2023	Verizon Wireless	\$1,052.88	Mobile Devices
* 71621	5/30/2023	WageWorks	\$100.00	Cafeteria Plan - Admin Fee
* 71622	5/30/2023	The Widroe Group, Inc.	\$18,000.00	Consulting Services
* 71623	5/30/2023	Kimley-Horn and Associates, Inc.	\$2,774.83	SMX Specific Plan Support
* 71624	5/30/2023	Granite Construction	\$565,994.25	Taxiway Rehabilitation
* 71625	5/30/2023	City Motors Towing, Inc.	\$450.00	Vehicle Maintenance
		Subtotal	<u>\$715,053.16</u>	
ACH	5/23/2023	CalPers	\$6,572.75	Employee Retirement
ACH	5/24/2023	Empower Retirement	\$4,147.88	Employee Paid Retirement
ACH	5/24/2023	Umpqua Bank - Martin Pehl	\$623.18	Business Travel, Computer Software
ACH	5/25/2023	Paychex	\$29,157.11	Payroll
ACH	5/26/2023	Paychex	\$8,477.51	Payroll Taxes

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
ACH	5/26/2023	Paychex	\$189.36	Paychex Invoice
ACH	5/26/2023	Umpqua Bank	\$14,722.47	Business Travel, Office Equipment, Hangar Maint.
ACH	5/30/2023	Principal	\$2,794.13	Employee Dental/Life/Disability Insurance
ACH	5/31/2023	Aflac	\$277.56	Employee Voluntary Insurance
ACH	6/1/2023	Collective Communications	\$7,500.00	Collective Strategies
ACH	6/2/2023	Pacific Premier Bank	\$854.14	Credit Card Fees
ACH	6/5/2023	Ready Refresh	\$170.29	Water Delivery
		Subtotal	<u>\$75,486.38</u>	
		Total	<u><u>\$790,539.54</u></u>	

RESOLUTION 926

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT ADOPTING THE APPROPRIATIONS
SUBJECT TO LIMITATION FOR FISCAL YEAR
2023-2024 UNDER CALIFORNIA CONSTITUTION
ARTICLE XIII B (AS AMENDED) AND
IMPLEMENTING STATUTES**

WHEREAS, Article XIII B of the California Constitution provides that beginning with the 1980-1981 fiscal year, an appropriations limit for each local government shall be established for each fiscal year.

WHEREAS, Government Code Section 7910 provides that each year the governing body of each local jurisdiction shall by resolution establish its appropriations limit for the following fiscal year pursuant to Article XIII B of the California Constitution at a regularly scheduled meeting or noticed special meeting; that 15 days prior to such meeting documentation used in the determination of the appropriations limit shall be available to the public.

WHEREAS, Article XIII B of the California Constitution was amended by Proposition 111 to change the price and population factors that may be used by a local jurisdiction in setting the appropriations limit.

THEREFORE, BE IT RESOLVED, that the sum of \$8,326,377.00 is the appropriations limit of the Santa Maria Public Airport District subject to California Constitution Article XIII B for fiscal year 2023-2024.

IT IS FURTHER RESOLVED, that the calculations establishing the foregoing appropriations subject to the limitations imposed by Article XIII B of the California Constitution (as amended), which were made available to the public at least 15 days prior to the date of the meeting at which this resolution was adopted, are as follows:

Factor for percentage change in California
Capita personal income pursuant to
Government Code Section 79011.0444

Factor for annual population percentage
Change for State of California
Determined by Department of Finance,
State of California, pursuant to Revenue
and Taxation Code Section 2228(a)(iii)9965

Ratio change in above factors: 1.0444 x .9965 = 1.0407
Appropriations limits of District
For Fiscal year 2021-2022

2022-2023 appropriations limits of District as
established by Resolution 916 7,975,866

Addition to District's appropriation limit
For property tax administration fee
Imposed by Senate Bill 2557 24,881
8,000,747

Multiplied by above factors change ratio x 1.0407

2023 – 2024 appropriations limit \$8,326,377

PASSED AND ADOPTED at the Regular, meeting of the Board of Directors
of the Santa Maria Public Airport District held May 11, 2023, on Motion by Director
_____, Seconded Director _____

AYES:
NOES:
ABSENT:
ABSTAINED:

Ignacio Moreno, President

David Baskett, Secretary



SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

2023 BOARD OF DIRECTORS ELECTION

OFFICIAL ELECTION BALLOT ATTACHED

This is an official election packet that contains items that require ACTION by your Agency's governing body for the selection of up to three (3) candidates to the SDRMA Board of Directors.

ELECTION PACKET ENCLOSURES

- Election Ballot Instructions
- Official Election Ballot (Action Required)
- Candidate's Statements of Qualifications (4)



SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

Notification of nominations for three (3) seats on the Special District Risk Management Authority's (SDRMA's) Board of Directors was mailed to the membership in January 2023.

On May 11, 2023, SDRMA's Election Committee reviewed the nomination documents submitted by the candidates in accordance with SDRMA's Policy No. 2022-06 Establishing Guidelines for Director Elections. The Election Committee confirmed that (4) candidates met the qualification requirements, and those names are included on the Official Election Ballot.

The Official Election Ballot along with a Statement of Qualifications as submitted by each candidate is posted to the SDRMA MemberPlus portal along with these instructions. Election instructions are as follows:

1. The Official Election Ballot must be used to ensure the integrity of the balloting process.
2. Print a copy of this ballot, then select up to three (3) candidates. Your agency's governing body must approve the Official Election Ballot at a public meeting. **Ballots containing more than four (4) candidate selections will be considered invalid and not counted.**
3. The signed Official Election Ballot MUST be sealed and received by mail or hand delivery at SDRMA's office on or before 4:30 p.m. on Tuesday, August 8, 2023 to the address below. Faxes or electronic transmissions are NOT acceptable.

Special District Risk Management Authority
Election Committee
1112 "I" Street, Suite 300
Sacramento, California 95814
4. The four-year terms for newly elected Directors will begin on January 1, 2024, and terminate on December 31, 2027.
5. Important balloting and election dates are:
 - **August 8, 2023: Deadline for members to return the signed Official Election Ballot.**
 - **August 9-11, 2023:** Ballots are opened and counted.
 - **August 10-11, 2023:** Election results are announced, and candidates notified.
 - **November 1-2, 2023:** Newly elected Directors are invited to attend SDRMA board meeting (Sacramento).
 - **January 2024:** Newly elected Directors are seated, and Board officer elections are held.

Please do not hesitate to contact SDRMA's Management Analyst Candice Richardson at crichardson@sdrma.org or 800-537-7790 if you have any questions regarding the election and balloting process.

**OFFICIAL 2023 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS**

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery at SDRMA on or before 4:30 p.m., Tuesday August 8, 2023. Faxes or electronic transmissions are NOT acceptable.

- ROBERT SWAN** (INCUMBENT)
Director, Groveland Community Services District
- ACQUANETTA WARREN**
Vice Chair, Local Agency Formation Commission for San Bernardino County
- JESSE CLAYPOOL** (INCUMBENT)
Board Chair, Honey Lake Valley Resource Conservation District
- SANDY SEIFERT-RAFFELSON** (INCUMBENT)
General Manager, Herlong Public Utility District

ADOPTED this ____ day of _____, 2023 by the:

at a public meeting by the following votes:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

APPROVED:

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Bob Swan
District/Agency Groveland Community Services District (GCSD)
Work Address P.O. Box 350, Groveland CA 95321
Work Phone (209) 962-7131 Cell Phone (408) 398-4731

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I have been a member of the SDRMA Board for two terms. I would like to be elected to a third term because:
1. As a board member of Groveland CSD, I am very aware of the great value that smaller districts get from their membership in SDRMA, and I'd like to continue to support the Authority's great member services.
2. While the organization continues to operate well, thanks to its experienced and motivated staff, we are once again going through a period of management change. I believe that Board continuity is particularly important at such a time.
3. The California re-insurance market continues to be challenging. I believe that my eight years of board experience will be helpful as we negotiate the potentially tricky economic future.
4. Personally, I feel that we have a very well-functioning and collegial Board, and I find it both challenging and enjoyable to be part of it.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

1. SDRMA Board: Member since 2016, presently Vice President. I am our representative on the CSDA Legislative Committee (and a member in my own right), and on the Alliance Executive Council.
2. Groveland CSD Board: Member since appointment in June 2013. I was Board President 2014-2018.
3. Member of Board of Southside Community Connections, which is a 501(c)(3) nonprofit in Groveland that provides transportation, educational, social and recreational services to seniors and differently-abled folks in the Groveland area. I was on this Board from 2018 through 2022, mostly as Treasurer.
4. Board Member (Treasurer) of Pine Cone Performers, a local community choral and acting group, since 2010.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have? (Response Required)

Background: BS Physics, MS Computer Science. 3 years in USAF. 30 years in the semiconductor industry as engineer, engineering manager, business unit director.

Skills, etc.: Very familiar with financial reports and cost accounting. Working knowledge of computer and communications technology. In my work life, I managed geographically distributed organizations with up to 150 technical personnel and up to \$120 million in annual sales. I'm pretty good at helping groups work together to achieve consensus (or, failing that, acceptable compromise).

In recent years, most of my volunteer work has been in driving folks (who can't drive themselves) to medical appointments, shopping, and the like. This is one of the services of Southside Community Connections.

I'm also a pretty decent choral singer, but that's not relevant to this application.

What is your overall vision for SDRMA? (Response Required)

Our vision statement is "To be the exemplary public agency risk pool of choice for California special districts and other public agencies". To achieve this vision, I believe we must focus on:

(1) maintaining long-term financial stability, by ensuring that there is a fair allocation of cost versus risk across the membership, continuously evaluating the appropriate level of risk retention, and using creative ideas like our "captive" reinsurance agency to enhance our cash position.

(2) continue to expand our risk management training and assistance services. We have made significant improvements in this area by bring it internal to the Authority.

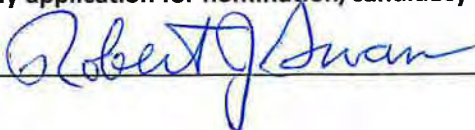
(3) continue to emphasize services to our core membership: small to mid-sized districts with limited options for insurance.

(4) ensure that SDRMA remains a desirable workplace, and maintain our highly-qualified and responsive staff.

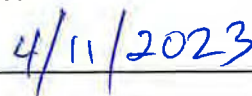
Above all, remember that this is an insurance pool, owned by its member agencies, and maintain an overarching focus on member service and support. Make certain that we will be here for our members.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date



**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – **no attachments will be accepted**. No statements are endorsed by SDRMA.

Candidate* **ACQUANETTA WARREN**
District/Agency **Local Agency Formation Commission (LAFCO) for San Bernardino County**
Work Address **1170 W. Third Street, Unit 150, San Bernardino, CA 92415-0490**
Work Phone **(909)388-0480** Home Phone

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

As a City Mayor I have been fortunate to serve on regional boards that include special district representation: San Bernardino Countywide Oversight Board and Southern California Water Coalition's Board of Trustees. I realize that special districts, especially the smaller districts, are not included in the conversation for a variety of matters. Currently, I serve on San Bernardino LAFCO and the California Association of LAFCOs, which do have robust special district representation. I believe that my skills, experience, and understanding can contribute to SDRMA. Specifically, I want to contribute by developing programs that would help member agencies maximize their protection and minimize their risks.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

I currently serve as mayor for the City of Fontana. This is my fourth term, and my focus has been bolstering economic development, creating educational opportunities, improving public safety, and advocating for a healthier community. As mayor, I have been fortunate to serve on:

- San Bernardino LAFCO since 2014, serving currently as Vice Chair of the Commission. I am also a Board Member of the statewide organization of LAFCOs, CALAFCO, serving as Treasurer
- San Bernardino County Transportation Authority: Board of Directors, General Policy Committee, and Transit Committee
- San Bernardino County Racial Equity Committee for the San Bernardino Council of Governments
- San Bernardino Countywide Oversight Board

In addition, I am the current Chair for the Southern California Water Coalition's Board of Trustees as well as Co-Chair of its Task Force for Water Equity, Access, and Affordability.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**


Aside from being Mayor for the City of Fontana, I am currently the District Director for the Second Supervisorial District for San Bernardino County and I coordinate district services and communications with constituents, I oversee community outreach efforts, as well as supervise district staff.

In addition to local-level involvement, I have served on the State Park Commission and as a trustee of the United States Conference of Mayors, an official non-partisan organization of cities in the United States with populations of 30,000 or more. I have also served in community organizations such as Water/Recycled Water Projects and Development Processing for New Communities, Casa Colina Rehabilitation Hospital Board of Directors, and the Upland YMCA Board of Directors.

What is your overall vision for SDRMA? (Response Required)

My vision for SDRMA is to ensure that it continues to be the best risk management agency, who will continue to listen and communicate with its member agencies. I would strive to make sure SDRMA continues to provide excellent service, provide educational and training programs that are beneficial to its member agencies, and offer more resources that add value to its members. Lastly, I want to make sure SDRMA operates in the highest ethical manner with complete transparency.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature  Date 4/25/2023

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Jesse D. Claypool
District/Agency Honey Lake Valley Resource Conservation District
Work Address USDA Service Center 170 Russell Avenue, Suite C, Susanville, CA 96130
Work Phone 530-257-7271 Cell Phone 530-310-0232

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

My interest for being on the SDRMA Board of Directors is because I believe it is imperative for there to be a knowledgeable and experienced voice on the Board with the perspective of the small to mid-size special district. In addition, I am eager to continue working with SDRMA staff and fellow Board members, providing relevant and affordable solutions, available to all special districts.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

The vast amount of understanding and experience that I've gained as a current member of the SDRMA Board of Directors will undoubtedly aide as I continually strive to be an increasingly effective member of the SDRMA Board of Directors going forward.

In addition to being a current SDRMA Board member, I am currently Chairman of the Board for the Honey Lake Valley Resource Conversation District and a board member of a Regional Water Managment Group. Previously I have served on the following, Lassen County's Civil Grand Jury, two terms, CSDA Professional Development committee, two terms, Janesville Union School District trustee, Technical Advisory Committee for the prevention of violence against schools K-12, two terms, and CSDA Member Services committee, two terms.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have? (Response Required)

I have attended various board member trainings and completed leadership and governance classes, including the following; CSDA's Extraordinary Leadership Training and CSDA's Special District Leadership Academy. I have received CSDA's Recognition in Special District Governance certificate and successfully completed Executive Education in Public Policy at University of Southern California, Sol Price School of Public Policy.

What is your overall vision for SDRMA? (Response Required)

My continued vision for SDRMA is to be effective within the communities they serve. With focused attention to affordable solutions, administered by a team of highly dedicated professional staff, SDRMA will continue to be an industry leader providing affordable solutions to its members.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature 

Date 4/20/2023

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – **no attachments will be accepted**. No statements are endorsed by SDRMA.

Candidate* Sandy Seifert-Raffelson
District/Agency Herlong Public Utility District
Work Address P O Box 115, Herlong CA 96113
Work Phone (530)827-3150 Cell Phone (530)310-4320

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I am a current Board member of SDRMA and feel that I have added my financial and general manager background to make a better-informed decision for SDRMA members. As a Board member, I continue to Improve my education of insurance issues and look forward to representing small District's and Northern California as a voice on the SDRMA Board. I feel I am an asset to the Board with my degree in Business and my 35 plus years' experience in accounting and special districts.

I understand the challenges that small District face every day when it comes to managing liability insurance, worker's compensation and health insurance for a few employees with limited revenue and staff. My experience in small districts give me an appreciation of the importance of risk management services and programs, especially for smaller District that lack expertise within.
I feel I am an asset to this Board, and would love a chance to stay on 4 more years!

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

While serving on the SDRMA Board, I have been privilege to be Secretary of the Board, Vice-President and currently President. I have served on CSDA's Audit and Financial committee's for several year; I have served on the SRLF Board and current President; Northeastern Rual Health Clinic Board; Fair Board; School and Church boards; 4-H Council and leader for 18 years; and UC Davis Equine Board. In the past 30 years, I have learn that there is no "I" in Board and it can be very rewarding to part of a team that makes a difference for others.

As part of my many duties working for Herlong PUD, I worked to form the District and was directly involved with LAFCo, Lassen County Board of Supervisors and County Clerk to establish the initial Board of Directors and first policies for HPUD. I have administered the financial portion of 2 large capital improvement projects with USDA as well as worked on the first ever successful water utility privatization project with the US Army and department of Defense. I am currently in the middle of a 14 million infrastructure project with SRF monies. I am also the primary administrator of two federal contract for utility services.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have? (Response Required)

I have my Bachelor's Degree in Business with a minor in Sociology. I have audit small districts and worked for a small district for almost 18 years. I am a good communicator and organizer. I have served on several Boards and feel I work well within groups or special committee. I am willing to go that extra mile to see things get completed.

I believe in recognition for jobs well done. I encourage incentive programs that get members motivated to participate and strive to do their very best to keep all losses at a minimum and reward those with no losses.

With HPUD and with SDRMA both boards and employees have worked hard to receive their District of Distinction and their District of Transparency.

I feel I am a good leader with people skills that can accomplish what is necessary to keep a District or JPA moving forward.

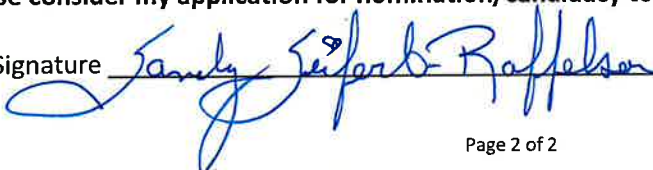
What is your overall vision for SDRMA? (Response Required)

SDRMA Staff and Board work together to bring Special Districts affordable insurance for the pool they serve. By

listening to the needs of all California Special Districts and meeting those needs at a reasonable price that Special Districts can afford. I would continue advocating for these continued efforts and rewarding continue education for all Districts and employees.

I see SDRMA pool continuing for centuries and serving those needs.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature  Date 4/17/2023

SERVICE AGREEMENT

(Air Service Consulting Services)

By this Agreement, dated June 8, 2023, between SANTA MARIA PUBLIC AIRPORT DISTRICT (herein called "District") and MEAD & HUNT, Inc., a Wisconsin corporation, (herein after called "Consultant"), District and Consultant agree as follows:

1. SCOPE OF WORK

District hires Consultant to perform, and Consultant agrees to perform, professional air service consulting services as described in Exhibit "A", a letter proposal dated May 9, 2023, from Consultant to District's General Manager, attached and incorporated by this reference.

2. COMPENSATION

District shall compensate Consultant for all services to be provided by Consultant under this Agreement, as outlined in the table on pages 3-5 of Exhibit "A" attached and incorporated by this reference. Consultant shall be compensated for the work described under the Scope of Services as set forth for a lump sum monthly retainer of \$6,975.00 for the 12-month period for said services. Consultant shall bill District monthly for services rendered. Payment shall be due and payable 30 days following date of receipt of submitted bill.

Reimbursable Expenses as outlined in Exhibit "A" pages 3-5 are limited to air transportation, lodging, meals, printing, shipping, and expenses associated with presentations and meetings not to exceed \$10,800.00. All expenses will be reimbursed at cost and subject to review by the General Manager. There will be no reimbursement for office overhead, including but not limited to telephone, facsimile, postage, in-house copying, insurance, etc. which are included in the consulting fees.

3. TIME OF PERFORMANCE

Consultant shall commence performance of the services hereunder upon receipt of written authorization to proceed and shall complete the services beginning July 1, 2023, to June 30, 2024.

4. MATERIALS AND DOCUMENTS

Except as otherwise specified in this agreement, Consultant will bear the cost and expense of all materials, supplies, tests and data used or needed by Consultant in the performance of its services and the work products to be delivered to District. District shall be the owner of all drawings, maps, mylars, reproducibles, plans, specifications, test reports, and other documents, data and work products produced or resulting from the services of Consultant. District will make available all existing plans, maps, data and information it has that may be needed by Consultant to perform its services. Consultant may retain copies of the original documents for its files.

5. ASSIGNMENT

This Agreement or any interest herein shall not be assigned by either party hereto.

6. CONSULTANT INDEPENDENT CONTRACTOR

The parties intend that Consultant shall be an independent contractor in performing the services provided by this Agreement. District is interested only in the results to be achieved, and the conduct and control of the work will lie solely with Consultant. Consultant is not to be considered an agent or employee of District for any purpose, and the officers, employees and agents of Consultant are not entitled to any of

the benefits that District provides for its employees, including worker's compensation insurance. It is understood that Consultant is free to contract for similar services to be provided to others while under contract with the District, provided there is no actual or perceived conflict of interest. District's General Manager shall have the right, in his sole discretion, to determine if a conflict of interest exists.

7. CONSULTANT'S RECORDS

Full and complete records of Consultant's services and expenses and records between District and Consultant shall be kept and maintained by Consultant and shall be retained by Consultant for seven (7) years after District makes final payment to Consultant hereunder and all pending matters regarding Consultant's services and the Project is closed. The District, the U.S. Department of Transportation, the FAA, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books of account, documents, papers, and records of Consultant which are directly pertinent to Consultant's work for the purpose of making audits, examinations, excerpts and transcriptions.

8. TERMINATION

This Agreement may be terminated by District upon failure by Consultant to satisfactorily perform the terms and conditions of this Agreement within fifteen (15) days of receipt of written notice from the District specifying the manner in which Consultant has failed to satisfactorily perform. In the event of such termination, Consultant shall not be entitled to further compensation from District. Either party may terminate this Agreement for any reason on thirty (30) days written notice to the other.

9. SUSPENSION OR ABANDONMENT OF PROJECT

District may at any time suspend or abandon the Project or any part thereof. In the event District should determine to suspend or abandon all or any part of the Project, it shall give written notice thereof to Consultant, who shall immediately terminate all work upon that portion of the Project suspended or abandoned in the notice. Within thirty (30) days of the date of notice of suspension or abandonment, District shall pay to Consultant, as full and final settlement, compensation for all of Consultant's services performed and costs and expenses incurred prior to receipt of notice of suspension or abandonment in a prorated amount equal to the proportion that the Consultant's services rendered to the date of receipt of such notice bears to the total compensation the Consultant would have received had the Project been completed.

10. INDEMNIFICATION

Consultant agrees to defend, indemnify and hold harmless District, its directors, officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expenses and causes of action of any nature or character which District may incur, sustain or be subject to, including attorney's fees, rising out of or in any way connected with the services or work to be performed by Consultant, or arising from the negligence, act or omission of Consultant, its officers, agents and employees, excepting only liability or loss attributable to the sole active negligence of District or its willful misconduct.

11. INSURANCE

Consultant shall at Consultant's expense take out and maintain during the life of this Agreement the following types and amounts of insurance insuring Consultant and Consultant's officers and employees:

Automobile Liability and Comprehensive General Liability: Automobile liability insurance and comprehensive general liability insurance including public liability, and contractual liability coverage, each providing bodily injury, death and property damage liability limits of not less than \$1,000,000 for each accident or occurrence.

Before or concurrently with the execution of this Agreement, Consultant shall file with the District a certificate or certificates of insurance, issued by the insurance carrier, covering the specified insurance.

Each such certificate and policy shall bear an endorsement precluding the cancellation, or reduction in coverage, of any policy before the expiration of thirty (30) days after the District shall have received notification by registered or certified mail from the insurance carrier. District shall be named as an additional insured on each policy required herein without offset to any insurance policies of District. Each policy shall be on an "occurrence" basis and not a "claims made" basis.

12. DISTRICT'S DESIGNATED REPRESENTATIVE

District designates its General Manager, as its "Designated Representative". The Designated Representative is authorized to review, critique, and approve the services of Consultant.

13. EXTRA SERVICES

There will be no payment of extra services by Consultant unless it is expressly authorized in writing by General Manager before the services are performed and the amount District shall pay Consultant for said extra services has been mutually agreed upon in writing.

14. COVENANT AGAINST DISCRIMINATION

Contractor covenants that, by and for itself, its heirs, executors, assigns and all persons claiming under or through them, that there shall be no discrimination against or segregation or, any person or group of people on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin or ancestry.

15. INTERPRETATION

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either part by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

16. INTEGRATION; AMENDMENT

There are no oral agreements between the parties affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

17. SEVERABILITY

In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

18. ATTORNEYS' FEES

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, and costs whether or not the matter proceeds to judgment.

19. NOTICES

Notices pursuant to this Agreement shall be given by United States mail, postage prepaid, addressed to the parties hereto as follows:

District: Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

Consultant: Trina Froehlich
Mead & Hunt, Inc.
476 Salty Way
Eugene, OR 97404

20. CERTIFICATE OF CONSULTANT

Consultant agrees to complete, execute and deliver to District upon execution of this Agreement a certificate in the form and content of Exhibit "B" attached hereto and incorporated herein. Consultant agrees to comply with the conditions and provisions of the certificate.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be fully executed.

Dated: June 8, 2023

DISTRICT:

Approved as to content for

SANTA MARIA PUBLIC AIRPORT
DISTRICT

District:

General Manager

Ignacio Moreno, President

Approved as to form for District

David Baskett, Secretary

District Counsel

CONSULTANT:

MEAD & HUNT, INC.

Joseph Pickering

EXHIBIT “A”

May 9, 2023, LETTER PROPOSAL



May 9, 2023

Martin Pehl, A.A.E.
General Manager
Santa Maria Airport
3217 Terminal Drive
Santa Maria, CA 93455

Subject: Proposal for Air Service Consulting Services

Dear Martin:

It is my understanding that Santa Maria Airport (SMX) is interested in a proposal for air service consulting services for the July 1, 2023, to June 30, 2024, fiscal year. Mead & Hunt is pleased to submit this proposal for your review, which includes a scope of services and compensation.

Scope of Services

The suggested scope of services includes assisting SMX in air service development efforts for a 12-month period, beginning July 1, 2023, and ending June 30, 2024. *Attachment A* includes a description of tasks over the term of this agreement.

Compensation

Mead & Hunt will be compensated for the work described under the Scope of Services (*Attachment A*) for a lump sum monthly retainer of \$6,975 for the 12-month period. Mead & Hunt will bill associated expenses (e.g., pro-rated registration, airfare, hotel, meals, printing) at cost. Expenses for the 12-month period are estimated to be an additional \$10,800.

Additional services provided by Mead & Hunt not described above or in other supporting documentation will be accommodated by an amendment to this agreement or billed in accordance with the Standard Billing Rate Schedule, attached hereto and incorporated herein by reference. The following are Mead & Hunt's Standard Billing Rates for services billed on a time-and-materials basis.

Standard Billing Rates	
Clerical	\$85 / hour
Accounting/Administrative Assistant	\$105 / hour
Technical Editor	\$115 / hour
Senior Editor	\$190 / hour
Managing Director	\$215 / hour
Project Manager	\$225 / hour

Martin Pehl, A.A.E.

May 9, 2023

Page 2

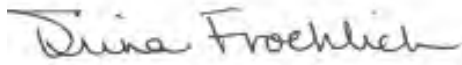
Standard Billing Rates	
Vice President	\$245 / hour
Expenses	
Company or Personal Car Mileage	IRS Rate
Air and Surface Transportation	Cost
Lodging and Subsistence	Cost
Out-of-Pocket Direct Job Expenses	Cost

Please send all correspondence to my attention at the following address:

Mead & Hunt, Inc.
476 Salty Way
Eugene, OR 97404
541-521-5962

We appreciate the opportunity to submit this proposal to SMX.

Respectfully submitted,
MEAD & HUNT, Inc.



Trina Froehlich
Project Manager

Scope of Services

Page 3 of 5

After acceptance of this proposal, Mead & Hunt shall complete the following tasks:

1. Airline Headquarters Meetings (2 in-person/1 virtual per 12-month period)

Airline headquarters meetings are recommended as frequently as possible based on the airline's willingness to accept meetings and are typically held in the second half of the calendar year due to many industry conferences held in the first half of the year. Primary target airlines include Alaska Airlines, American Airlines, Delta Air Lines and United Airlines. Mead & Hunt will provide the analysis, preparation, presentation and consulting services associated with the airline meetings. It is anticipated that SMX representatives and Mead & Hunt staff will meet with the airline. The existing SMX airline presentation format will be updated for the meetings. Updates will include market performance information, route forecasts, as applicable, and the incentive program. Once meeting dates are secured, Mead & Hunt will complete the presentation. The schedule is dependent on SMX's timely response to Mead & Hunt requests for airport and community provided information. Likewise, airline management availability and the ever-changing airline environment may impact the schedule.

2. Airline Industry Conferences (4 per 12-month period)

We recommend attending several air service development conferences, including TakeOff North America (August 2023), Mead & Hunt's Air Service Conference (Spring 2024) and ACI-NA JumpStart Air Service Development Program (June 2024). While some duplication may occur in the airline meetings, it provides an additional opportunity to present SMX's business case. In addition to the above, Mead & Hunt recommends attending Allegiant's annual airport conference (Spring 2024). Mead & Hunt will prepare custom presentations for each meeting highlighting SMX and the community for use at the airline meetings and assist with airline meetings. Mead & Hunt will complete the presentations no later than the week prior to the date of the conference. Keep in mind schedules change frequently at these conferences. Mead & Hunt will do our best to attend all of the airline meetings considered a top priority for SMX.

3. Air Service Pro Forma (1 per 12-month period)

In preparation of airline headquarters meetings and industry conference meetings, route forecasts should be updated/completed on an as needed basis. Mead & Hunt will prepare the financial analysis/projections and related performance information on an identified top market opportunity. Mead & Hunt will provide the following professional services and data in preparation of SMX's pro forma analyses:

- Development of a service proposal that is integrated into the carrier's existing service (e.g., schedule, aircraft type, route)
- Detailed analysis and forecast of passengers, load factors, overall average ticket price, average ticket price by market, revenue, cost, and profit margin
- Analysis of passenger stimulation, retention, and diversion
- Airline and aircraft specific cost projections (first segment and beyond destinations)

The output of this effort will be included in the presentations to the airlines. Mead & Hunt will complete the pro forma analyses as determined necessary.

4. Community Meeting (1 per 12-month period)

Mead & Hunt will prepare and make a PowerPoint presentation at a community meeting to be set by SMX. Mead & Hunt anticipates that, in general, the presentation to the community will cover: an overview of the airline industry, airline performance in the SMX market and air service opportunities/next steps. Mead & Hunt will prepare and present a PowerPoint presentation. The date of the meeting will be determined based on a mutually agreed upon date.

5. True Market Estimate (1 per 12-month period)

The True Market Estimate is the base foundation for route forecasts and the airline business case. It is recommended that the True Market Estimate be updated annually. The True Market Estimate will quantify by destination the number of air travelers in the market, including those air travelers that drive to an airport other than SMX to originate the air travel portion of their trip. Mead & Hunt will obtain Airline Reporting Corporation (ARC) data for the SMX catchment area. ARC data will represent a statistically valid sample of airline tickets from within the airport catchment area. ARC data collected will include, but is not limited to, the originating airport, destination and airline. The output will include the top 25 domestic true markets, top 15 international true markets, and the top 50 aggregated true markets, including identification of passenger retention by destination and diverted origin and destination passengers. Mead & Hunt will provide SMX a draft of the True Market Estimate by PDF within 90 days of data availability for calendar year 2023, estimated to be in April 2024.

6. True Visitation Estimate (1 per 12-month period)

While the True Market Estimate analyzes the air travel market, the True Visitation Estimate includes both the drive and fly market and provides an indicator of visitation to the Central Coast. It is recommended that SMX continues to update this information annually. The True Visitation Estimate will identify preferred travel patterns by visitors from the U.S. using Global Positioning System (GPS) data and will measure the number of people coming to the destination for calendar year 2023. The level of visitation will be determined, market-by-market, on a monthly and seasonal basis. The output of the True Visitation Estimate will include visitation to the Santa Maria Valley and the Central Coast broken down by region, state and metropolitan statistical area. The report will be delivered in PDF. Mead & Hunt will provide SMX a draft of the True Visitation Estimate within 90 days of the availability of calendar year 2023 GPS data.

7. Destination Analysis Update (1 per 12-month period)

Like the True Visitation Estimate, the Destination Analysis uses GPS data to analyze travel trends; however, this analysis analyzes outbound trends to top destinations. It is recommended the data be updated annually to continue to monitor travel demand from the Central Coast. The data will capture a representative sampling of visitation to a destination, regardless of the mode of transportation used, while identifying seasonality trends. The findings will be used to strengthen the airline route business case for nonstop air service to destination markets. Up to 10 domestic destinations that people from the Central Coast travel will be reviewed, including volume of demand by month, providing a month-over-month recovery comparison. Mead & Hunt will provide SMX a draft of the Destination Analysis within 90 days of the availability of calendar year 2023 GPS data.

Martin Pehl, A.A.E.

May 9, 2023

Page 5

8. Additional Services (32 hours per 12-month period)

Additional services may be requested by SMX that are not described above. Additional services may include, but are not limited to, the preparation of ad hoc reports; communication with airlines; coordination with SMX; revenue guarantee negotiations and other elements as identified on an as needed basis.

EXHIBIT "B"

CERTIFICATION OF CONSULTANT

I hereby certify that I am the owner or principal executive officer and duly authorized representative of the firm of Mead & Hunt, Inc., a Wisconsin corporation whose address is 2440 Deming Way, Middleton, WI 53562, and that neither I nor the firm I represent has:

- A. Employed or retained for commission, percentage, brokerage contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above firm) to solicit or secure this contract;
- B. Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract; or
- C. Paid or agreed to pay to any firm, organization, or person (other than a bona fide employee working solely for me or the above firm) any fee, contribution, donation, or consideration of any kind for or in connection with procuring or carrying out the contract, except as herein expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Federal Aviation Administration of the United States Department of Transportation in connection with this contract involving participation of federal funds and is subject to applicable state and federal laws, both criminal and civil.

Date

Joseph Pickering

SECOND AMENDMENT TO SERVICE AGREEMENT
(Government Affairs/Consulting Services)

RE: Service Agreement (Government Affairs/Consulting Services) dated September 8, 2022, between SANTA MARIA PUBLIC AIRPORT DISTRICT ("District") and THE WIDROE GROUP, INC. ("Consultant")

The Service Agreement dated September 8, 2022, between SANTA MARIA PUBLIC AIRPORT DISTRICT (herein called "District") and The Widroe Group, Inc., a California company, (herein after called "Consultant"), is amended as follows. 3. Time of Performance is amended to read:

Consultant having commenced services hereunder, the contract is extended so that Consultant shall continue to perform service hereunder at the pleasure of the District's General Manager on a month-to-month basis. Either party may terminate this contract upon giving the other party at least thirty (30) days' prior written notice of termination. The monthly retainer will be prorated to the date of termination.

All other terms and conditions of the Service Agreement, as amended herein, remain in full force and effect.

Dated: June 8, 2023

SANTA MARIA PUBLIC AIRPORT DISTRICT

Approved as to content for District:

General Manager

By: _____
Ignacio Moreno, President

Approved as to form for District:

District Counsel

By: _____
David Baskett, Secretary

CONSULTANT:

The Widroe Group, Inc.

Thomas Widroe



June 8, 2023

Board of Directors
Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

Subject: Authorization for tuition reimbursement for one staff member

Summary

Based upon section 10.5 of the Personnel Manual I am requesting reimbursement for Carla Osborn. Ms. Osborn has completed and passed this course at Embry-Riddle Aeronautical University.

Budget

Course	Tuition	Books	Total
Science & Technology Comm	\$1,395.00		\$1,395.00

Overall Impact

Approved 2022-2023 Budget for Education	\$21,400.00
Previously Approved for Education	\$20,005.00
Current Balance for Education	\$1,395.00
Amount of this Request	\$1,395.00
Balance Remaining if Approved	\$0.00

Recommendation

I recommend we repay Mrs. Osborn. The District will benefit as a result of additional training and these classes will assist the Operations Officer's pursuit of her bachelor's degree.

Sincerely,

A handwritten signature in blue ink, appearing to read "Veroneka Reade", is written over a faint, large-scale graphic of an airplane's wing and tail.

Veroneka Reade
Manager of Finance & Administration



Carla Osborn
[REDACTED]

Account No: 2513380
Statement Print Date: 6/2/2023 0:07 AM
Statement From/To Date: 3/1/2023 To 5/2/2023

Charges				
Date Posted	Term	Item Description	Amount	Currency
03/02/2023	Worldwide 2023-05 May	WW Tuition Undergrad	1,395.00	USD
Total Charges:			1,395.00	

Payments				
Date Posted	Term	Item Description	Amount	Currency
03/18/2023	Worldwide 2023-03 March	Payment by Check	-1,395.00	USD
Total Payments:			-1,395.00	

Refunds				
Date Posted	Term	Item Description	Amount	Currency
Total Refunds:			.00	

Financial Aid				
Date Posted	Term	Item Description	Amount	Currency
Total Financial Aid:			.00	

Net Total for Statement Date Range: .00

Charges are based on your home campus published rates. Residential and Worldwide students are only eligible for your campus specific rates regardless of modality.

Embry-Riddle will not provide refunds of tuition or fees due to suspension, modification, or cancellation of operations resulting from an act of God, strike, riot, disruption, health or safety emergency, or for any other reason beyond the control of the University.

Daytona Beach Campus:
1 Aerospace Boulevard
Daytona Beach, FL 32114
386-226-6285

Prescott Campus:
3700 Willow Creek Rd.
Prescott, AZ 86301
928-777-3726

Worldwide Campus:
Campus of Attendance
386-226-6280

EMBRY-RIDDLE

Aeronautical University

Name: Osborn,Carla

ID: 2513380

Term: Worldwide 2023-03 March

Cumulative GPA: 3.953

Class	Course Title	Units	Grade
COMD 225	Science and Technology Comm	3.00	A

SANTA MARIA PUBLIC AIRPORT DISTRICT BOARD OF DIRECTORS HANGAR LEASE ELIGIBILITY AND USE POLICY

1. **Eligibility.** To be eligible for an aircraft storage hangar, a potential tenant must:
 - a. Own an aircraft which is properly registered to the potential tenant, a partnership of which the potential tenants a member, a corporation of which the potential tenants an owner, or a club of which the potential tenants an officer, or;
 - b. Show proof that the potential tenant has purchased an aircraft which will be properly registered as in (a.) above, or;
 - c. Show proof that the potential tenant intends to construct an aircraft and District has the right to inspect the progress of completion on a yearly basis, and;
 - d. Apply at District's office (if no vacant hangars are available) for placement on the Hangar Waiting List.
 - e. Will agree to the stipulations that the potential tenant:
 - (1) Will not store any flammable fluids, welding, spray painting or flame producing equipment inside the hangar, except in accordance with current Santa Maria Fire Department fire safety regulations, and;
 - (2) Will permit no activity within the premises involving fuel transfer, welding, torch cutting, torch soldering, doping (except with nonflammable dope), or spray painting, and;
 - (3) Will perform no maintenance, nor cause to have performed, any maintenance on aircraft while it is stored within the hangar beyond the "preventive maintenance" described in FAR Part 43, Appendix A, except "major repairs or major alterations" of an aircraft under the direct supervision of a mechanic (1) properly and appropriately certificated by the Federal Aviation Administration and in compliance with Santa Maria Fire Department fire safety regulations and (2) having a fixed place of business on the airport or holding a Commercial Use Permit from the District for aircraft maintenance services (per paragraph 16 of the Santa Maria Public Airport Rules and Regulations as amended through 6/24/04). This restriction does not relieve the operator, or pilot in command, of the requirement to ensure the airworthiness of the aircraft as required by appropriate Federal Aviation Regulations, and;
 - (4) Will not use the premises for construction of an aircraft, except in strict compliance with the applicable provisions of FAR Part 21 and the direction of the type certificate holder and under the supervision of a Designated Airworthiness Representative of the FAA, and;
 - (5) Will store only such additional material within the hangar as may be necessary for the proper maintenance and care of the aircraft, and, after written notice, will immediately remove any material judged by District's General Manager to be inappropriate or hazardous, and;
 - (6) Will allow automobiles to be parked within the hangar temporarily, and then only while the aircraft is out of the hangar, and;
 - (7) Will not install any lock, except the one provided by the District, and;
 - (8) Will maintain each aircraft stored in a hangar in operating and airworthy condition,

excepting active restoration by Tenant of his or her aircraft or building of a "homebuilt" type aircraft which is subject to periodic inspection. Supervision by a mechanic as described in paragraph 1, subparagraph e (3) or e (4) is required, and;

(9) Will not have been previously evicted from any premises on the airport. If such eviction has occurred Tenant may appeal to the Board of Directors and be allowed on the wait list upon a four-fifths favorable vote of the Board. Tenant must also reimburse District for all legal fees incurred due to the previous eviction prior to entering into a new lease or taking possession of the premises. This provision shall also apply to any applicant that is affiliated with any previously evicted tenant including, but not limited to, an Applicant that is or was an owner, officer, partner, shareholder, member, manager of a previous tenant, and;

(10) Will not conduct a commercial activity on the premises. The District has hangars that have been specifically established for commercial activity. Please contact District to determine which premises are currently available for commercial use.

2. Retention of Hangar. To be eligible to retain a hangar currently under lease:

a. A potential tenant must continue to meet the requirements of 1 (a) through 1 (c). A tenant, who is not in default under his or her lease, shall not be evicted to make the hangar available for a larger aircraft.

b. A tenant, who sells an aircraft which qualifies him for a hangar space lease, has ninety (90) days to replace that aircraft in order to retain the lease. At the end of ninety (90) days, if the aircraft has not been replaced, the District will give thirty (30) days' written notice to vacate, as provided in paragraph 3 of the lease.

c. The sublease of a hangar unit is specifically prohibited, except when authorized by the General Manager pursuant to a hangar space sublease. General Manager may make such authorization on a case by case basis, upon written request. In no case shall a sublease exceed six consecutive months.

3. Waiting Lists:

a. Separate waiting lists will be maintained for applicants for T-hangars and Corporate hangars.

b. As a hangar becomes available, the Applicant who has been on the list the longest, and who has selected the hangar type (as discussed below) will be contacted and offered the hangar. Upon the second refusal or failure to respond, applicant will be removed from the waiting list. After removal, individual must wait 6 months before filling out a new application. The Lease will commence no later than 30 days following the availability of the hangar. Upon the commencement of the lease, a security deposit of \$250.00 and first-month's rent will be due.

4. General. The District reserves the right to establish, from time to time, rules and regulations that will apply to hangar tenants in their use of the leased premises and in their use of the rest of the airport facilities. The District agrees to give three-(3) weeks' advance written notice to tenants and hold a public hearing, prior to adopting such rules and regulations. Tenant agrees to comply with such rules and regulations.

SANTA MARIA PUBLIC AIRPORT DISTRICT HANGAR WAITING LIST RULES

Applicants will be added to the Hangar Waiting List on a first come, first served basis. Applicants will be added to the list only after signing a copy of the Hangar Waiting List Rules and indicating the desired hangar from the "List of District Hangars". **It is the responsibility of the applicant to keep this information current with Airport Administration.**

- To prove eligibility for a hangar, an aircraft owner must provide one of the following documents at the time of application:
 - Individual Ownership: Federal Aviation Administration (FAA) Certificate of Aircraft Registration with the aircraft owner's name listed
 - Co-ownership/Partnership: FAA Certificate of Aircraft Registration with co-owners/partners names listed. All members of any co-ownership shall also be listed as such on the hangar lease agreement.
 - A copy of an Aircraft Bill of Sale and an application for Aircraft Registration that has been submitted to the FAA, will satisfy this requirement for a period of ninety (90) days or until the official FAA Aircraft Registration is received.
 - If tenant intends to construct an aircraft, District will request pictures or inspect the progress of completion on a yearly basis.
- Position on the waiting list will be determined by the date and time of the request.
- Current tenants who wish to lease additional hangars must be in good financial standing with the District before signing a new lease.
- When a hangar becomes available, the Airport Administration will notify the individual at the top of the appropriate waiting list. Offers shall be made chronologically (oldest to newest). The Lease will commence no later than 30 days following the availability of the hangar. Upon the commencement of the lease, a security deposit of \$250.00 and first-month's rent will be due.
- Applicant must respond to the offer made within three (3) business days. A "pass" response or failure to respond in three (3) business days will be considered a decline.
- Airport Administration will attempt to contact individuals on the list by two different means. Each applicant is permitted one (1) refusal or pass-over. Upon the second refusal or failure to respond, applicant will be removed from the waiting list. *After removal, individual must wait 6 months before filling out a new application.*

Hangar occupancy is dependent on the applicant's ability to meet all conditions specified in the Santa Maria Public Airport District Hangar Space Lease and does not guarantee a lease commitment.

Any Applicant previously evicted from District property is not eligible to be placed upon the wait list. Applicant can appeal this decision and be placed on the wait list if the Board of Directors approves the request by a four fifths favorable vote of the Board. All legal fees associated with

the previous eviction must be reimbursed to the District prior to being placed on the wait list. This provision shall also apply to any applicant that is affiliated with any previously evicted tenant including, but not limited to, an Applicant that is or was an owner, officer, partner, shareholder, member, manager of a previous tenant.

Hangar swaps will be evaluated on a case-by-case basis incorporating the hangar waiting list as priority. If a tenant wishes to obtain a different hangar, he/she may establish a position on the wait list. Tenant will not be eligible to obtain a different hangar within the first three months of the start of a new lease.

The attached form is a listing and description of the hangars owned by the Santa Maria Public Airport District. The Applicant will only be assigned a hangar, which has been previously selected on the List of District Hangars form by the Applicant. An Applicant must select at least one size/type of hangar but may select any and all available hangars. Forms may **only** be modified by the Applicant at any time **prior** to the offer of a hangar. Any additional hangars selected will be added to bottom of wait list.

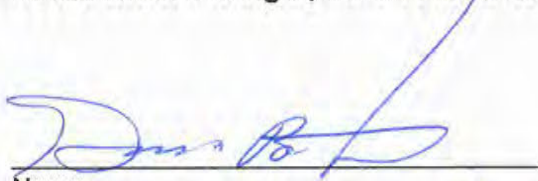
The Applicant, by signing this document, certifies receipt of an agreement with these rules.


I, the applicant, agree to pay first month's rent of the assigned hangar I have selected on the attached form, and an additional \$250.00 security deposit upon commencement of the lease.

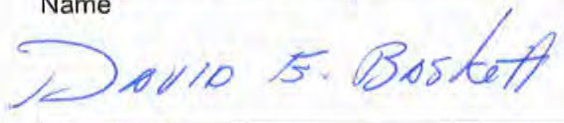
A written decline to accept the hangar is required which will begin forfeiture process as described. However, should the applicant fail to provide a written decline, Airport Administration can write in the file the date and time of the verbal decline.

I acknowledge receipt of the Santa Maria Public Airport District's Hangar Space Lease Policy.

I authorize the Santa Maria Public Airport District to prepare the necessary Hangar Space Lease when a hangar, which I have selected, becomes available.


Name


Date


Signature

LIST OF DISTRICT HANGARS

T-HANGARS

Address	W	D	H	Sq. Ft.	Mo. Rent
<input type="checkbox"/> 3005 Airpark Drive	42'1"	34'0"	12'8"	1,078	\$278
<input type="checkbox"/> 3009 Airpark Drive	41'5"	33'0"	12'9"	1,040	\$268
<input type="checkbox"/> 3011 Airpark Drive	41'8"	32'1"	12'6"	1,000	\$257
<input type="checkbox"/> 3019 Airpark Drive	41'8"	32'1"	12'6"	1,000	\$257
<input type="checkbox"/> 3023 Airpark Drive	41'5"	33'0"	12'9"	1,040	\$268
<input type="checkbox"/> 3027 Airpark Drive	42'0"	32'8"	12'7"	1,026	\$265
<input type="checkbox"/> 3031 Airpark Drive	42'0"	32'8"	12'7"	1,026	\$265
<input type="checkbox"/> 3039 Airpark Drive	41'8"	32'0"	12'8"	994	\$256
<input type="checkbox"/> 3103 Airpark Drive	41'8"	34'0"	14'3"	1,043	\$268
<input type="checkbox"/> 3107 Airpark Drive	39'1"	30'4"	11'0"	870	\$224
<input type="checkbox"/> 3109 Airpark Drive	39'6"	31'9"	11'0"	940	\$243
<input type="checkbox"/> 3111 Airpark Drive	40'8"	32'10"	12'0"	963	\$248

CORPORATE T-HANGARS

<input type="checkbox"/> 3035 Airpark Drive (Unit A)	54'8"	45'11"	16'1"	1,982	\$510
<input type="checkbox"/> 3035 Airpark Drive	53'8"	45'11"	16'1"	1,839	\$473

CORPORATE HANGARS

<input type="checkbox"/> 3001 Airpark Drive (Units A, D, H)	52'0"	40'9"	14'0"	2,119	\$546
<input type="checkbox"/> 3001 Airpark Drive (Units B, G)	50'8"	40'9"	14'0"	2,064	\$532
<input type="checkbox"/> 3001 Airpark Drive (Units C, F)	49'10"	40'9"	14'0"	2,027	\$522
<input type="checkbox"/> 3001 Airpark Drive (Unit E)	51'10"	40'9"	14'0"	2,109	\$544
<input checked="" type="checkbox"/> 3029 Airpark Drive (Units A, F)	61'8"	50'3"	16'0"	3,098	\$797
<input checked="" type="checkbox"/> 3029 Airpark Drive (Units B-E)	60'6"	50'3"	16'0"	3,040	\$782
<input checked="" type="checkbox"/> 3043 Airpark Drive (Units A-G)	60'6"	50'3"	16'0"	3,040	\$782
<input checked="" type="checkbox"/> 3105 Airpark Drive (Units A)	60'6"	51'6"	16'2"	3,115	\$888
<input checked="" type="checkbox"/> 3105 Airpark Drive (Units B-G)	60'6"	51'6"	16'2"	3,115	\$802

David E Baskett

6/5/23

Name

Date

Address

Signature

N#

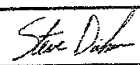

NZ1PF

Email:

July 1, 2022

Plus, INTENT TO RESTORE N3011T IN PARTNERSHIP WITH DANIEL PUCKETT

REGISTRATION NOT TRANSFERABLE

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION CERTIFICATE OF AIRCRAFT REGISTRATION		This certificate must be in the aircraft when operated.
TERRITORY AND REGISTRATION MARKS N 21PF	AIRCRAFT SERIAL NO. 761811	
MANUFACTURER AND MANUFACTURER'S DESIGNATION OF AIRCRAFT ANKOYAN GUREVICH MIG 21 PF		
Aircraft Address Code: 50334164		
BASKETT DAVID DBA IXOR 1424 OAKRIDGE PARK RD SANTA MARIA CA 93455-4558		This certificate is issued for registration purposes only and is not a certificate of title. The Federal Aviation Administration does not determine rights of ownership as between private persons.
Individual		
I am certified that the above described aircraft has been entered on the register of the Federal Aviation Administration, United States of America, in accordance with the Convention on International Civil Aviation dated December 7, 1944, and with Title 49, United States Code, and regulations issued thereunder.		
DATE OF ISSUE August 13, 2014 EXPIRATION DATE August 31, 2023	 ADMINISTRATOR	
 U.S. Department of Transportation Federal Aviation Administration		

U.S. Department of Transportation
 Federal Aviation Administration

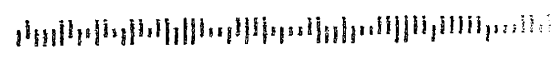
Civil Aviation Registry
 P.O. Box 25504
 Oklahoma City, OK 73125-0504

Official Business
 Penalty for Private Use \$300

AC Form 8050-3 (10/2010) Supersedes previous edition

TO: BASKETT DAVID DBA
 1424 OAKRIDGE PARK RD
 SANTA MARIA CA 93455-4558

CUT ON DOTTED LINE



Form 8050-3 (10/2010) Supersedes previous editions

HANGAR SPACE LEASE

By this lease, dated **January 3, 2023** and commencing **January 4, 2023** District leases to Tenant, on the terms and conditions hereinafter set forth, the Premises at the Airport on a calendar month-to-month tenancy in consideration of payment by Tenant to District of monthly rent for the month-to-month tenancy of **\$237** (subject to increase as provided in Section 4), in advance, on the first day of each and every calendar month, without prior notice, demand, deduction or offset, and continuing thereafter until this lease is terminated.

1. Definitions. The following words and phrases used in this lease shall have the meaning set forth opposite them:

District: Santa Maria Public Airport District

District's Address: 3217 Terminal Drive
Santa Maria, CA 93455

District's Phone: (805) 922-1726

Facsimile: (805) 922-0677

Tenant (s): **First Last, An Individual**

Tenant's Address: **3217 Terminal Drive, Santa Maria, CA 93455**

Tenant's Phone: **(805) 922-1726**

Airport: Santa Maria Public Airport
Santa Maria, California

Premises: Hangar **A** at **3001** Airpark Drive at the Airport

2. Permitted Uses of Premises. Tenant shall use the Premises only for the Permitted Uses of Premises, as described below:

(a) Storage of aircraft registered to Tenant.

(b) Storage of an automobile while the aircraft is being operated outside the hangar. (Per District Resolution 686 regarding Airport Driving Rules and Regulations marked Exhibit "A" attached hereto and made a part hereof)

(c) Storage of equipment and tools used for preventive maintenance, construction or restoration of an aircraft, including, but not limited to, personal items such as chairs, refrigerators and flameless heaters located 36 or more inches above the floor. Catalytic heaters are not permitted.

(d) Maintenance, construction and restoration of an aircraft as described in FAR Part 43, Appendix A, or under the direct supervision of a mechanic, properly and appropriately certified by the Federal Aviation Administration ("FAA") and in compliance with the Santa Maria Fire Department fire safety regulations and having a fixed place of business on the airport or holding a Commercial Use Permit from the District for aircraft maintenance services. This provision does not relieve the operator or pilot in command of the requirement to ensure the airworthiness of the aircraft as required by appropriate Federal Aviation Regulations. If Tenant intends to construct an aircraft, District reserves the right to inspect the progress of completion on a yearly basis.

3. Termination. Except as otherwise specifically provided in Section 8. Damage or Destruction of Premises, either party may terminate this lease upon giving the other party at least thirty (30) days' prior written notice of termination. The monthly rent will be prorated to the date of termination.

4. Rent Payments; Monthly Rent Increases. All rent is payable by Tenant to District at District's Address, or at such other address as District may direct in writing to Tenant. Monthly rent for the month-to-month tenancy may be increased from time to time (based on the Consumer Price Index (CPI)) by District's board of directors by giving Tenant at least thirty (30) days' prior written notice of such increase.

(a) **Security Deposit:** A security deposit of **\$250.00** is due and payable upon commencement of the lease. The Airport District may use the security deposit of **\$250.00**, or any portion thereof, to cure default or compensate District for damages sustained from Tenant's default. Upon lease termination and a final accounting by District, any balance of the security deposit shall be refunded to Tenant without interest. If Tenant fails to return access security cards, an amount equal to the amount listed in the rates in charges for replacement card will be deducted from the security deposit for each unreturned card.

(b) **Additional Non-Airworthy Aircraft Storage Fee:** An additional 30% charge will be in effect for non-airworthy aircraft. District Staff will determine the status of an aircraft and applicability of the fee based on logged flights through 3rd party sources, actual observation of flight activity, and annual hangar inspections. Should an aircraft be identified as non-airworthy, tenants may provide evidence that the aircraft listed on the Hangar Lease meets the conditions of Part § 91.409. The following options are acceptable records that meet the intent of the Non-Airworthy Aircraft Fee:

1. Copy of the Aircraft Maintenance Logbook entry that indicates current airworthy status (annual inspection); or
2. Annual Inspection Receipt or an invoice from aircraft maintenance shop or inspector that includes the Aircraft Registration Number; or
3. Other means that meets the intent of the Non-Airworthy Aircraft Fee, including condition inspections for experimental aircraft.

4. The General Manager or designee may authorize a fee waiver if requested upon changed circumstances in a particular aircraft that will be corrected within a set period of time. Requests will be evaluated on a case-by-case basis and limited to a six (6) month waiver upon submission of a plan to correct any issues with the aircraft, with the flexibility to further extend for another period not to exceed a total waiver of twelve (12) months based on demonstrated progress or circumstances that warrant an extension.

5. Late Charge. Tenant acknowledges that late payment by Tenant to District of rent will cause District to incur costs not contemplated by this lease, the exact amount of such costs being extremely difficult and impracticable to fix. Such costs include, without limitation, processing and accounting charges. Therefore, if any installment of rent due from Tenant is not received by District on or before the date it is due (or on the next business day of the District that is not a Saturday, Sunday or holiday on which the administrative office of the District is closed for a whole day), Tenant shall pay to District an additional sum of ten percent (10%) of the overdue rent as a late charge. The parties agree that this late charge is not a penalty and represents a fair and reasonable estimate of the costs that District will incur by reason of late payment by Tenant. Acceptance of any late charge shall not constitute a waiver of Tenant's default with respect to the rights and remedies available to District.

6. Tenant's Agreements: Tenant shall do all of the following:

(a) Comply with the rules, regulations and directives of the District related to use of the Airport and its facilities.

(b) Comply with, at Tenant's expense, all laws, regulations, ordinances and orders of federal, state and local governments as they relate to Tenant's use of Tenant's aircraft or Tenant's use or occupation of the Premises, the Airport, or Airport facilities. Tenant acknowledges receipt of a copy of the District's Policy Regarding Hangar Lease Eligibility and Use Policy as amended on April 22, 2021 (marked Exhibit "B" attached hereto and made a part hereof).

(c) Keep the Premises in good order and condition, free of dirt, trash and debris, at Tenant's expense.

(d) Deliver possession of the Premises to District on termination of this lease in at least as good condition as it is at the inception of this lease, ordinary wear, and tear and damage by fire or act of God excepted, and free of any personal property.

(e) Pay, before delinquency, all taxes and assessments levied by any governmental agency on the leasehold interest of Tenant. Tenant acknowledges that by entering into this lease, a possessory interest subject to taxation may be created. Tenant shall pay all such possessory interest taxes.

(f) Furnish District a copy of the FAA registration certificate for each aircraft

stored in the Premises, within thirty (30) days of commencement of the lease, within thirty (30) days of acquiring a different or additional aircraft, and immediately after District's written request for such a copy at any other time. Should Tenant's aircraft registration with the FAA expire, Tenant shall have thirty (30) days after expiration to register the aircraft.

(g) Use only the lock provided by District to secure the Premises.

(h) If Tenant sells aircraft, he is required to notify the District's Administration Office within ten (10) working days. Tenant agrees to replace sold aircraft within ninety (90) days.

(i) In the event of Tenant's death, Tenant's personal representative or heirs at law will have six (6) months from the date of death to vacate the premises.

(j) The rental fee includes a charge for electricity. Gas, water and sewer are not available. Trash disposal is Tenant responsibility.

(k) Tenant understands that the electrical usage is limited to the activities associated with aircraft storage only. The electrical service provided to the Premises shall not be altered in any way, unless authorized by District.

7. **Prohibitions.** Tenant shall not do any of the following:

(a) Store property outside the Premises or store any property in the Premises, unless authorized as Permitted Uses of the Premises.

(b) Commit or suffer excessive noise, obnoxious odors, excessive dust or any other nuisance on the Airport.

(c) Alterations shall not be made without District approval. If alterations are made, Tenant shall restore Premises to its original state upon vacating or obtain permission from District to vacate without such restoration.

(d) Fasten or erect any sign on the Airport.

(e) Assign this lease or sublet the Premises. The sublease of all or any part of a hangar unit is specifically prohibited, except with prior written approval by the General Manager. Pursuant to a hangar space sublease, General Manager or his designee may make such authorization on a case-by-case basis upon written request. Approval of the sublease is contingent upon the Tenant's continued storage of an aircraft registered in his/her name in the hangar. The General Manager, or his designee, reserves the right to deny any such application to sublease when, in his sole discretion, he determines that such sublease agreement would not be in the best interests of the District, would conflict with the District's current policy regarding hangar lease eligibility and use, would interfere with the efficient and effective administration or enforcement of hangar space leases of the District, or would allow

circumvention of the Hangar Waiting List maintained by the District. The Tenant under this lease agreement shall continue to be responsible for the performance of the terms and conditions of the lease and sublease and shall indemnify and hold the District harmless from any failure of the subtenant to perform under the sublease.

(f) Permit a third party to use the Premises except with prior written approval of District.

(g) Make use of the Premises or Airport in any manner which may interfere with the landing and taking off of aircraft from the Airport or otherwise constitute a hazard.

(h) Use, keep or store in the Premises any combustible or flammable liquids, gases, or substances, except fuel and lubricants in the aircraft's systems and excepting new lubricating engine oil, grease and other combustible liquids necessary to the permitted uses when stored in Underwriter Laboratory listed containers.

(i) Permit any activity within the Premises involving fuel transfer, welding, torch cutting soldering, doping (except with nonflammable dope) or spray painting.

(j) Conduct a commercial activity on the Premises.

(k) "Swapping" hangars with another tenant is prohibited. This practice affects the prospective hangar wait list tenants.

(l) Adding names to this lease after it is signed is prohibited. This practice affects the prospective hangar wait list tenants.

8. Damage or Destruction of Premises. In the event the Premises are damaged or destroyed and unfit for use by Tenant, either party may terminate this lease upon seven (7) days' prior written notice thereof and the monthly rent will be prorated to the date of the damage or destruction.

A Tenant so terminated retains priority for the next available hangar if the damage or destruction is due to events beyond the Tenant's control. Where more than one tenant is terminated pursuant to this clause, replacement hangar space will be provided according to seniority of occupancy.

9. Entry by District. District reserves the right to enter the Premises at any reasonable time to make repairs, inspect for lease compliance, or in case of emergency. District will provide Tenant with a combination lock. The lock will be returned to District upon termination of this lease. If Tenant fails to do so, Tenant shall pay for a new lock, re-keying deemed necessary by District. Tenant acknowledges that use of a lock other than that supplied by District is not authorized. Tenant further agrees that District may remove any unauthorized lock at any time without notice, with no liability to District, and replace any such lock with a District lock.

10. Notices. Any notice under this lease shall be deemed to have been delivered forty-eight (48) hours after mailing by first-class, U.S. mail, postage paid, to District's address and Tenant's address, or at any other time of personal delivery, telephone message, or facsimile; provided either party may change its address, phone number or facsimile number for notices only by written notice to the other party.

11. Compliance With Governmental Requirements. Tenant shall comply with all rules and regulations, ordinances, statutes and laws of all county, state, federal and other governmental authorities, now or hereafter in effect pertaining to the Airport, the Premises, or Tenant's use thereof.

12. Hazardous Substance And Waste. Tenant shall comply with all laws regarding hazardous substances and wastes relative to occupancy and use of the Premises. Hazardous substances and wastes located on the Premises or Airport by Tenant, Tenant shall be liable and responsible for:

- a. removal of any such substances and wastes,
- b. costs associated with storage or use of hazardous substances,
- c. any damages to persons, property and the Premises or Airport,
- d. any claims resulting therefrom,
- e. any fines imposed by any governmental agency,
- f. any other liability as provided by law,
- g. reporting any release of hazardous materials to District
- h. placing a drip pan under each engine of stored aircraft

13. Indemnification. Tenant shall defend, protect, indemnify and hold harmless District, its directors, officers, employees, agents, and representatives ("District etc. "), at all times from and against any and all liabilities, suits, proceedings, liens, actions, penalties, losses, expenses, claims or demands of any nature, including costs and expenses for legal services and causes of action of whatever character which District may incur, sustain or be subjected to ("liabilities, etc.") arising out of or in any way connected with: the acts omissions of Tenant or his/her its officers, agents, employees, guests, customers, visitors, or invitees; or Tenant's operations on, or use of occupancy of, the Premises or the Airport or Airport Facilities. Tenant shall indemnify and hold "District, etc. "harmless from and against any "liabilities, etc." Including third party claims, environmental requirements and environmental damages defined in Exhibit "C", Hazardous Material Definitions, as attached and incorporated herein by reference. Tenant shall notify District and City of Santa Maria Fire Department and County Fire Department immediately of any release of hazardous or toxic materials on the Premises or by Tenant elsewhere on the Airport.

The foregoing indemnification excludes only liability or loss caused by the sole active negligence or willful misconduct of District.

14. Environmental Requirements. Tenant's use of Premises shall comply with the Airport District General Storm Water Discharge Permit, Federal Water Pollution Control Act, National Pollutant Discharge Elimination Permit and the Santa Maria Public Airport District Storm Water Prevention Plan.

15. Default. In the event Tenant fails to pay rent when due or is in default under any provision of this lease, District may terminate this lease and resort to the rights and remedies provided by the laws of the State of California.

16. Attorneys' Fees. In event of action at law or in equity between District and Tenant arising out of this Agreement or any right or obligation derived herefrom, then in addition to all other relief at law or in equity, the prevailing party shall be entitled to recover from the unsuccessful party all attorneys' fees and costs incurred by the prevailing party.

17. Possessory Taxes. Tenant shall be solely responsible for the payment of possessory interest taxes as might be levied by the County of Santa Barbara. (Initial Here _____)

18. Waiver. No waiver by District of any breach of any covenant or condition shall be construed as a waiver of a subsequent breach of the same or any other covenant or condition. District's acceptance of rent with knowledge of Tenant's violation of a covenant, including nonpayment of rent, shall not waive District's right to enforce any covenant of this lease. District shall not be deemed to have waived any provision of this lease unless the waiver is in writing and signed by District.

19. Insurance.

(a). A certificate of insurance must be provided with a 30-day cancellation notice. The District must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the below requirements. Tenant's aircraft(s) shall not be operated without the required insurance coverage.

(b). The following insurance coverage is required for Tenant's aircraft(s). Aircraft Liability: Bodily injury including occupants and property damage liability, \$100,000 each person, \$100,000 property damage, \$500,000 each accident. Seats may be excluded.

IN WITNESS WHEREOF, the parties have executed this lease.

District

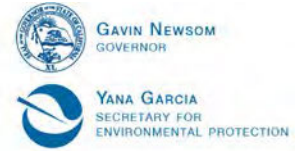
SANTA MARIA PUBLIC AIRPORT DISTRICT

By: _____
Martin Pehl, General Manager

Tenant

By: _____
First Last

SAMPLE



Central Coast Regional Water Quality Control Board

April 14, 2023

Rhine, L.P.
Oro Financial of California, Inc.
Concha Investments, Inc.
Platino, LLC
Chris Mathys, an individual
c/o: Chris Mathys
2304 West Shaw Avenue, Suite 102
Fresno, CA 93711
Email: mathys@orofinancial.net

**via Electronic and Certified Mail
(Recipient signature required)
No. 7020 1810 0002 0768 1476**

Curry Parkway, L.P.
c/o Tom Miles
2304 West Shaw Avenue, Suite 102
Fresno, CA 93711

**via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5111**

Fernando Figueroa Salas
340 W. Donovan Road
Santa Maria, CA 93458

**via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5128**

Mark Powers, Inc.
c/o Mark Powers
4161 Lockford Street
Santa Maria, CA 93455-3313

**via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5135**

City of Santa Maria
Clerk-Recorder
c/o Rhonda M. White, Deputy City Clerk
110 E. Cook Street
Santa Maria, CA 93454

**via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5142**

County of Santa Barbara
Santa Barbara Clerk-Recorder
c/o Joseph E. Holland, County Clerk
1100 Anacapa Street
Santa Barbara, CA 93101

**via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5159**

City of Santa Maria Public Airport District
c/o Steve Brown, Director
3217 Terminal Drive
Santa Maria, CA 93455

via Certified Mail
(Recipient signature required)
No. 7022 3330 0002 1258 5166

Dear Dischargers:

ENFORCEMENT PROGRAM: FORMER SEMCO TWIST DRILL & TOOL COMPANY, 2926, 2936, 2946, 2956, 2976, AND 2986 INDUSTRIAL PARKWAY, SANTA MARIA, SANTA BARBARA COUNTY – TRANSMITTAL OF DRAFT CLEANUP AND ABATEMENT ORDER NO. R3-2023-(PROPOSED)

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is the public agency with primary responsibility under the Porter-Cologne Water Quality Control Act for the protection of the quality of the waters of the state. This Draft Cleanup and Abatement Order No. R3-2023-(PROPOSED) (Proposed Order) is issued to the County of Santa Barbara; the City of Santa Maria; the Santa Maria Public Airport District; SEMCO Twist Drill and Tool Company, Inc. (SEMCO); Oro Financial of California, Inc.; Concha Investments, Inc.; Chris Mathys, an individual; Platino, LLC; Rhine, LP; Fernando Figueroa Salas, an individual; Mark J Powers, Inc., and Curry Parkway, LP (collectively, "Dischargers").

As detailed in the Proposed Order, the Dischargers have caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State, which creates, or threatens to create, a condition of pollution or nuisance. The Proposed Order directs the Dischargers to investigate, monitor, and cleanup wastes and/or abate the effects of discharges of wastes including volatile organic compounds (VOCs), primarily trichloroethene (TCE), petroleum hydrocarbons, and 1,4-dioxane that have been discharged to soil and groundwater at 2926, 2936, 2946, 2956, 2976, and 2986 Industrial Parkway, Santa Maria, California (Site)¹. The Proposed Order includes a draft Monitoring and Reporting Program. A complete copy of the Proposed Order can be found at the link below and a hardcopy is available upon request: https://geotracker.waterboards.ca.gov/profile_report?global_id=SLT3S2411351

You are invited to submit written comments and/or evidence regarding this Proposed Order. **Written submissions pertaining to this Proposed Order must be received by Central Coast Water Board staff no later than 5:00 p.m. on May 29, 2023.** Please submit your written comments via email to sarah.treadwell@waterboards.ca.gov or via mail to:

Central Coast Water Board
Attention: Sarah Treadwell
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

¹ The Site is made up of six parcels, including APNs: 111-291-038, -037, -036, -035, -042, and -041 and all documentation for this case can be found on GeoTracker: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

After the public comment period, Central Coast Water Board staff will prepare a response to comments, recommend appropriate modifications to the Proposed Order, and submit the materials to the Executive Officer of the Central Coast Water Board for consideration. Oral hearings are only convened to consider CAOs in certain circumstances. Therefore, please ensure that all evidence and comments that you wish Central Coast Water Board staff and the Executive Officer to consider are included in your timely written submittal(s).

If you have any questions or concerns regarding this letter or Site, please contact **Sarah Treadwell at (805) 549-3695**, or Sheila Soderberg at (805) 549-3592 (email addresses are provided in the cc list of this letter).

Sincerely,

Thea S. Tryon
Assistant Executive Officer

cc via electronic mail:

Central Coast Water Board:

Matthew Keeling, Matt.Keeling@waterboards.ca.gov
Stephanie Yu, Stephanie.Yu@waterboards.ca.gov
Thea Tryon, Thea.Tryon@waterboards.ca.gov
Tamara Anderson, Tamara.Anderson@waterboards.ca.gov
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Sheila Soderberg, Sheila.Soderberg@waterboards.ca.gov
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Kelsey DeLong, Kelsey.Delong@waterboards.ca.gov

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David Boyers, State Water Board, David.Boyers@waterboards.ca.gov
Yvonne West, State Water Board, Yvonne.West@waterboards.ca.gov

State Water Board Office of Legislative Affairs (OLA):

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Ana Melendez, OLA, Ana.Melendez@Waterboards.ca.gov

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Samantha.Omana@sen.ca.gov

Geordie Scully, Office of District 19, State Senator Monique Limón,
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Ethan.Bertrand@asm.ca.gov

Jimmy Wittrock, Office of District 37, State Assembly Gregg Hart,
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Governor's Office:

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ben.chida@gov.ca.gov

Joe Shea, Deputy Cabinet Secretary, Office of Governor Gavin Newsom,
joe.shea@gov.ca.gov

Kevin Gordon, Capitol Advisors Group, LLC, Kevin@capitoladvisors.org

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Shad Springer, Utilities Director, sspringer@cityofsantamaria.org

Chuen Ng, Community Development Director, cng@cityofsantamaria.org

Thomas Watson, City Attorney, twatson@cityofsantamaria.org

Jason Stilwell, City Manager, jstilwell@cityofsantamaria.org

Andrew Hackleman, ahackleman@cityofsantamaria.org

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Ryan Hiete, Counsel, rhiete@grovemanhiete.com

Kerry Fenton, kfenton@santamariaairport.com

Thomas Widroe, Public Relations Consultant, tomwidroe@icloud.com

Frank Ramirez, frankram3@gmail.com

DTSC:

Todd Sax, Deputy Director of Site Mitigation and Restoration, Todd.Sax@dtsc.ca.gov

File path: \\ca.epa.local\rb\rb3\enforcement\acis\semco\cao & dischargers\draft cao\cover letter - draft cao\transmittal-ltr-draft-cao-semco.docx

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 AEROVISTA PLACE, SUITE 101
SAN LUIS OBISPO, CALIFORNIA 93401-7906**

CLEANUP AND ABATEMENT ORDER NO. R3-2023-(PROPOSED)

**FORMER SEMCO TWIST DRILL AND TOOL COMPANY, INC. ET AL.
INDUSTRIAL PARKWAY, SANTA MARIA
SANTA BARBARA COUNTY**

This Cleanup and Abatement Order No. R3-2023-(PROPOSED) (Order) is issued to County of Santa Barbara; City of Santa Maria; Santa Maria Public Airport District; SEMCO Twist Drill and Tool Company, Inc. (SEMCO);¹ Oro Financial of California, Inc.;² Concha Investments, Inc.;³ Chris Mathys, an individual; Platino, LLC;⁴ Rhine, LP;⁵ Fernando Figueroa Salas, an individual; Mark J Powers, Inc., and Curry Parkway, LP⁶ (collectively, “Dischargers”) and is based on provisions of California Water Code (Water Code) sections 13304 and 13267, which authorize the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) to issue this Order and require the submittal of technical and monitoring reports.

The Central Coast Water Board finds that:

A. BACKGROUND AND PURPOSE OF THE ORDER⁷

1. This Order addresses trichloroethylene (TCE) and associated volatile organic compounds (VOCs),⁸ petroleum hydrocarbons, and 1,4-dioxane discharged to soil, soil gas, and groundwater in the vicinity of 2936 Industrial Parkway and surrounding parcels in Santa Maria, California (Site) (Exhibit 1, Figure 1) by requiring the

¹ SEMCO was formed by the Stafford family and Henry A. Stafford served as a director.

² Chris Mathys serves as the Chief Executive Officer and Chief Financial Officer.

³ Chris Mathys served as the Chief Executive Officer and Chief Financial Officer.

⁴ Chris Mathys was the sole manager of Platino, LLC.

⁵ Platino, Inc. is the general partner of Rhine, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁶ Platino, Inc. is the general partner of Curry Parkway, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁷ The sources of the evidence summarized in this Order include, but are not limited to, reports and other documentation in Central Coast Water Board files, including meeting and telephone call documentation; email communication with dischargers, their attorneys, and consultants; and documented inspections of the Site. All files for this case are on the State Water Resources Control Board’s (State Water Board) GeoTracker website: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

⁸ VOCs detected in groundwater, soil, and/or soil gas beneath the Site are chlorinated solvents used as degreasers for tools and metal parts. These chlorinated VOCs include tetrachloroethylene (PCE), trichloroethylene (TCE), 1,1,1-trichloroethane (TCA), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene (1,1-DCE), 1,2-dichloroethane (1,2-DCA), and 1,1-dichloroethane (1,1-DCA).

Dischargers named in this Order to investigate and clean up the wastes or abate the effects of the wastes.

2. **Location:** The Site is located east of the Santa Maria Public Airport and west of the Santa Maria Country Club, in an area of high-density commercial and industrial land uses within the City of Santa Maria in Santa Barbara County. Moderate-density residential land use is located east of the Country Club. Residences and businesses in the vicinity of the Site rely on the City of Santa Maria's public water system for drinking water. The Site is located within an SB535-listed disadvantaged community.
3. The Site is currently comprised of six parcels,⁹ which were originally a portion of a single parcel.¹⁰ The original single parcel (approximately 9.9 acres) was divided into two parcels¹¹ on February 3, 1994, and subdivided again into nine parcels¹² on April 26, 2007. The nine parcels are identified in Exhibit 1, Figure 2 and Exhibit 1, Table 1.¹³ Former Site operations occurred on parcel 111-291-037 (2936 Industrial Parkway) and resulted in discharges of wastes that may have occurred as separate and/or commingled discharges resulting in impacts to all six parcels¹⁴ that compose the Site, and these wastes are discharging or threatening to discharge from the Site onto neighboring properties.
4. The 7.31-acre Site was once part of a much larger property (approximately 3,085-acres) formerly known as the Santa Maria Army Airfield.¹⁵ The U.S. government owned the Santa Maria Army Airfield from 1942-1949. The airfield was used to train military pilots during World War II. In 1942, approximately 100 buildings were constructed including barracks, officer quarters, aircraft maintenance facilities, warehouses, aircraft hangers, and other support buildings (e.g., administrative buildings, theater, chapel, etc.). As described in the U.S. Army Corps of Engineers' (USACE) 2021 Action Management Plan, and as described in other documents available in the GeoTracker file for the Santa Maria Army Airfield, there were over 200 underground storage tanks (USTs) originally constructed and installed at the approximately 3,085-acre airfield. Many of the 250-gallon, 500-gallon, and 1,500-gallon USTs stored heating oil used to heat buildings. There were also twenty USTs, greater than 10,000 gallons, that stored gasoline and/or lubrication oil on the former airfield property, but not in the vicinity of the Site. A majority of the USTs and pipelines were removed or closed in place in the 1980s and 1990s. The Site is located on the northern, central portion of the former Santa Maria Army Airfield, as shown on the Santa Maria Army Airfield Basic Layout Plan and Building Schedule

⁹ The Site includes six parcels identified as Santa Barbara County Assessor Parcel Numbers (APNs) 111-291-035, 111-291-036, 111-291-037, 111-291-038, 111-291-041, and 111-291-042.

¹⁰ Santa Barbara County Assessor Parcel Number (APN) 111-291-008.

¹¹ Santa Barbara County APNs 111-291-027 and 111-291-028.

¹² Santa Barbara County APNs 111-291-035 through 111-291-043.

¹³ Exhibits 1-5 are attachments to this Order and are incorporated into this Order by reference.

¹⁴ The six parcels subject to this Order are highlighted in Exhibit 1, Figure 2 and identified in Exhibit 1, Table 1.

¹⁵ More information about the Santa Maria Army Airfield and the documents referenced in these findings are available at: <http://geotracker.waterboards.ca.gov/?gid=T0608345324>

dated July 1945.¹⁶ Between 1942 and 1949, the former Santa Maria Army Airfield buildings, primarily used as living quarters for military personnel, located on the Site included: a sales commissary, a pump house for well 2AS, three warehouses, two barracks, and a day room. Additionally, records indicate two USTs¹⁷ were located in the northern portion of the Site and were not associated with areas where TCE and VOC use was expected or documented by the USACE (such as the airport hangers motor or sheet metal repair shops, etc.). Also, the locations of the aforementioned former USTs do not correlate with the Site's source area location, where the highest concentrations of TCE and petroleum hydrocarbons have been reported in soil, soil gas, or groundwater.

5. **Site Description and Activities:** The Site contains approximately three large industrial metal buildings and is zoned for commercial or industrial use. Current Site tenants include Santa Maria BBQ Outfitters (2936 Industrial Parkway, Santa Maria), who use the property for warehousing products and metal fabrication,¹⁸ and Hans Duus Blacksmith (2976 Industrial Parkway, Santa Maria) who uses the property for welding and metal working.¹⁹
6. **Operational and Ownership History:** The historical Site operations, ownership, and associated APNs are summarized in detail in Exhibit 2. In brief, ownership and operational history is as follows:

Approximate Period	Name	Type
1949-2001	SEMCO	Operator
1949-1964	County of Santa Barbara	Property Owner
1949-1964	City of Santa Maria	Property Owner
1964-1968	Santa Maria Public Airport District	Property Owner
1968-1975	Henry A. Stafford and Rhea L. Stafford	Property Owner
1975 - 2002	Henry A. Stafford and Rhea Stafford Revocable Trust	Property Owner
July 2002 – October 2002	Oro Financial of California, Inc.	Property Owner
2002 - 2006	Concha Investments, Inc.	Property Owner

¹⁶ The Santa Maria Army Airfield Basic Layout Plan and Building Schedule dated July 1945 is available on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=yg2dk>

¹⁷ One 1,500-gallon fuel oil UST, identified as T1242, was located beneath the Site in an area that is now a parking lot north of the former Semco building. There are no records indicating UST T1242 was removed or closed in place. As documented in Santa Barbara County's file, there are records that USACE removed one UST at the Site, identified as T1273, on December 17, 1990. UST T1273 was allegedly located on a concrete slab north of a warehouse identified as Building T1273 (Building T1273 is included on the Basic Layout Plan dated 1945). However, UST T1273 is not shown on the 1945 Basic Layout Plan.

¹⁸ Santa Maria BBQ Outfitters produces hand-welded Santa Maria style BBQs (<https://www.santamariagrills.com>) and are tenants on APN 111-291-037.

¹⁹ Hans Duus Blacksmith produces forged ornamental iron products (<https://www.hansduusblacksmith.com/>) and are tenants on APN 111-291-041.

Approximate Period	Name	Type
2006 - 2009	Chris Mathys	Property Owner
2009 - 2010	Platino, LLC	Property Owner
2010 - Current	Rhine, LP	Property Owner (APN 111-291-037)
2010 - Current	Curry Parkway, LP	Property Owner (APNs 111-291-036, -041, -042)
2019 - Current	Fernando Figueroa Salas	Property Owner (APN 111-291-038)
2021 - Current	Mark J Powers, Inc.	Property Owner (APN 111-291-035)

7. Chemical Usage:

- a. SEMCO operated a precision tool manufacturing business at the Site producing precision drilling bits and related cutting tools on or around July 1949, to approximately 2001. SEMCO used cutting oil (a petroleum hydrocarbon-based lubricant) in its operations and VOCs, such as TCE and 1,1,1-trichloroethane (TCA), as degreasers to clean tools and metal parts.²⁰
- b. SEMCO stored VOCs in aboveground storage tanks (ASTs) east of the SEMCO shop building. Additionally, cutting oil was stored in an onsite underground sump.²¹
- c. SEMCO utilized TCE until approximately 1985 and TCA until approximately 1987, as degreasers for tools and metal parts. SEMCO's operations generated waste products containing these substances during that time. SEMCO stored VOC sludge in 55-gallon drums and maintained parts-cleaning tanks behind its main building. Sampling conducted in this area confirmed elevated concentrations of VOCs and petroleum hydrocarbons in soil and groundwater, indicating wastes were discharged behind the SEMCO facility.²²

8. **Waste Discharges and Site Investigation:** In May 1985, the Santa Barbara County Health Department notified the Central Coast Water Board that TCE had been detected in soil adjacent to the City of Santa Maria's municipal supply well 2AS (Well 2AS). Well 2AS is located adjacent to the former SEMCO shop building, specifically on parcel 111-291-035, toward the southeastern corner of the Site, on an

²⁰ See March 31, 1988, submittal of purchase orders, invoices, and receipts for SEMCO Twist Drill and Tool Company, Inc.

²¹ See Exhibit 1, Figure 3 – Historical Facility Site Map. The historical SEMCO facility was on the current APN 111-291-037 of the Site.

²² See Exhibit 1, Figures 3, 5, 6, and 7 for source area investigation results.

easement.²³ TCE was also detected in well 2AS at 10 micrograms per liter ($\mu\text{g/L}$) in November 1984, 4 $\mu\text{g/L}$ in February 1985, and 9.4 $\mu\text{g/L}$ in April 1985. After the State Department of Health Services (now the State Water Board Division of Drinking Water) determined that the levels of TCE were above drinking water standards of 5 $\mu\text{g/L}$, the City of Santa Maria shut down well 2AS on May 10, 1985.

9. On August 26, 1985, Santa Barbara County Health Care Services²⁴ issued a notice of violation (NOV) to SEMCO for the discharge of hazardous waste containing TCE and a requirement to investigate the vertical and lateral extent of the contamination. SEMCO performed a site investigation in January 1986, drilling three soil borings in the vicinity of supply well 2AS; TCE was not detected in any of the soil samples collected. However, in July 1987, Central Coast Water Board staff observed discolored (stained) soil south of SEMCO's ASTs containing VOCs. Because the staining was indicative of a surface spill, Central Coast Water Board staff collected samples for analyses and reported concentrations of TCE in soil up to 140 parts per billion (ppb) at that location.
10. On September 25, 1987, the Central Coast Water Board issued Cleanup and Abatement Order (CAO) No. 87-188 ordering SEMCO to investigate and cleanup the degraded soil and groundwater beneath the Site. CAO No. 89-070 was issued to SEMCO on March 1, 1989, and CAO No. 90-88 was issued to SEMCO on May 11, 1990, and amended on September 13, 1991 (issued to SEMCO). CAO No. 90-88 was amended again on March 11, 1994, to include the property owner, the Henry A. and Rhea Stafford Revocable Trust, and Trustee Rhea Stafford as dischargers.
11. Site investigations conducted from 1987 to 2003, and from 2021 to 2022, indicated that soil, soil gas, and groundwater are degraded with VOCs, petroleum hydrocarbons²⁵, and 1,4-dioxane from discharges of waste at the Site. In 1990, maximum concentrations of TCE were reported up to 430,000 $\mu\text{g/L}$ in groundwater (86,000 times greater than the maximum concentration level for TCE).
12. **Source Area:** For the purposes of this Order, the source area is defined as VOCs, petroleum hydrocarbon, and 1,4-dioxane impacted soil, soil gas, and groundwater beneath the historic AST pads located east of the former SEMCO shop building and the below-ground cutting oil sump located beneath the former SEMCO shop building.²⁶ Concentrations of VOCs, petroleum hydrocarbons, and 1,4-dioxane in soil, soil gas, and groundwater are the highest in this area at the Site.²⁷ The historic

²³ The location of Well 2AS is illustrated in Exhibit 1, Figure 3.

²⁴ Santa Barbara County Health Care Services is now Santa Barbara County Environmental Health Services

²⁵ Discharger's consultants collected soil gas, soil, and groundwater samples in multiple locations at the Site. No petroleum hydrocarbons were detected in soil gas, soil, or groundwater samples collected in the vicinity of the former 1,500-gallon UST that stored fuel oil on the small portion of the former Santa Maria Airfield property.

²⁶ In 1973, a fire occurred at the SEMCO facility, which set off a sprinkler system that flushed approximately 6,000 gallons of cutting oils from a sump inside the building located at APN No. 111-291-037. See the July 9, 1993, Meeting Minutes at: <https://geotracker.waterboards.ca.gov/?surl=ryyqa>

²⁷ See Exhibit 1, Figures 3, 5, 6, and 7.

AST pads and below-ground cutting oil sump were located on the current APN 111-291-037 of the Site.²⁸

13. Soil: The extent and severity of VOCs and petroleum hydrocarbon wastes in soil beneath the Site, in the source area and locations adjacent to the source area, were investigated from 1987 through 1991, and in 2021 through 2022. A general summary of the results from these investigations are as follows:

a. 1987-1991 Site Investigation:

- i. Shallow soil (2 to 11 feet below ground surface [bgs]) contained up to 7,400 milligrams per kilogram (mg/kg)²⁹ TCE, 0.48 mg/kg PCE, and 16,000 mg/kg of petroleum hydrocarbons.³⁰
- ii. Deep soil (45 to 45.5 feet bgs) contained up to 430 mg/kg TCE and 66 mg/kg of cis-1,2-DCE.³¹

b. 2021-2022 Site Investigation:

- i. Shallow and deep soil (5 to 50 feet bgs) beneath the Site contained up to 97 mg/kg TCE and 6 mg/kg of cis-1,2-DCE. 1,4-dioxane was also detected in one sample at 0.049 mg/kg.³² See Exhibit 1, Figures 5 and 6 for soil investigation site map and cross section.

14. Groundwater: The extent and severity of groundwater degradation by VOCs, petroleum hydrocarbon, and 1,4-dioxane wastes were investigated from 1987 through 1991, from 1994 to 2001 during groundwater treatment operations, in 2003 during groundwater treatment operations and limited groundwater monitoring, and in a limited scope groundwater investigation implemented in 2021.

a. 1987-1991 Groundwater Investigation:

- i. Shallow groundwater (5 to 24 feet bgs) contained up to 430,000 µg/L TCE, 200 µg/L TCA, and 43,000 µg/L cis-1,2-DCE.
- ii. Deeper groundwater (180 to 200 feet bgs) contained up to 24 µg/L TCE, 3 µg/L TCA, and 3 µg/L cis-1,2-DCE.

b. 2003 Groundwater Monitoring:

- i. Shallow groundwater (9 to 34 feet bgs) contained up to 300 µg/L TCE, 58 µg/L 1,1-DCA, 69 µg/L 1,4-dioxane, and 290 µg/L TPH. Light non-aqueous phase liquid (product) was identified in shallow groundwater monitoring well MW-2, floating on groundwater at 0.31 feet thick.
- ii. Deeper groundwater contained up to 1,200 µg/L TCE, 97 µg/L cis-1,2-DCE, 5 µg/L 1,4-dioxane, and 230 µg/L TPH.

c. 2021 – 2022 Limited Scope Shallow Groundwater Investigation:

²⁸ See Exhibit 1, Figure 3 for locations of AST pads and cutting oil sump.

²⁹ Reported in the January 1989 Westec Services, Inc *Subsurface Investigation*:

<https://geotracker.waterboards.ca.gov/?surl=00bks>

³⁰ Reported in the June 1, 1990, ERCE *Investigation of Cutting Oil Degraded Soil*:

<https://geotracker.waterboards.ca.gov/?surl=ss645>

³¹ Reported in the March 8, 1990, ERCE *Supplementary Subsurface Investigation*:

<https://geotracker.waterboards.ca.gov/?surl=m0t8q>

³² Reported in the May 25, 2022, *Vadose Zone Soil Sampling Report*:

<https://geotracker.waterboards.ca.gov/?surl=vft0c>

- i. Shallow groundwater (40 to 50 feet bgs) contained up to 350,000 µg/L TCE, 30,000 µg/L cis-1,2-DCE, and 670,000 µg/L TPH gasoline in a 2022 grab groundwater sample, which is located in the vicinity of the source area.³³

15. **Soil Gas:** The extent and severity of soil gas degradation by VOCs and petroleum hydrocarbon wastes were investigated in 1989 and 2021.

a. September 1989:

- i. TCE was detected in shallow soil gas north of the AST pad up to 5,300,000 micrograms per cubic meter (µg/m³), where wastes in both groundwater and soil have been detected during previous investigations, and as far as 500 feet to the southeast of the main SEMCO building.

b. April 2021:

- i. TCE was detected in shallow soil gas up to 11,000,000 µg/m³, PCE up to 13,000 µg/m³, and cis-1,2-DCE up to 4,000,000 µg/m³.
- ii. The distribution of soil gas impacts overlies the source area where elevated concentrations of TCE have been identified in soil and groundwater.

16. **Indoor Air:** The extent and severity of indoor air degradation by VOCs and petroleum hydrocarbon wastes were investigated in 2021 and 2022. During both investigations, indoor air sampling was conducted at the Site, inside the former SEMCO facility building (currently occupied by Santa Maria BBQ Outfitters) and inside a small storage building northeast of the former SEMCO building. Indoor and outdoor air samples were collected over a 12-hour period during both sampling events.

a. March 2021:

- i. TCE was reported up to 0.39 µg/m³ in the storage building, below San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)³⁴ for commercial operations. Carbon tetrachloride, chloroform, and 1,2-DCA were also detected but were reported below commercial ESLs.
- ii. Detections of TCE and TCA were also reported in one outdoor air sample but were below commercial ESLs.

b. January 2022:

- i. TCE was reported up to 1.1 µg/m³ in both the storage building and the production area of the former SEMCO facility.
- ii. TCE was also reported up to 4.1 µg/m³ in an outdoor sample located east of the former SEMCO building.
- iii. Concentrations of PCE, chloroform, and 1,2-DCA were also detected but were reported below commercial ESLs.

³³ See Exhibit 1: Figure 4 – Groundwater Monitoring Well Location Site Map.

³⁴ Information on ESLs is available at:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

17. The concentrations of VOCs, petroleum hydrocarbons, and 1,4-dioxane documented in Section A, Findings 13, 14, 15, and 16 of this Order exceed water quality objectives, specifically California maximum contaminant levels (MCLs)³⁵ for VOCs, which are incorporated by reference into the *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan),³⁶ and ESLs. In addition, concentrations of petroleum hydrocarbons and 1,4-dioxane exceed ESLs, and concentrations of 1,4-dioxane exceed State Water Board drinking water notification levels. Increasing trends in groundwater waste concentrations suggest that polluted soils known to exist in shallow and deeper water-bearing zones are continuing to discharge wastes to groundwater, creating and/or threatening to create a condition of pollution or nuisance.
18. **Geology and Hydrogeology:** The Site overlies the Santa Maria River Valley groundwater basin (Department of Water Resources Bulletin 118 Basin No. 3-012.0112), which generally consists of unconsolidated gravel, sand, silt, and clay in undifferentiated alluvial, river channel, and dune sand deposits. Groundwater is found in at least two distinct saturated zones: a perched water-bearing zone (shallow water-bearing zone) approximately 40-50 feet bgs and 150-200 feet in lateral extent, and a deeper, regional water-bearing zone (deep water-bearing zone) approximately 180-250 feet bgs. Groundwater has historically flowed south to southeast in the shallow zone and south to southwest in the deep zone. Monitoring wells were completed in both zones; however, the groundwater monitoring well network is currently in disrepair and needs to be evaluated and restored to determine current hydrogeologic conditions.
19. **Source Elimination and Remediation Status:**
- a. SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust installed a groundwater extraction and treatment system to dewater and treat the pollutants in the shallow water-bearing zone. The treated water from the treatment system was originally designed to be discharged to the municipal storm drain in accordance with a Central Coast Water Board discharge permit. The groundwater extraction and treatment system operated for only one week before the carbon filter became saturated with pollutants, and the system needed to be shut down. Groundwater treatment system operations ceased due to financial constraints.
 - b. On June 13, 1994, the Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination and placed the Site on its Hazardous Waste and Substances Site List (Cortese List). DTSC became the lead agency for remediation at the Site and contracted with a third-party consultant to redesign and repair the groundwater extraction and treatment system and bring it back into operation. The redesigned and repaired groundwater and extraction

³⁵ Information on MCLs is available at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/MCLsandPHGs.html

³⁶ The Basin Plan is available at:

https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/

treatment system started operating on November 9, 1994. In December 1994, DTSC terminated their oversight of the Site's groundwater extraction and treatment system and referred the case back to the Central Coast Water Board.³⁷

- c. Operation of the Site's groundwater extraction and treatment system continued from 1994 through June 2000.³⁸ TCE was removed from groundwater by extracting polluted groundwater from the subsurface, passing it through granular activated carbon (GAC) canisters, and reinjecting treated groundwater back into the subsurface. Approximately 146,000 gallons of groundwater was extracted and treated from 1994 through 2000.³⁹

20. Regulatory Status: A complete summary of regulatory actions regarding the Site is provided in attached Exhibit 5. The following brief summary provides a high-level overview of regulatory actions, in part, against former operators and/or owners of the Site since 1985:

- a. The Central Coast Water Board issued several CAOs between 1987 and 1994.⁴⁰ In 1994, DTSC issued an Imminent and Substantial Endangerment Determination (see Section A, Finding 19.b) and began temporarily funding the groundwater extraction and treatment system.
- b. In December 2000, the Central Coast Water Board issued a letter⁴¹ requesting Henry A. Stafford continue operation of the groundwater extraction and treatment system, but ownership of the Site changed shortly thereafter (see Section A, Finding 19.c and Exhibit 2).
- c. In 2001, under new ownership,⁴² all Site investigation and remediation efforts stopped, with the exception of one groundwater monitoring event performed in 2003 as summarized in a report submitted in 2004.⁴³
- d. On July 18, 2003, the Central Coast Water Board issued a Water Code section 13267 order (2003 Order) requiring the submittal of a groundwater monitoring report.
- e. From 2003 through 2014, Central Coast Water Board staff made numerous email and verbal inquiries⁴⁴ on project status.

³⁷ December 6, 1994, DTSC Site referral to Central Coast Water Board letter on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=5zpbm>

³⁸ DTSC's Envirostor database for the Site is available at:

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=42340010

³⁹ According to Tetra Tech, Inc.'s November 1, 2001 *Letter Report on the Status of the SEMCO*

Groundwater Treatment System on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=m02e8>

⁴⁰ A complete list of CAOs and other orders the Central Coast Water Board issued to SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust, from 1987 to 1994, is available on GeoTracker.

⁴¹ December 1, 2000, letter from the Central Coast Water Board on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=7weqj>

⁴² Property ownership details are included in Exhibit 2 of this Order.

⁴³ 2003 Third Quarter Monitoring Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ntubt>

⁴⁴ See October 21, 2010, Central Coast Water Board email on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=9hxqd>; see also January 6, 2014, Case Status Summary on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=3f5ex>

- f. On October 20, 2015, the Central Coast Water Board issued a Water Code section 13267 order (2015 Order) requiring submittal of a workplan proposing additional investigations to evaluate the current extent of wastes discharged to soil, soil gas, and groundwater.
- g. On September 14, 2021, the Central Coast Water Board issued Administrative Civil Liability (ACL) Complaint No. R3-2021-0097 for violations of the 2015, which resulted in the imposition of administrative civil liability (see ACL Order No. R3-2022-0013).
- h. On July 28, 2022, the Central Coast Water Board again issued a Water Code section 13267 Order (2022 Order) related to investigations at the Site. To date, the 2022 Order has not been complied with.

B. LAW AND REGULATORY CONSIDERATIONS

1. Water Code section 13304, subdivision (a), provides that:

A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of a person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

2. Water Code section 13304, subdivision (c)(1), provides that:

[P]erson or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs is recoverable in a civil action by, and paid to, the governmental agency and the state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds.

3. Water Code section 13050 provides, in part, the following definitions:

- (d) *“Waste” includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.*
- (k) *“Contamination” means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.*
- (l)(1) *“Pollution” means an alteration of water quality by waste to a degree that unreasonably affects either of the following:*
- (A) *The waters for beneficial uses.*
 - (B) *Facilities which serve these beneficial uses.*
- (2) *“Pollution” may include “contamination.”*
- (m) *“Nuisance” means anything which meets all of the following requirements:*
- (1) *Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.*
 - (2) *Affects at the same time an entire community or neighborhood, or any considerable number of persons...*
 - (3) *Occurs during, or as a result of, the treatment or disposal of wastes.*
4. The threat of vapor intrusion into buildings at and near the Site creates, or threatens to create, a condition of nuisance as defined in Water Code section 13050, subdivision (m). In particular, vapor intrusion is injurious to health. Breathing vapor-forming chemicals can affect a person’s health. Health effects depend on the chemical, concentration, and duration of the exposure. High concentrations, even for a short time, can be harmful. Symptoms include headache, nausea, and shortness of breath. Breathing air with vapor-forming chemicals for extended periods can cause other health effects, including cancer and damage to liver, kidney, and other organs. For example, exposure to TCE during the first three months of pregnancy is of concern because of potential harm to the developing embryo or fetus. Vapor intrusion poses a potential threat to current and future tenants, and other persons who may frequent the site. Vapor intrusion occurs as a result of improper disposal of VOCs at the Site. Moreover, offsite and onsite soil gas concentrations exceed ESL residential screening levels for TCE and PCE of 16 µg/m³ and 15 µg/m³. ESLs are conservative risk-based calculations of pollutants and are used to distinguish which properties pose a significant threat to human health and those that pose no threat. If a contaminant concentration is below a residential screening level, no further action or vapor intrusion studies are needed, and human health is protected. As long as the waste remains in the subsurface the risk for vapor intrusion continues to exist which poses a threat to human health.
5. Discharges of wastes (VOCs, 1,4-dioxane, and petroleum hydrocarbon) to soil and groundwater beneath the Site creates, or threatens to create, a condition of pollution as defined in the Water Code section 13050, subdivision (l). Historic

investigations by former property owners and operators confirmed elevated concentrations of wastes in soil and groundwater. There are exceedances of water quality objectives in groundwater that negatively impact beneficial uses,⁴⁵ and the release of wastes beneath the Site is suspected to be the cause of the permanent shutdown of City of Santa Maria municipal supply well 2AS on May 10, 1985. Waste concentrations reported in the latest investigation reports (2021-2022) indicate an existing threat to public health and water quality. Wastes remain in soil, soil gas, and groundwater beneath the Site and are likely migrating offsite onto adjacent properties. The maximum TCE groundwater concentration reported in the 2022 Site Investigation Report (350,000 µg/L) is five orders of magnitude above the MCL of 5.0 µg/L for TCE. Additionally, based on the maximum concentration of TCE detected, it is likely that dense non-aqueous phase liquids are present in shallow groundwater. In 2003, the petroleum hydrocarbons in groundwater were reported as a light non-aqueous phase liquid observed floating on groundwater at 0.31 feet thick. In 2022, total petroleum hydrocarbons (TPH) were reported up to 670,000 µg/L, exceeding commercial and residential ESLs by three orders of magnitude. As set forth in Section B, Finding 8, the concentrations of VOCs (PCE, TCE, TCA, cis-1,2-DCE, 1,2-DCA, and 1,1-DCE) in groundwater at and/or downgradient of the Site exceed the water quality objectives applicable for the given pollutants. The concentrations of 1,4-dioxane exceed the State Water Board's drinking water notification level of 1 µg/L.⁴⁶ The exceedances of applicable narrative or numeric water quality objectives in the Basin Plan constitute pollution as defined in Water Code section 13050, subdivision (l)(1).

6. Water Code section 13267, subdivision (b)(1), provides that:

In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

7. This Order requires investigation and submittal of work plans and reports as well as ongoing monitoring and other tasks required pursuant to Water Code section 13267. The burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Specifically, the reports are needed to adequately delineate the extent and amount of waste discharged, investigate the threat of continuing discharge

⁴⁵ Beneficial Uses unreasonably affected by elevated concentrations of wastes in soil, soil gas, and groundwater beneath this Site are listed in Section B, Finding 14 of this Order.

⁴⁶ State Water Board drinking water notification level for 1,4-dioxane
https://www.waterboards.ca.gov/gama/docs/coc_1_4_dioxane.pdf

and to facilitate compliance with implementing cleanup and abatement activities required by this Order, and ultimately, restoring water quality and protecting beneficial uses. The record contains extensive evidence of the benefits to be obtained, including protecting an entire community from TCE, which is classified by the Environmental Protection Agency (EPA) as a likely carcinogen to humans. Public health threats are not only in the form of impacts to drinking water supplies (which may be treated at the wellhead), but also include the potential for TCE vapors to volatilize up from the water table, potentially impacting the indoor air of residences and businesses overlying the groundwater plume. TCE vapors are odorless and, thus, not typically noticed, meaning that a person may inhale vapors for years without having any indication. The benefits to be obtained from the requirements for investigation include ensuring the protection of human health of local residents whose businesses and homes overlie the plume.

8. Additional benefits to be obtained include protection of the community's drinking water from threatened impacts that could occur in the future. Municipal supply wells have been impaired (TCE concentration detected above the MCL), impacted (TCE concentration detected below the MCL), or threatened (TCE has not been detected above the reporting limit but may become impacted or impaired in the future due to TCE plume migration) by the TCE plume.
9. Based upon Central Coast Water Board staff's experience with similar investigations, the approximate cost of the actions required pursuant to Water Code section 13267 is \$650,000 to \$890,000. The burden, including costs of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained, as detailed in the above findings. The technical reports required by this Order are necessary to assure compliance with Water Code section 13304 and State Water Board Resolution No. 92-49, including to adequately investigate the extent and persistence of discharges, and intrinsic to cleanup of the Site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.
10. **State Water Board Resolution 68-16:** The State Water Board adopted its *Statement of Policy with Respect to Maintaining High Quality of Water in California*, Resolution 68-16, on October 28, 1968 (Antidegradation Policy). The Antidegradation Policy states, in part:
 - a. *Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.*
 - b. *Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge*

requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

11. **State Water Board Resolution No. 92-49:** The State Water Board adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with the Antidegradation Policy. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste(s) to be cleaned up to background or, if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4. Any cleanup level alternative to background must: (1) be consistent with the maximum benefit to the people of the state, (2) not unreasonably affect present and anticipated beneficial use of such water, and (3) not result in water quality less than that prescribed in the Basin Plan and applicable water quality control plans and policies of the State Water Board.
12. **Central Coast Water Board Resolution No. 2017-0004:** California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.
13. **Public Participation:** The Central Coast Water Board may require the Dischargers to submit a public participation plan or engage in other activities to disseminate information and gather community input regarding the Site, as authorized or required by Water Code sections 13307.1, 13307.5, and 13307.6.
14. **Water Quality Control Plan for the Central Coastal Basin (Basin Plan):** The Basin Plan identifies beneficial uses and establishes water quality objectives to protect those uses. The Site overlies groundwater within the Santa Maria River Valley Groundwater Basin, Department of Water Resources Bulletin 118 Basin Subbasin No. 3-012.0112. The designated beneficial uses of groundwater beneath the site are municipal supply (MUN), industrial (IND), and agricultural supply (AGR). The water quality objectives that protect these beneficial uses include the following:
 - a. The median groundwater objectives for the Santa Maria sub-basin area where the Site is located are as follows: total dissolved solids (TDS) 1,000 milligrams per liter (mg/L); chlorine (Cl) 90 mg/L; sulfate

(SO₄) 510 mg/L; boron (B) 0.2 mg/L; sodium (Na) 105 mg/L; and nitrogen (as N) 8 mg/L.⁴⁷

- b. Groundwaters shall not contain taste or odor producing substances in concentrations that adversely affect beneficial uses.⁴⁸
- c. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life; or result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.⁴⁹
- d. Water quality objectives to protect the beneficial use of MUN that apply to the groundwater at the Site include “Organic Chemicals,” which incorporates by reference state MCLs set forth in title 22 of the California Code of Regulations. The MCL for TCE and PCE is 5 µg/L, TCA is 2,000 µg/L, cis-1,2-DCE is 6 µg/L, 1,1-DCE is 6 µg/L, 1,2-DCA is 5 µg/L, and 1,1-DCA is 5 µg/L.⁵⁰

15. California Environmental Quality Act (CEQA): This Order is an enforcement action that is being taken for the protection of the environment and is exempt from the provisions of CEQA (Public Resources Code section 21000, et seq.) in accordance with California Code of Regulations, title 14, sections 15307 and 15308. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of the CEQA (Public Resources Code, section 21000, et seq.), pursuant to California Code of Regulations, title 14, section 15321, subdivision (a)(2).

This Order generally requires the Dischargers to submit plans that include a proposed scope of work and schedule. After the Executive Officer concurs with the scope of work and schedule, the Dischargers are expected to implement the work and cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittals will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts.

C. DISCHARGERS

1. Relevant facts and evidence indicate that the Dischargers are appropriately named in this Order because the Dischargers have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged into waters of the state, and create, or threaten to create, a condition of pollution or nuisance. In addition to the impacts and continued threat to groundwater, the wastes pose

⁴⁷ Median Water Quality Objectives: Basin Plan, Table 3-6, page 41.

⁴⁸ Tastes and Odors: Basin Plan, page 34.

⁴⁹ Radioactivity: Basin Plan, page 34.

⁵⁰ Exceedances of water quality objectives are discussed in detail in Section B, Finding 5 of this Order.

a potential human health threat to occupants of buildings on and near the Site through direct contact exposure to wastes in soil, groundwater, or soil gas.

2. VOCs, petroleum hydrocarbons, and 1,4-dioxane discharged at the Site constitute wastes as defined in Water Code section 13050, subdivision (d).
3. Decades of Central Coast Water Board staff experience with industries that use, store, and transfer chemicals such as petroleum products and chlorinated solvents (e.g., total petroleum hydrocarbons, VOCs, etc.), provide evidence that spills or small amounts of spilled chemicals discharged during routine operations, seep through concrete and other intended containment, leading to the type of contamination found at the Site. The State Water Board and the nine Regional Water Quality Control Boards are currently overseeing numerous cleanup operations resulting from improper and inadequate handling of hazardous materials. Standard chemical handling practices often result in adverse environmental impacts, like the ones observed at the Site, to occur. Central Coast Water Board files contain extensive evidence of publicly available information concerning the knowledge of the use of chlorinated solvents (including TCE) resulting in discharges and contamination of water supplies during the relevant timeframe. These factors and the facts alleged herein, taken as a whole, lead to the conclusion that the Dischargers have discharged chemicals of concern which must be cleaned up and abated to protect the environment and human health.⁵¹

Former Site Operator

4. **SEMCO** is a discharger because its operations, including the use and storage of petroleum products and products containing chlorinated solvents (including TCE and other VOCs) at the Site, caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance.

Former Site Owners and Lessors to SEMCO

5. A prior owner may be named in a cleanup and abatement order if it knew or should have known that a lessee's activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance. (*United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, 887.) Landowners leasing to entities using degreasers (many of which used TCE), knew or should have known by the 1940s that there was a reasonable possibility

⁵¹ State Board Order WQ 86-16 (*Stinnes-Western*) supports the use of evidence of chemical use, standard chemical handling practices, and detections of that chemical in the environment as reasonable bases supporting a cleanup and abatement order. "As we noted earlier, given the very low action levels for these chemicals, today we are concerned with any discharge." (*Ibid.* at n. 4.)

of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.

6. **County of Santa Barbara, City of Santa Maria, and Santa Maria Public Airport District**, are dischargers because they were aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.

Former Site Owners Following Cease of SEMCO Operations

7. **Oro Financial of California, Inc.; Concha Investments, Inc.; Chris Mathys, and; Platino, LLC** are dischargers because they were former property owners during a timeframe when discharges occurred,⁵² knew or should have known that activities on the Site created a reasonable possibility of discharge into waters of the state of wastes that could create, or threaten to create, a condition of pollution or nuisance, and had the ability to control those discharges.
8. Chris Mathys controls⁵³ Oro Financial of California, Inc.; Concha Investments, Inc. and, Platino, LLC, as well as two of the three current Site owners. Chris Mathys' knowledge of the discharges and condition of pollution or nuisance is imputed to those entities.
9. By the time Oro Financial of California, Inc. acquired ownership of the Site, the discharges of waste and condition of pollution or nuisance at the Site were well documented as evidenced by the multiple regulatory orders in place. Oro Financial of California, Inc., thus, should have known of the discharges of waste and condition of pollution or nuisance.
10. In November 2002, Mr. Mathys, on behalf of Oro Financial of California, Inc., submitted a signed Acknowledgement of Willingness to Participate in Cleanup or Abatement Cost Recovery Program form. Thus, Concha Investments, Inc.; Chris Mathys, and; Platino, LLC had actual knowledge of Site conditions prior to acquiring the Site.⁵⁴

⁵² *Tesoro Refining & Marketing Company LLC v. Los Angeles Regional Water Quality Control Board*, 42 Cal.App.5th 453, 457 (2019), held "the term 'discharge' must be read to include not only the initial occurrence [of a discharge], but also the passive migration of the contamination into the soil." The Court affirmatively cited State Board precedent: "State Board held that a continuous and ongoing movement of contamination from a source through the soil and into the groundwater is a discharge to waters of the state and subject to regulation." (*Ibid.*, citing State Water Board Order WQ 86-2 (*Zocon Corp*), WQ74-13 (*Atchison, Topeka, et al*), and WQ 89-8 (*Spitzer*) ["[D]ischarge continues as long as pollutants are being emitted at the site"]. See also State Water Board Order WQ 89-1 (*Schmidl*).) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm'n* (1984) 153 Cal.App.3d 605, 619–620).

⁵³ See footnotes 2-6, Section A, Finding 6, and Exhibit 2.

⁵⁴ In addition to the Acknowledgement of Willingness to Participate in Cleanup or Abatement Cost Recovery Program form, actual knowledge on the part of these dischargers is evidenced by the 2003

Current Site Owners

11. **Rhine, LP; Curry Parkway, LP; Fernando Figueroa Salas; and Mark J Powers, Inc.** are dischargers because, as the current owners of the property, they have caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and have created, and continue to threaten to create, a condition of pollution or nuisance. As the current owners, they have the legal ability to control the discharge of wastes.
12. The Central Coast Water Board will consider whether additional dischargers caused or permitted the discharge of waste at the Site, and whether additional dischargers should be added to this Order. The Central Coast Water Board may amend this Order or issue a separate order or orders in the future as more information becomes available. The Central Coast Water Board is issuing this Order to avoid further delay of Site investigation and remediation, which only becomes more costly with the passage of time.
13. As discussed in this Order, the Central Coast Water Board issued previous orders to parties legally responsible for environmental investigation and cleanup at the Site. The previous orders required those parties to submit technical and monitoring reports and prepare a cleanup plan schedule. The obligations contained in this Order supersede and replace those contained in prior orders. However, the prior orders remain in effect for enforcement purposes; the Central Coast Water Board and the State Water Board may take enforcement actions, including, but not limited to, imposing administrative civil liability against dischargers that have not complied with directives contained in previously issued orders.

E. OTHER CONSIDERATIONS

1. The Central Coast Water Board has notified the Dischargers and interested agencies and persons of its intent to issue this Order pursuant to Water Code sections 13304 and 13267. The Central Coast Water Board has made every reasonable attempt to notify these individuals and has provided them with an opportunity to submit written comments. A draft of this Order was sent to interested persons on April 14, 2023. The Central Coast Water Board accepted public comments on the draft Order for at least 45 days.
2. Pursuant to Water Code section 13304, the Central Coast Water Board may seek reimbursement for all reasonable costs to oversee cleanup of wastes, abatement of the effects thereof, and other remedial action.

Order, issued to Oro Financial or California, Inc., the subsequent NOV, and the ongoing discussions with Chris Mathys regarding the need for remediation, discussed in Finding A.20.

3. Dischargers have joint and several liability, and this Order does not apportion the degree of responsibility among Dischargers; however, the Dischargers are free to apportion responsibility and costs among themselves. If the Central Coast Water Board obtains additional information to identify additional dischargers, the Executive Officer may amend this Order or issue additional cleanup and abatement and investigation orders.
4. This Order does not prevent other parties or persons affected by VOCs, petroleum hydrocarbons, 1,4-dioxane or other wastes from taking an independent action. Water Code section 13002, subdivision (e), states that actions by the Central Coast Water Board such as this Order place no limits “[o]n the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.”
5. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request or may be found on the Internet.
Copies of the law and regulations applicable to filing petitions:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

F. REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13304 and 13267, that the Dischargers, their agents, and successors or assigns must investigate, clean up, and abate the effects of the wastes discharged and discharging at and from the Site.

The Dischargers must complete the following required actions no later than the deadline(s) identified for each required action as set forth in the attached Time Schedule (Exhibit 4):

1. **Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System:** Based on information in the Central Coast Water Board files, the groundwater monitoring network consists of 20 wells: 16 wells in the shallow water-bearing zone (MW1 through MW16) and four wells in the deep water-bearing zone (DMW1 through DMW-4). In addition, there was an onsite groundwater extraction and treatment system. Although recent Site investigations have included some evaluation of the existing monitoring well network and

treatment system, the evaluation is not complete. The Dischargers are required to submit a workplan that includes a scope of work to identify, assess the integrity, and a proposal for restoring and replacing the onsite groundwater monitoring network. The Dischargers are also required to submit a workplan that includes a scope of work to assess the current condition of the onsite groundwater extraction and treatment system including the condition of groundwater extraction wells (EW-1 through EW-5)⁵⁵ and determine if the system is operable. The workplans can be submitted separately or in one workplan. The scope of work must, at a minimum, adequately address the following elements:

- a. Identify and locate all 20 groundwater monitoring wells and evaluate the integrity of each well and determine if each well can (or cannot) be used for groundwater monitoring.⁵⁶
- b. Identify and determine whether any of the onsite groundwater extraction and treatment system infrastructure remaining at the Site is operable (i.e., extraction wells, injection wells, filtration system).
- c. Upon Executive Officer concurrence of the scope of work and schedule included in the workplan or workplans, the Dischargers must implement the scope of work included in the workplan in accordance with the Time Schedule in Exhibit 4.
- d. After completion of the work, the Dischargers must submit a completion report summarizing the condition of the monitoring well network and groundwater treatment system infrastructure. The completion report must also include a monitoring well network restoration workplan for the reconditioning of existing accessible and functional wells, destruction of any existing wells that cannot be restored, and a proposal for the installation of any new wells necessary to replace wells recommended for destruction or for existing wells that cannot be located.
- e. Upon Executive Officer concurrence of the scope of work and schedule included in the monitoring well network restoration workplan, the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.
- f. After completion of the work, the Dischargers must submit a completion report summarizing the implementation of the restoration of existing accessible groundwater monitoring wells, destruction of existing wells that cannot be restored (in accordance with county permitting requirements), and installation of replacement wells (in accordance with county permitting requirements). The completion report must include well completion logs, an updated map showing the exact locations of the wells (all wells must be surveyed by a licensed land surveyor), well permits for the installation of replacement wells, and waste disposal records/manifests if wells are

⁵⁵ Extraction well locations and permits can be reviewed on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=btg2b>

⁵⁶ In June of 2021, Analytical Consulting Group (ACG), on behalf of Oro Financial of California, Rhine LP, and Chris Mathys, investigated known and suspected well locations and reported that four of the sixteen shallow zone monitoring wells could not be located and two of the four deep water bearing zone monitoring wells could not be found.

destroyed. The Dischargers are also required to update the location of the wells in the GeoTracker database. The report must be submitted in accordance with the Time Schedule in Exhibit 4.

2. **Conduct Groundwater Monitoring:** Comply with Monitoring and Reporting Program (MRP) Order No. R3-2023-00XX (Exhibit 3), including any modifications or revisions the Central Coast Water Board Executive Officer makes to MRP Order No. R3-2023-XXX.
3. **Complete Onsite and Offsite Investigation:** The Dischargers are required to submit a workplan to investigate the extent of all wastes in soil, soil gas, and groundwater onsite and offsite. At a minimum, the onsite and offsite investigation workplan must include the following elements:
 - a. Scope of work and schedule for delineating the lateral and vertical extent of wastes in soil. The scope of work must include, at a minimum:
 - i. Method and procedures for delineating wastes in soil. Specify the United States Environmental Protection Agency (USEPA) or other analytical methods to analyze soil for VOCs, petroleum hydrocarbons, semi-volatile organic compounds, and total metals.
 - b. Scope of work and schedule for delineating the lateral and vertical extent of wastes in groundwater (both onsite and offsite). The scope of work must include, at a minimum:
 - i. Installation of monitoring wells in the shallow and deep water-bearing zones (onsite) in addition to the existing restored groundwater monitoring network, if necessary, to adequately delineate the lateral and vertical extent of wastes in groundwater.
 - ii. Installation of additional monitoring wells in the deep water-bearing zone (approximately 220-250 feet bgs) downgradient of the Site (offsite). Identify which borings will be continuously cored or otherwise logged to evaluate Site lithology and determine the depth of first encountered shallow groundwater.
 - iii. Sampling method and procedures for collecting groundwater samples from existing, restored, and/or new groundwater monitoring wells.
 - iv. Specify the USEPA or other analytical methods and quality control quality assurance procedures to analyze groundwater for VOCs, petroleum hydrocarbons, semi-volatile organic compounds, and dissolved and total metals.
 - c. Scope of work and schedule to collect additional soil gas samples to evaluate potential vapor intrusion risk from VOCs and petroleum hydrocarbons within and underneath the current buildings on the Site. The scope of work must include:
 - i. Identify where soil gas probes or other soil gas sampling locations will be located to properly delineate and monitor soil gas exceedances.

- ii. Identify USEPA or other analytical methods to analyze soil gas for VOCs and petroleum hydrocarbons.
 - iii. Perform soil gas sampling in accordance with Department of Toxic Substances Control (DTSC) soil gas investigation guidance: [Vapor Intrusion | Department of Toxic Substances Control \(ca.gov\)](#)
 - d. Upon Executive Officer concurrence of the scope of work and schedule included in the onsite and offsite investigation workplan(s), the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.
 - e. After completion of the work, the Dischargers must submit a site investigation report. The site investigation report must include a summary of the investigation findings and include, at a minimum, the following:
 - i. A site conceptual model that includes a written presentation with graphic illustrations of discharge scenarios; geology and hydrogeology; waste fate and transport in soil, soil vapor, indoor air, and groundwater; distribution of wastes; exposure pathways; sensitive receptors; and other relevant information.
 - ii. Site location maps showing soil borings, groundwater monitoring wells, and soil gas sampling locations.
 - iii. Cross sections of sampling locations depicting Site geology and hydrogeology.
 - iv. Maps showing the distribution of wastes found in soil, soil gas, indoor air, and groundwater.
 - v. Description of soil, soil gas, and groundwater sampling results and potential exposure pathways.
 - vi. Boring logs from all sampling locations.
 - vii. Summary of all historic and new soil, soil gas, indoor air, and groundwater analytical data in tabular format.
 - viii. Certified analytical laboratory results with chain of custody information.
 - ix. Identification of data gaps where further investigation is necessary onsite and/or offsite.
 - f. If information presented in the Site Investigation Report identifies data gaps, Dischargers must submit additional workplans to address data gaps. Completion of the onsite and offsite investigation may be conducted in a phased approach and may require multiple workplans and submittal of multiple investigation reports.
- 4. **Conduct Onsite and Offsite Remedial Actions:** Submit a Feasibility Study and Remedial Action Plan (RAP) to clean up wastes in soil, soil gas, and groundwater. The RAP must abate the effects of the waste discharges in all media posing a risk to human health and impairing groundwater beneficial uses, and reduce concentrations of wastes in soil, soil gas, and groundwater to background concentrations. The timeline for these submittals is provided in Exhibit 4. Specifically, the Dischargers must:

- a. Submit a Feasibility Study that evaluates alternatives for cleanup of VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes in soil, soil gas, and groundwater at and near the Site. The Feasibility Study must consider the following:
 - i. Evaluation of several remedial alternatives that will be protective of current and future land uses for commercial and residential property.
 - ii. Identification of cleanup objectives, and an estimated time to reach the cleanup objectives.
 - iii. Estimation of relative total costs of the alternatives, and justification for the selected alternative over the others.
 - iv. If applicable, include a proposal of actions to prevent the off-site migration of VOCs, petroleum hydrocarbons, and 1,4-dioxane onto neighboring properties.
 - b. Submit a RAP for cleanup of wastes in soil, soil gas, and groundwater on and off the Site in accordance with the Time Schedule in Exhibit 4. The RAP must include the following:
 - i. Define the overall goal/objective of the cleanup technology selected and time estimate to reach cleanup objectives.
 - ii. Include an updated conceptual site model, detailed design plans, list of permits needed, and RAP implementation schedule.
 - iii. Include a performance monitoring plan for soil, soil gas, and groundwater to track remediation progress.
 - c. Upon Executive Officer concurrence of the scope of work and schedule included in the RAP, the Dischargers must implement the scope of work in accordance with the Time Schedule in Exhibit 4.
 - d. Submit quarterly remediation progress reports that document all remediation performance data and recommendations for any changes, if needed.
 - e. Revisions to the RAP or additional RAPs may be needed if the implemented remedial measure does not achieve cleanup goals. The Dischargers may propose to conduct cleanup in a phased approach.
5. **Site Access:** The Central Coast Water Board's authorized representatives must be allowed:
- a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are stored, under the conditions of this Order.
 - b. Access to copy any records that are stored under the conditions of this Order.
 - c. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. The right to photograph, sample, and monitor the Site for the purpose of ensuring compliance with this Order, or as otherwise authorized by the Water Code.

6. **Contractor/Consultant Qualification:** As required by Business and Professions Code sections 6735, 7835, and 7835.1, all reports must be prepared by, or under the supervision of, a California licensed professional engineer or geologist and signed by the licensed professional. All technical reports submitted by the Dischargers must include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. All technical documents must be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.
7. This Order is not intended to permit or allow the Dischargers to cease any work required by any other Order issued by the Central Coast Water Board, nor shall it be used as a reason to stop or redirect any investigation, cleanup, or remediation programs ordered by the Central Coast Water Board or any other agency. Furthermore, this Order does not exempt the Dischargers from compliance with any other laws, regulations, or ordinances which may be applicable.
8. The Dischargers must submit a 30-day notice to the Central Coast Water Board of any planned changes in name, ownership, or control of the Site and must provide a 30-day advance notice of any planned physical changes to the Site that may affect compliance with this Order. In the event of a change in ownership, the Dischargers also must provide a 30-day advance notice, by letter, to the succeeding owner of the existence of this Order and must submit a copy of this advance notice to the Central Coast Water Board.
9. Destruction and/or installation of any groundwater wells must be permitted by Santa Barbara County Environmental Health Services as the permitting entity and reported to the Central Coast Water Board at least 30 days in advance of the work. Any groundwater wells removed must be replaced within a reasonable time at a location the Central Coast Water Board concurs with. With written justification, the Central Coast Water Board may concur with the destruction of groundwater wells without replacement. When a well is removed, all work must be completed in accordance with California Department of Water Resources Bulletin 74-90, "California Well Standards," Monitoring Well Standards Chapter, Part III, Sections 16-19, and local requirements.
10. **Due Date Amendments:** In the event compliance cannot be achieved within the terms of this Order, the Dischargers may request, in writing, an extension of the time specified for good cause. The extension request must include an explanation why the specified date could not or will not be met and justification for the requested period of extension. Any extension request must be submitted as soon as the need for an extension is recognized and no later than 10 business days before the compliance date. Extension requests not without concurrence, in writing, by the Executive Officer with reference to this Order are denied.

11. Reference herein to determinations and considerations to be made by the Central Coast Water Board regarding the terms of the Order may be made by the Executive Officer or the Executive Officer's designee. Decisions and directives made by the Executive Officer regarding this Order pursuant to the Central Coast Water Board's delegation(s) are considered actions of the Central Coast Water Board.
12. The Central Coast Water Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Dischargers, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Dischargers under this Order. The authority of the Central Coast Water Board, as contained in the Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.
13. The Dischargers must continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been terminated.
14. **Oversight Costs:** The Dischargers must reimburse the Central Coast Water Board for reasonable costs associated with oversight of the investigation and cleanup of the waste at or emanating from the Site. Provide the Central Coast Water Board with the name or names and contact information for the person to be provided billing statements from the State Water Board.
15. A public participation plan must be prepared and/or updated when directed by the Executive Officer as necessary to reflect the degree of public interest in the investigation and cleanup process.
16. As necessary to ensure compliance with the California Environmental Quality Act, provide information to the Central Coast Water Board as directed by the Executive Officer.
17. The Central Coast Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under this Order. The perjury statement must be signed by a senior authorized representative (not by a consultant). The perjury statement must be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the

information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

18. **GeoTracker:** The State Water Board adopted regulations requiring the electronic submittals of information online using the State Water Board GeoTracker data management system. You are required to comply by uploading all reports required in this Order, correspondence, and soil, soil gas, and groundwater data in electronic deliverable format (EDF) on to the GeoTracker data management system. The State Water Board’s Policy Statement-Electronic Reporting Requirements:
https://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/
19. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Central Coast Water Board or judicially by the Superior Court in accordance with Water Code sections 13268, 13304, and/or 13350 and/or referral to the Attorney General of the State of California.
20. None of the obligations imposed by this Order on the Dischargers are intended to constitute a debt, damage claim, penalty, or other civil action that should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.
21. **Exhibits:** Exhibits 1 through 5 attached hereto, are incorporated as part of this Order.
- Exhibit 1:** SITE MAPS
Exhibit 2: SITE OWNERSHIP AND OPERATIONAL HISTORY
Exhibit 3: MONITORING AND REPORTING PROGRAM ORDER NO. R3-2023-Proposed
Exhibit 4: TIME SCHEDULE
Exhibit 5: REGULATORY HISTORY OF SITE

Ordered by:

Matthew T. Keeling
Executive Officer

EXHIBIT 1: SITE MAPS

Figure 1 – Regional Site Map

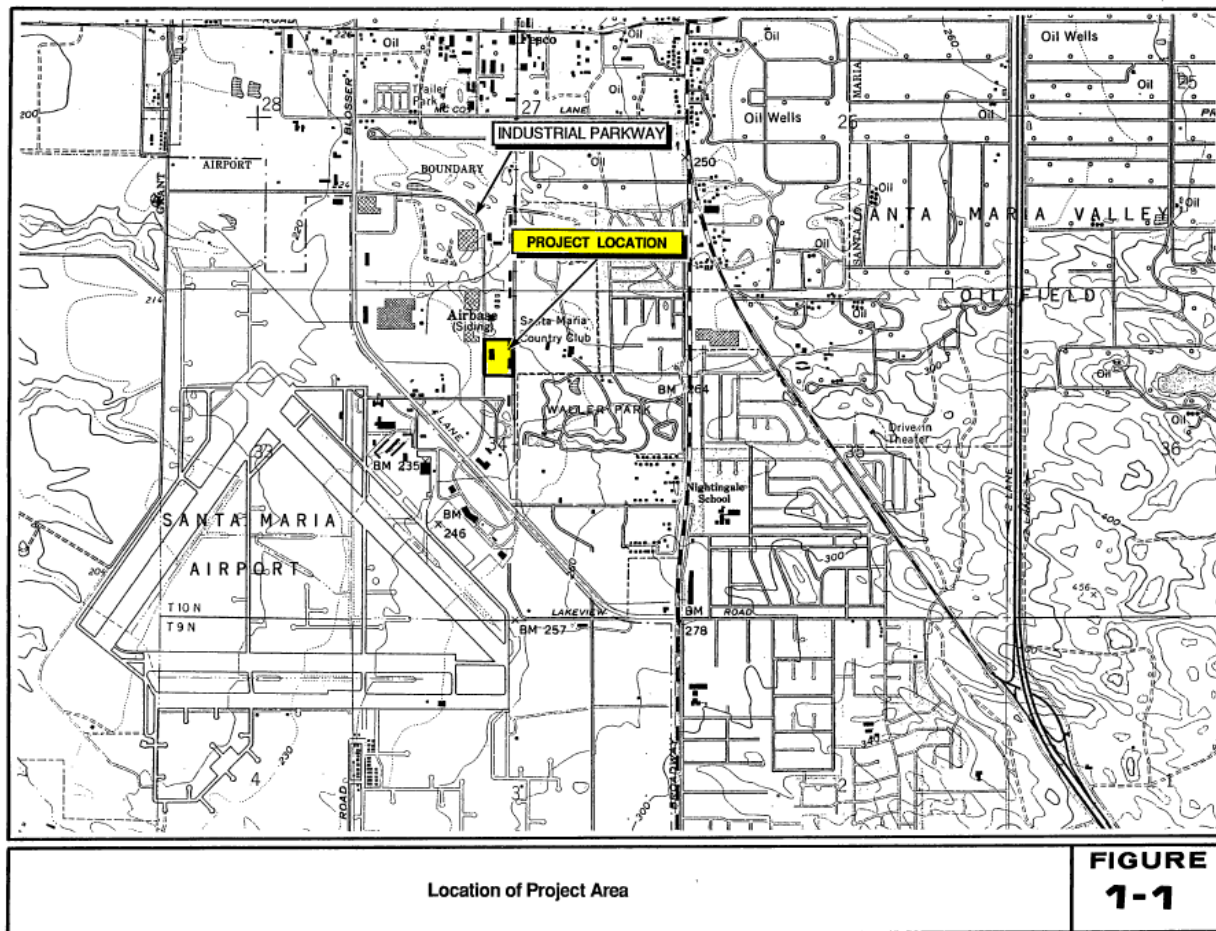


Figure 1. Modified by Central Coast Water Board on January 13, 2020. Original figure is from WESTEC Services, Inc. January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California* report on GeoTracker:

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9896778941/SURFACE_INVEST_JAN1989.pdf

Figure 2 – Site Parcel Map



Figure 2. Satellite imagery from GeoTracker modified by Central Coast Water Board staff on January 11, 2023 (yellow shaded parcels make up the Site that is subject to this Order). Not to scale. Property Transfer History report for SEMCO on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=9iu81>

Table 1 – Site Parcel Information

Map Number	Parcel Address	APN	Parcel Owner	Ownership Transfer Date	Land-Use Description (Parcel Acres)	Parcel's Subject to this Order
1	2916 Industrial Parkway, Santa Maria	111-291-039	Curry Parkway LP	8/20/2010	Industrial (1.00 acres)	No
2	2926 Industrial Parkway, Santa Maria	111-291-038	Figueroa Salas, Fernando	7/16/2019	Industrial (1.40 acres)	Yes
3	2936 Industrial Parkway, Santa Maria	111-291-037	Rhine LP	8/17/2010	Light Manufacturing (1.60 acres)	Yes
4	2946 Industrial Parkway, Santa Maria	111-291-036	Curry Parkway LP	8/20/2010	Industrial (1.37 acres)	Yes
5	2956 Industrial Parkway, Santa Maria	111-291-035	Mark J Powers, Inc.	10/28/2021	Industrial (1.33 acres)	Yes
6	2996 Industrial Parkway, Santa Maria	111-291-043	Curry Parkway LP	9/1/2011	Light Manufacturing (0.76 acres)	No
7	2986 Industrial Parkway, Santa Maria	111-291-042	Curry Parkway LP	8/20/2010	Light Manufacturing (0.78 acres)	Yes
8	2976 Industrial Parkway, Santa Maria	111-291-041	Curry Parkway LP	8/20/2010	Light Manufacturing (0.83 acres)	Yes
9	2966 Industrial Parkway, Santa Maria	111-291-040	Curry Parkway LP	8/20/2010	Light Manufacturing (0.83 acres)	No

Figure 3 – Historic Facility Site Map (1989)

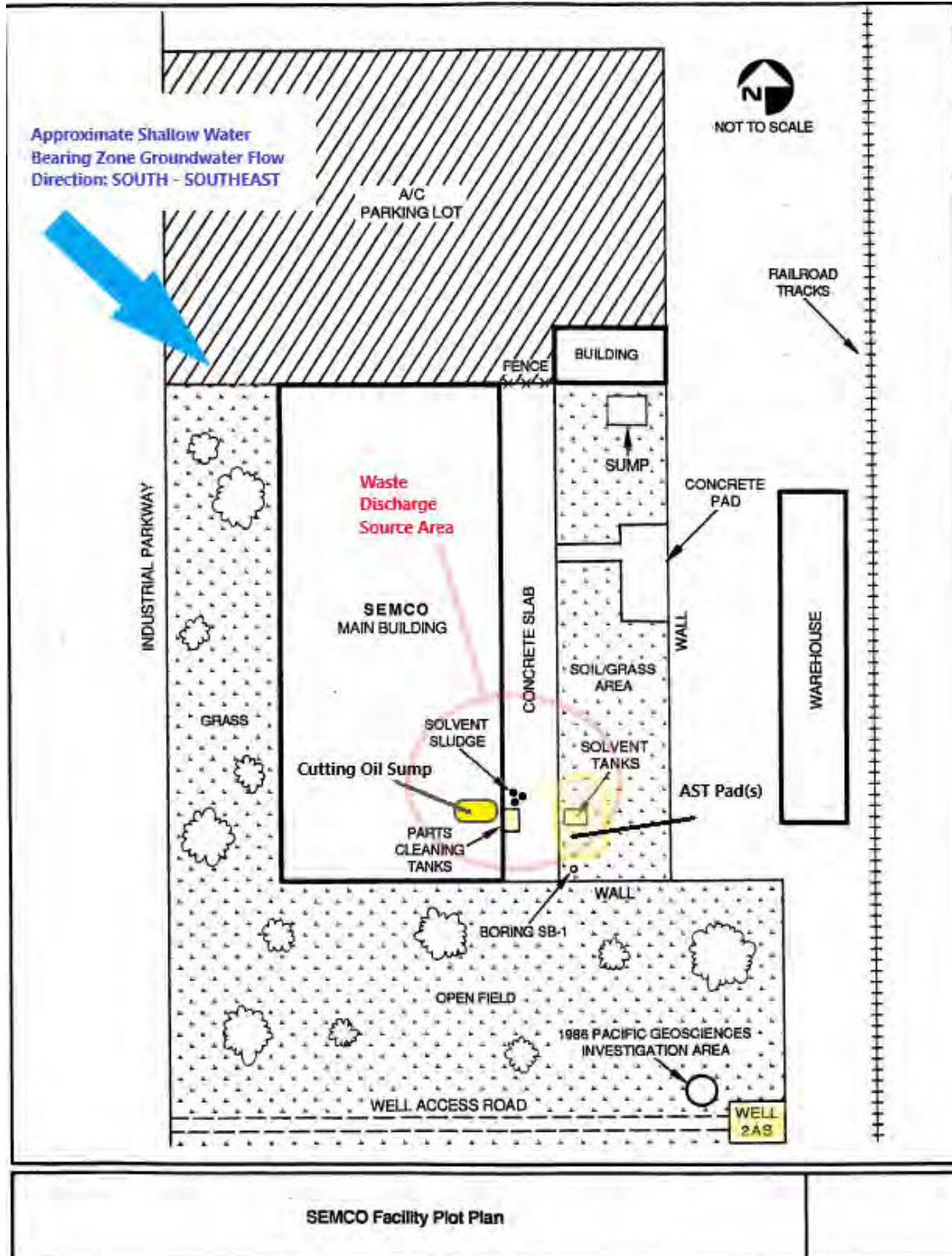


Figure 3. Modified by Central Coast Water Board on February 9, 2023. Original figure is from WESTEC Services, Inc January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California.*

Figure 4 – 2021 Groundwater Monitoring Well Location Site Map with Parcel Numbers and Addresses

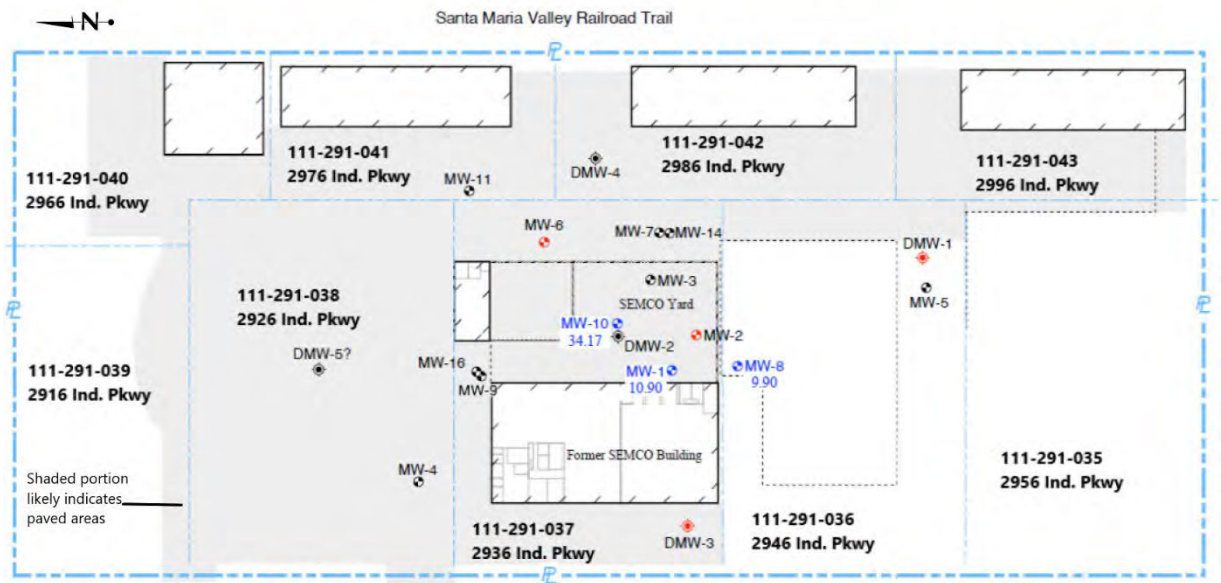


Figure 4. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Monitoring Well Investigation Report* dated July 16, 2021, on GeoTracker.

Figure 5 – 2022 Soil Sampling Site Map

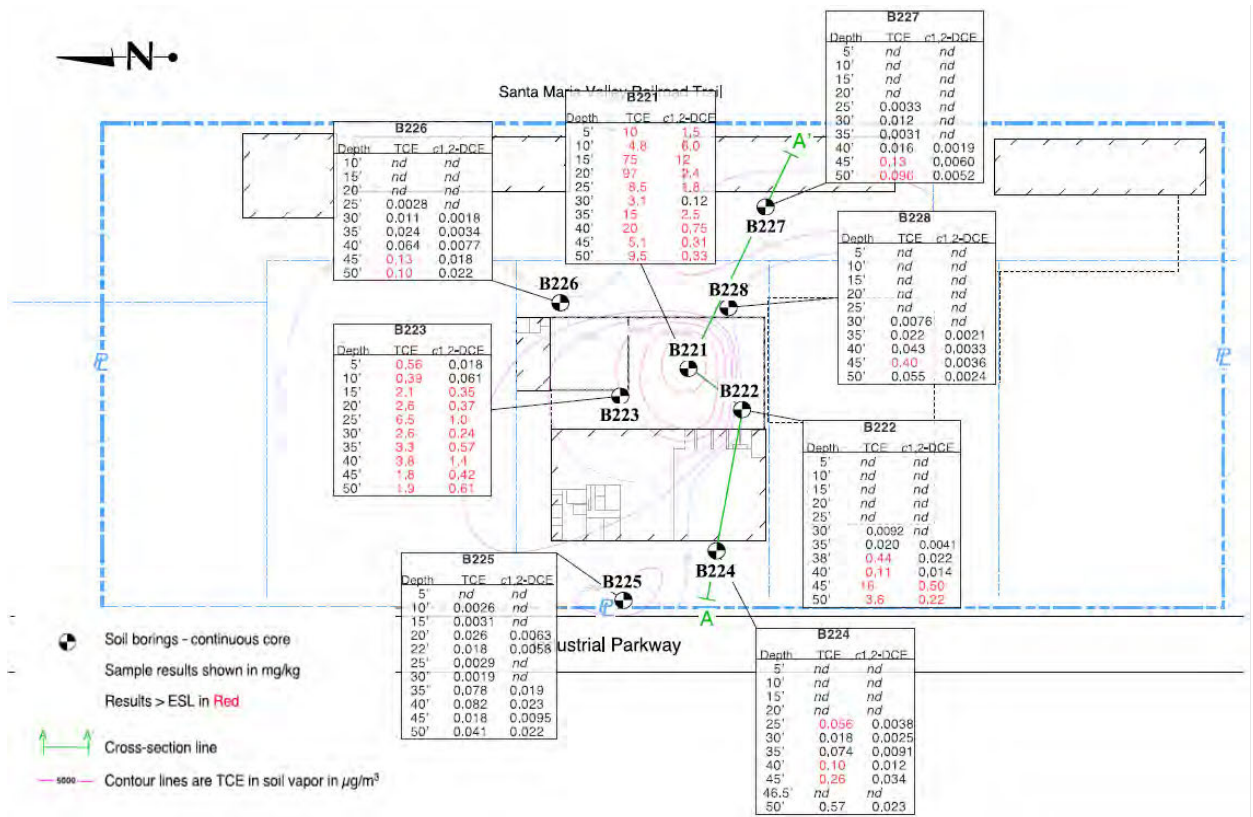


Figure 5. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

Figure 6 – Cross Section (A-A' from Figure 5) Extent of TCE Impacts to Soil beneath the Source Area of the Site

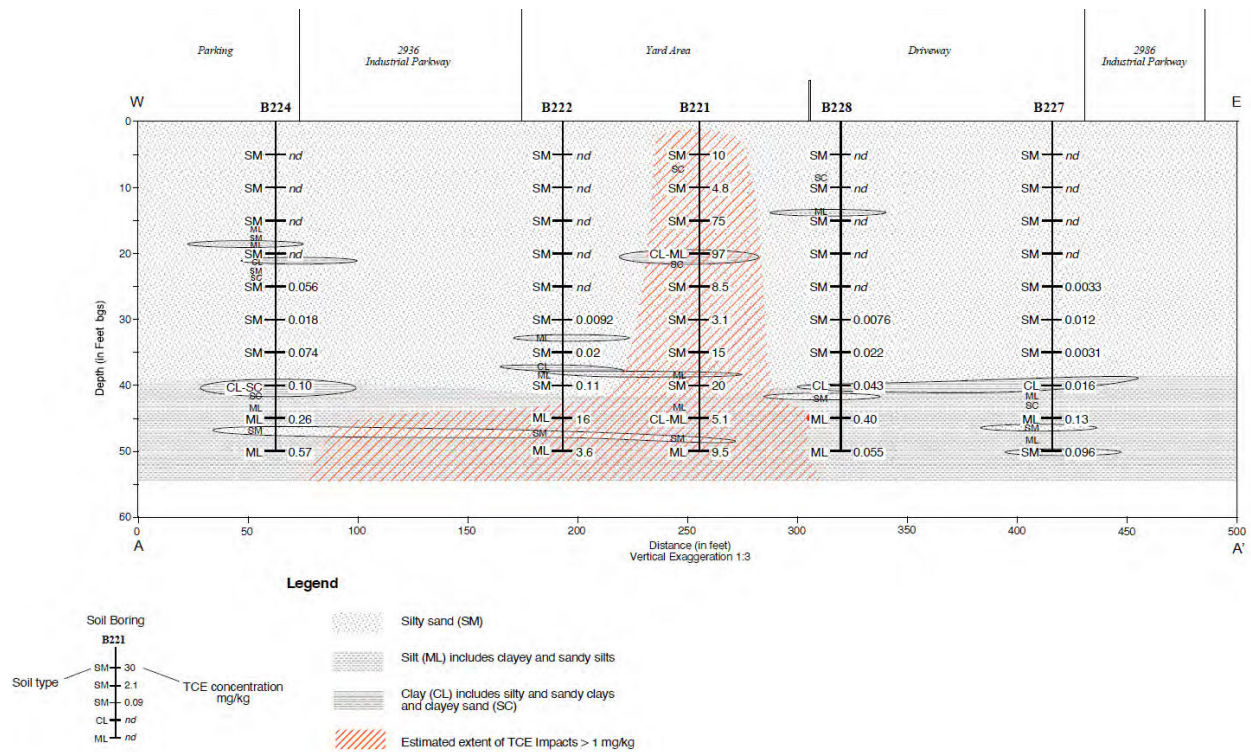


Figure 6. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

Figure 7 – 2021 Soil Vapor Sampling Site Map

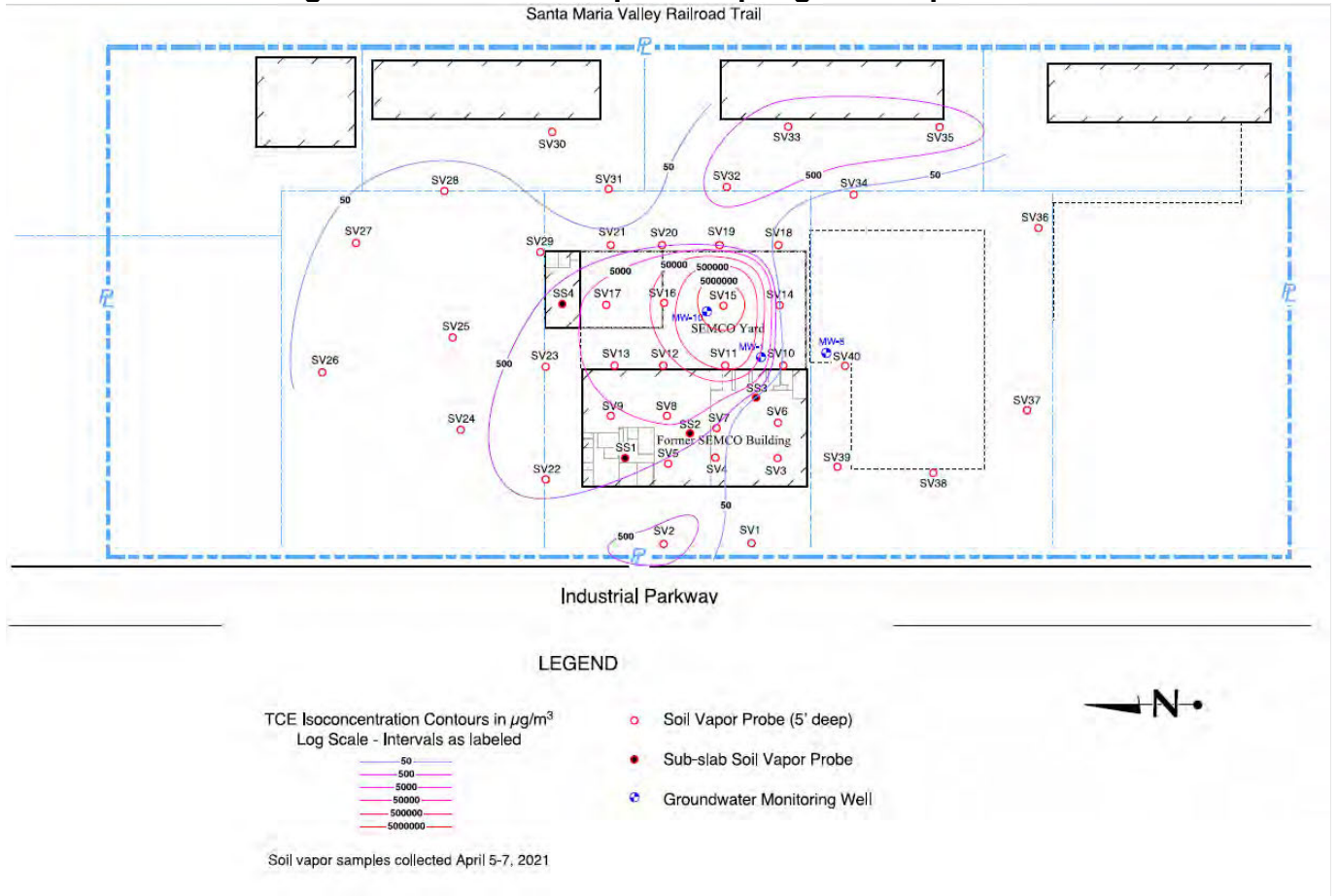


Figure 7. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Soil Vapor Sampling Report* dated July 16, 2021, on GeoTracker.

EXHIBIT 2: SITE OWNERSHIP AND OPERATIONAL HISTORY

The Site ownership and operational history⁵⁷ for the Santa Barbara County Assessor Parcel Numbers (APNs) that compose the Site is as follows:

APN 111-291-008

1. July 10, 1942: The United States of America records a Decree of Declaration of Taking (eminent domain) for the establishment of the Santa Maria – Lompoc Air Base. Frank Vecente, et al. (grantor, former owner) to United States of America (grantee, new owner).
2. 1949 (approximate, exact date unknown): SEMCO Twist Drill & Tool Company, Inc. (SEMCO) begins operations at the Site.
3. June 9, 1949 (date recorded): United States of America quitclaims deeds to County of Santa Barbara. United States of America (grantor, former owner) to County of Santa Barbara (grantee, new owner).
4. October 6, 1949 (date recorded): The County of Santa Barbara deeds one-half interest of the property to the City of Santa Maria, as tenants in common. County of Santa Barbara (grantor, former owner) to County of Santa Barbara (1/2 interest) and City of Santa Maria (1/2/ interest) (grantees, new owners).
5. August 14, 1959 (date recorded): An Instrument of Release was issued, giving Santa Barbara County and the City of Santa Maria exclusive use of property in preparation of the land transfer to Santa Maria Public Airport District.
6. March 15, 1963 (date recorded): A record of survey of the property was filed with the Santa Barbara County Clerk-Recorder that defined the northern boundary of the Santa Maria Public Airport District (future Skyway Industrial Park).
7. March 9, 1964 (date of sale and date recorded): The County of Santa Barbara and the City of Santa Maria quitclaim deeds property to the Santa Maria Public Airport District. County of Santa Barbara (1/2 interest) and City of Santa Maria (1/2 interest) (grantor, former owner) to Santa Maria Public Airport District (grantee, new owner).
8. January 30, 1967 (date filed and certified): The Santa Maria Public Airport District filed a record of survey subdividing the northeasterly portion of the property (boundaries of Skyway Industrial Park).

⁵⁷ All Central Coast Water Board files for this case are on the State Water Board's GeoTracker website: <http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

9. May 17, 1968 (date accepted and recorded by County Clerk-Recorder): A map of Skyway Industrial Park, Tract 5011, including this Site, was filed with the Santa Barbara County Assessor.
10. May 22, 1968, (date recorded): Santa Maria Public Airport District grant deeds the Site to Henry A. Stafford and Rhea L. Stafford as joint tenants in common. Santa Maria Public Airport District (grantor, former owner) to Henry A. Stafford and Rhea L. Stafford as community property (grantee, new owner).
11. May 18, 1971 (date recorded): Notice of Completion filed with the County of Santa Barbara for the removal of three buildings (T-1271, T-1272, and T-1273) on the property per the purchase agreement dated May 8, 1968.
12. June 25, 1975 (date recorded): Henry A. Stafford and Rhea L. Stafford transferred the Site into the Henry A. Stafford and Rhea Stafford Revocable Trust. Henry A. Stafford and Rhea L. Stafford as community property (grantor, former owner) to Henry A. Stafford and Rhea Stafford Revocable Trust (grantee, new owner).
13. November 15, 1976: Henry A. Stafford died, and Rhea L. Stafford became the sole Trustee of the Henry A. Stafford and Rhea Stafford Revocable Trust.

APN 111-291-027 and APN 111-291-028

1. February 3, 1994 (date County Clerk-Recorder's statement recorded): APN 111-291-008 (2936 Industrial Parkway) was split into two adjacent parcels (111-291-027 and 111-291-028).
2. August 22, 1996: Rhea L. Stafford died, and daughter Bonita Stafford became the surviving Trustee of the Henry A. Stafford and Rhea Stafford Revocable Trust. Bonita Stafford has since deceased.
3. November 21, 2001 (date recorded): A deed of trust with assignments of rents to Kitco Holdings, LLC was issued.
4. August 9, 2002 (date recorded) : Grant deed transferred property ownership from Henry A. Stafford and Rhea Stafford Revocable Trust dated June 25, 1975, to Oro Financial of California, Inc. Henry A. Stafford and Rhea Stafford Revocable Trust (grantor, former owner) to Oro Financial of California, Inc. (grantee, new owner).
5. December 20, 2002 (date recorded): Grant deed transferred property ownership from Oro Financial of California, Inc. (grantor, former owner) to Concha Investments, Inc. (grantee, new owner).
6. June 30, 2006 (date recorded): Grant deed transferred property ownership from Concha Investments, Inc. (grantor, former owner) to Chris Mathys (grantee, new owner) as an individual.

APNs 111-291-035 through 111-291-043

1. April 26, 2007 (date County Clerk-Recorder's Statement recorded): Parcels 111-291-027 and 111-291-028 were combined and split into parcels 111-291-035 through 111-291-043 (refer to Exhibit 1, Figure 2 for a spatial view of the splits). Parcel -039 is unique from -028; parcels sharing portions of -027 and -028 include -037, -038, -040, and -042; parcels unique from -027 include -035, -036, and -043.
2. May 5, 2009 (date recorded): Chris Mathys (seller) sold the properties at 2916, 2926, 2936, 2946, 2956, 2966, 2976, 2986, and 2996 Industrial Parkway (111-291-039, -038, -037, -036, -035, -040, -041, -042, and -043) to Platino, LLC (buyer)⁵⁸ in grant deeds/deed of trust sales.
3. August 17, 2010 (date recorded): Platino LLC (seller) sold the property at 2936 Industrial Parkway (111-291-037) to Rhine LP (buyer)⁵⁹ in a grant deed/deed of trust sale.
4. August 20, 2010 (date recorded): Platino, LLC (seller) sold the properties at 2916, 2926, 2946, 2956, 2986, and 2996 Industrial Parkway (111-291-039, -038, -036, -035, -042, and -043) to Curry Parkway LP (buyer)⁶⁰ in a grant deed/deed of trust sale.
5. July 26, 2010 (date of transaction): Platino, LLC (seller) sold the properties at 2966 and 2976 Industrial Parkway (111-291-040 and 111-291-041) to Curry Parkway LP (buyer) in a grant deed/deed of trust sale.
6. July 16, 2019 (date recorded): Curry Parkway LP (seller) sold the property at 2926 Industrial Parkway (APN 111-291-038) to Fernando Figueroa Salas, a married man, in a grant deed/deed of trust sale. Except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property in California (Stats. 1992, Ch. 162, Sec. 10. Operative January 1, 1994). Yolanda Salas, as the wife of Fernando Figueroa Salas, became a joint owner of 2926 Industrial Parkway.
7. July 16, 2019 (date recorded): In a quitclaim/deed of trust, Yolanda Salas transferred the property to Fernando Figueroa Salas, making him the sole property owner. Yolanda Salas is not named as a discharger in this Order because she quitclaimed the property on the same date that Fernando Figueroa Salas acquired ownership

⁵⁸ Chris Mathys was the sole manager of Platino, LLC.

⁵⁹ Platino, Inc. is the general partner of Rhine, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

⁶⁰ Platino, Inc. is the general partner of Curry Parkway, LP. Chris Mathys is the Chief Executive Officer, Chief Financial Officer, Director, and sole shareholder of Platino, Inc.

8. October 28, 2021 (date recorded): Curry Parkway LP (seller) sold the property at 2956 Industrial Parkway (APN 111-291-035) to Mark J Powers, Inc. (buyer) in a grant deed/deed of trust sale.

EXHIBIT 3:

MONITORING AND REPORTING PROGRAM ORDER NO. R3-2023-Proposed

CONCERNING
Former SEMCO Twist Drill and Tool Company, Inc.
Industrial Parkway, Santa Maria
Santa Barbara County

This monitoring and reporting program (MRP) is issued to the Dischargers and applies to groundwater monitoring and reporting for volatile organic compounds (VOC), petroleum hydrocarbons, and 1,4-dioxane waste discharges related to the former SEMCO at 2936 Industrial Parkway in Santa Maria (Site). The Site includes all subject subdivisions of the historic Santa Barbara County Assessor's Parcel Number (APN) 111-291-008 impacted by VOCs, petroleum hydrocarbons, and/or 1,4-dioxane, which include the following parcels:

1. APN 111-291-035, 2956 Industrial Parkway, Santa Maria
2. APN 111-291-036, 2946 Industrial Parkway, Santa Maria
3. APN 111-291-037, 2936 Industrial Parkway, Santa Maria
4. APN 111-291-038, 2926 Industrial Parkway, Santa Maria
5. APN 111-291-041, 2976 Industrial Parkway, Santa Maria
6. APN 111-291-042, 2986 Industrial Parkway, Santa Maria

The Dischargers specified in Cleanup and Abatement Order No. R3-2023-Proposed are required to comply with the requirements of this MRP.

GROUNDWATER MONITORING

A qualified person trained in procedures for collecting samples for VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes must collect representative samples of groundwater from the monitoring wells.

The Dischargers must monitor all existing groundwater monitoring wells (shallow groundwater wells MW1 through MW16 and deeper groundwater monitoring wells DMW1 through DMW4) on a quarterly basis. The Dischargers must submit requests for changes to monitoring frequency and analyte analysis in writing for Central Coast Water Board staff review and Central Coast Water Board Executive Officer concurrence. These requests must receive Executive Officer concurrence prior to implementation.

When new monitoring wells are installed, the Dischargers must incorporate newly installed monitoring wells immediately into the sampling schedule following well completion and development activities and then sample once every quarter for a minimum of one year. After one year, the Dischargers may propose an appropriate monitoring schedule for concurrence by the Executive Officer. The location and reference point elevation for each monitoring well must be surveyed using a

conventional survey method or global positioning satellite survey and uploaded to the GeoTracker website.

Monitoring Parameters: The Dischargers must measure depth to groundwater (to 0.01-foot accuracy) in each monitoring well prior to proper purging and sampling. Before sampling, the Dischargers must properly purge each well until measurements of the following parameters have stabilized: temperature, pH, specific conductance, turbidity, and dissolved oxygen. After purging and when the groundwater level in the well has recovered sufficiently, collect a representative sample. The Dischargers must collect a groundwater sample from each well. The Dischargers must analyze groundwater samples collected from all monitoring wells for the compounds listed in Table 1:

Table 1. Monitoring Parameters

Compound	Units	Sample Type	USEPA Method	Detection Limit
Volatile Organic Compounds (VOCs)	Micrograms per liter (µg/L)	Grab	8260B	0.5 µg/L
1,4-dioxane	(µg/L)	Grab	8270 or 1625	1.0 µg/L
Petroleum hydrocarbons ⁶¹	(µg/L)	Grab	8015-modified, total petroleum hydrocarbons (TPH) reported as gasoline ⁶² , diesel, and motor oil	100 µg/L

A laboratory certified for analyses by the State Water Board's Division of Drinking Water or laboratories approved by the Executive Officer must conduct the analyses.

Unless otherwise noted, the Dischargers must perform all sampling, sample preservation, and analyses in accordance with the latest edition of Test Methods for Evaluating Solid Waste, SW-846, USEPA, and analyzed as specified herein by the above analytical methods.

Alternative laboratory methods may be used, with Executive Officer's prior concurrence, provided that the analysis produces data with detection limits, precision, and accuracy equal to or better than data produced by the referenced methods for identical sample matrices.

The Dischargers must measure groundwater elevations for all monitoring wells. Measurements for groundwater elevations are to be reported as both feet below top of casing and elevation above mean sea level.

⁶¹ TPH in the carbon ranges are analyzed to demonstrate carbon chain breakdown.

⁶² TPH carbon ranges are generally as follows: TPH as gasoline (C4-C12), TPH as diesel (C10-C23), and TPH as motor oil (C18-C35+).

SAMPLING FREQUENCY

The Dischargers must conduct groundwater monitoring on a quarterly basis and in accordance with Table 2 each calendar year:

Table 2. Monitoring Frequency

Groundwater Monitoring Wells	Frequency
MW1 through MW16, and DMW1 through DMW4	1 st quarter (January through March) of each calendar year
MW1 through MW16, and DMW1 through DMW4	2 nd quarter (April through June) of each calendar year
MW1 through MW16, and DMW1 through DMW4	3 rd quarter (July through September) of each calendar year
MW1 through MW16, and DMW1 through DMW4	4 th quarter (October through December) of each calendar year

REPORTING

The Dischargers must submit groundwater monitoring reports on a quarterly basis in accordance with Table 3:

Table 3. Reporting Submittals

Sampling Event	Report Submittal
1 st quarter	Due no later than April 30 of each calendar year
2 nd quarter	Due no later than July 30 of each calendar year
3 rd quarter	Due no later than October 30 each calendar year
4 th quarter	Due no later than January 30 of each calendar year

At a minimum, each monitoring report must include:

1. A table with well completion information, including top of well casing elevation, total depth, and screen interval with respect to both mean seal level and ground surface for all monitoring wells.
2. Results of field and laboratory sampling in tabular form.
3. All previous groundwater data in tabular form to allow comparison of historical data.
4. Scaled maps showing the site and the locations of all monitoring wells.
5. Maps showing calculated potentiometric elevations at each monitoring well and interpreted potentiometric surfaces for each water-bearing zone.
6. Maps showing chlorinated VOCs and 1,4-dioxane concentrations and an interpretation of the chemical distribution.
7. An elevation and interpretations of all available data.
8. Recommendations for further work (i.e., identification of possible data gaps, interim corrective actions) as necessary to complete investigation and cleanup of the Site.

9. The signature or stamp of a registered professional with applicable experience attesting, under penalty of perjury, that the report is true and accurate.
10. Sampling protocols and field sampling logs.
11. Narrative description of sample collection protocols and summary of analytical results for any and all detected compounds; and
12. Certified laboratory analytical reports and chain of custody records for current monitoring data.
13. A perjury statement⁶³ signed by a senior authorized representative (not by a consultant). The perjury statement must be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the Dischargers conduct any monitoring or sampling more frequently than is required by this MRP, they must include results of such monitoring in the monitoring reports or via separate cover.

In accordance with title 23, division 3, chapter 30, articles 1 and 2, sections 3890 through 3895 of the California Code of Regulations, the Dischargers must submit monitoring reports and associated data in Portable Data Format and Electronic Deliverable Format to the State Water Board GeoTracker database over the internet. Please refer to the State Water Board web page Policy Statement-Electronic Reporting Requirements.

https://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/

LEGAL REQUIREMENTS

The groundwater monitoring reports and GeoTracker data submittals are required pursuant to section 13267 of the Water Code. Pursuant to section 13268 of the Water Code, a violation of a request made pursuant to section 13267 may subject you to civil liability assessment of up to \$1,000 per day in which the violation occurs.

The Central Coast Water Board needs the required information to evaluate the extent and trends of wastes, including VOCs (e.g., TCE, PCE, TCA), petroleum hydrocarbons, and 1,4-dioxane released from the Site into groundwater. Therefore, the burden of the reports, including costs, bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The Dischargers are required to submit this

⁶³ The Central Coast Water Board, under the authority given by Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under this Order.

information because groundwater has been impacted by VOCs, petroleum hydrocarbons, and 1,4-dioxane and is potentially migrating off of the site and, based on the available data, they are responsible for the discharge. More detailed information is available in the Central Coast Water Board's public file on this matter.

Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order.

Copies of the law and regulations applicable to filing petitions:

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

The Executive Officer may rescind or revise this MRP at any time.

Ordered by:

Matthew T. Keeling
Executive Officer

EXHIBIT 4: TIME SCHEDULE

ACTION NUMBER	REQUIREMENT	DUE DATE
1.	Evaluate Condition of and Restore the Existing Groundwater Monitoring Network and Evaluate the Condition of the Onsite Groundwater Extraction and Treatment System	
1a-1b.	<p>Submit Workplan(s) A workplan and implementation schedule to assess the existing groundwater monitoring network and the current condition of the onsite groundwater extraction and treatment system (i.e., extraction wells, and filtration system).</p> <p>The Dischargers must locate all 20 groundwater monitoring wells including extraction wells associated with the groundwater extraction and treatment system and evaluate the integrity of each well and determine if these wells can be used (or not) for groundwater monitoring. In the event, monitoring wells can't be located, describe the efforts that were taken to find the wells.</p>	90 days following the issuance of this Order
1c.	Upon Executive Officer concurrence of the workplan, implement the workplan according to the approved implementation schedule.	As directed by the Executive Officer
1d.	<p>Submit a Completion Report for the Evaluation of the Groundwater Monitoring Network and Treatment System and a Monitoring Well Network Restoration Workplan A completion report summarizing the findings of the monitoring well and groundwater treatment system evaluation.</p> <p>A groundwater monitoring well network restoration workplan and implementation schedule including a scope of work to restore, properly destroy and/or replace (install) groundwater monitoring wells in the existing monitoring network.</p>	180 days following the issuance of this Order

ACTION NUMBER	REQUIREMENT	DUE DATE
1e	Upon Executive Officer concurrence of the scope of work and schedule included in the monitoring well network restoration workplan, implement the workplan according to the approved implementation schedule.	As directed by the Executive Officer
1f.	<p>Submit a Completion Report Summarizing the Implementation of the Groundwater Monitoring Well Restoration Workplan A completion report on the implementation of the groundwater monitoring well network restoration including destruction and installation activities, well completion logs, updated map(s) illustrating all of the monitoring well locations.</p>	As directed by the Executive Officer
2.	Groundwater Monitoring	
	The Dischargers must conduct groundwater monitoring according to MRP Order No. R3-2023-00xx (Exhibit 3 of this Order).	As directed by the Executive Officer
3.	Complete Onsite and Offsite Investigation	
3a-3c.	<p>Submit an Onsite and Offsite Investigation Workplan An onsite and offsite investigation workplan including an implementation schedule to delineate the lateral and vertical extent of wastes in soil, groundwater, and soil gas onsite and offsite including a scope of work for the installation of additional groundwater monitoring wells onsite and offsite.</p>	180 days following the issuance of this Order
3d.	Upon Executive Officer concurrence of the site investigation workplan, implement the workplan according to the approved implementation schedule.	As directed by the Executive Officer
3e.	<p>Submit a Site Investigation Report A summary of the investigation findings, including Site location and waste distribution maps, cross sections, summary of all historic and new sampling results for soil, soil gas, and groundwater, boring logs, and identification of data gaps for further investigation.</p>	As directed by the Executive Officer

ACTION NUMBER	REQUIREMENT	DUE DATE
3f.	<p>Submit Additional Workplan(s) to Address Data Gaps Completion of the onsite and offsite investigation may be conducted in a phased approach if information in the site investigation report(s) identifies data gaps.</p>	As directed by the Executive Officer
4.	<p>Conduct Onsite and Offsite Remedial Actions</p>	
4a.	<p>Submit a Feasibility Study. A study that evaluates alternatives for cleanup of VOCs, petroleum hydrocarbons, and 1,4-dioxane wastes in soil, soil gas, and groundwater on and off the Site.</p>	As directed by the Executive Officer
4b.	<p>Submit a remedial action plan (RAP) A RAP for cleaning up wastes in soil, soil gas, and groundwater on and off the site, including an implementation schedule and a performance monitoring plan to track remediation progress.</p>	60 days after approval of the Feasibility Study
4c.	<p>Upon Executive Officer concurrence of the RAP, implement the RAP according to the approved implementation schedule</p>	As directed by the Executive Officer
4d.	<p>Submit Quarterly Remediation Progress Reports Reports summarizing remedial actions after RAP implementation. Remediation progress reports can be included in the groundwater monitoring reports required by the MRP.</p>	As directed by the Executive Officer
4e.	<p>Submit revisions or additional RAPs as needed for additional cleanup activities or for a phased approach to cleanup.</p>	As directed by the Executive Officer

EXHIBIT 5: REGULATORY HISTORY OF SITE

1. On August 26, 1985, the County of Santa Barbara Health Care Services issued an NOV to SEMCO for the discharge of TCE polluting City of Santa Maria municipal supply well 2AS adjacent to the Site.
2. The Central Coast Water Board issued several CAOs between 1987 and 1994, all requiring SEMCO, and later SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust,⁶⁴ to investigate and remediate wastes discharged to soil and groundwater beneath the Site. Failure to meet CAO time schedules and other requirements led the Central Coast Water Board to issue NOVs, non-compliance letters, and Stipulated Order No. 89-155 (dated November 17, 1989) requiring SEMCO to pay an administrative civil liability of \$50,000. SEMCO began claiming financial difficulties in 1992, and the Central Coast Water Board required a review of their financial status. In response to the financial investigation of SEMCO, CAO No. 90-88 was revised on March 11, 1994, and issued to SEMCO and Henry A. and Rhea Stafford Revocable Trust. On May 6, 1994, the Central Coast Water Board issued a letter to then landowner, Henry A. and Rhea Stafford Revocable Trust, requiring a financial review and the Central Coast Water Board records do not indicate whether the financial review was completed, but DTSC's issuance of an Imminent and Substantial Endangerment Determination in 1994 and their subsequent funding of the groundwater extraction and treatment system repairs and temporary operation occurred shortly thereafter.
3. In December 2000, the Central Coast Water Board issued a letter⁶⁵ requesting Henry A. Stafford continue operation of the groundwater extraction and treatment system and continue submitting the semiannual groundwater monitoring reports. Central Coast Water Board staff did not identify records in the file that indicate whether there was compliance from Henry A. Stafford related to the request, and ownership of the Site changed soon after the December 2000 letter was issued.
4. In 2001, the Site owner, Henry A. and Rhea Stafford Revocable Trust transferred ownership of the Site to another property owner (refer to Exhibit 2 for a detailed history on the Site's ownership changes). Subsequently, under the new ownership,⁶⁶ all Site investigation and remediation efforts stopped in 2001, with the exception of one groundwater monitoring event performed in 2003 as summarized in a report submitted in 2004.⁶⁷
5. On July 18, 2003, the Central Coast Water Board issued a Water Code section 13267 order (2003 Order) to the then Site owner, Oro Financial of California, Inc.

⁶⁴ A complete list of CAOs and other orders the Central Coast Water Board issued to SEMCO and the Henry A. Stafford and Rhea Stafford Revocable Trust, from 1987 to 1994, is available on GeoTracker.

⁶⁵ December 1, 2000, letter from the Central Coast Water Board on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=7weqj>

⁶⁶Property ownership details are included in Exhibit 2 of this Order.

⁶⁷ 2003 Third Quarter Monitoring Report on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=ntubt>

(attention Chris Mathys), requiring the submittal of a groundwater monitoring report to determine the environmental threat from pollution remaining at the Site.

6. On December 3, 2003, the Central Coast Water Board issued an NOV for Oro Financial of California, Inc.'s failure to submit a final monitoring report as required in the 2003 Order.
7. From 2003 through 2014, the Site owners submitted correspondence in response to Central Coast Water Board's Annual Cost Recovery letters (2003 to 2011) and staff's numerous email and verbal inquiries⁶⁸ on project status, claiming financial hardship and an inability to fund any additional expenses related to the Site⁶⁹. Due to an inability to charge cost recovery for staff oversight of this case and due to changes in staffing resources, it was considered an inactive case⁷⁰.
8. On October 20, 2015, the Central Coast Water Board issued a Water Code section 13267 order (2015 Order) to the Site owners Rhine, LP; Platino, LLC; Chris Mathys; Concha Investments Inc.; and Oro Financial of California, Inc. requiring them to submit a workplan proposing additional investigations to evaluate the current extent of wastes discharged to soil, soil gas, and groundwater. The 2015 Order also included information on applying for Site Cleanup Subaccount Program (SCAP) funding.⁷¹
9. On November 19, 2015, Chris Mathys, on behalf of Site owner Rhine, LP, sent a certified letter to the State Water Board and Central Coast Water Board petitioning the 2015 Order, disputing "any and all charges of environmental waste and [to] give you [Central Coast Water Board] an accurate picture of our financial situation and capabilities."
10. On January 12, 2016, the State Water Board issued a notification of incomplete petition to Chris Mathys, requesting additional information to complete the petition filed in November 2015. Chris Mathys did not submit additional information, as requested by the State Water Board.
11. On June 17, 2019, the Central Coast Water Board issued a notice of violation to Rhine, LP; Platino, LLC; Chris Mathys; Concha Investments Inc.; and Oro Financial of California, Inc. for failing to submit a site investigation workplan as required in the 2015 Order and provided Rhine, LP; Platino, LLC; Chris Mathys; Concha

⁶⁸ October 21, 2010, Central Coast Water Board email on GeoTracker:

<https://geotracker.waterboards.ca.gov/?surl=9hxgd> and the January 6, 2014, Case Status Summary on GeoTracker: <https://geotracker.waterboards.ca.gov/?surl=3f5ex>

⁶⁹ Referenced from the Dischargers' letters dated July 27, 2004, August 25, 2007, August 5, 2008, September 5, 2009, December 1, 2010, March 1, 2011, verbal communication on January 28, 2014, and petitions dated November 19, 2015, and June 19, 2019, available on GeoTracker.

⁷⁰ Between 2003 and 2011 cost recovery invoices billed to the responsible party (Oro Financial of California, Inc.) totaling \$22,953.30 went unpaid. The cost recovery account was closed in 2017, and discharged through the State Controller's Office as 'unable to collect.'

Investments Inc.; and Oro Financial of California, Inc. an opportunity to submit the workplan no later than July 15, 2019, before recommending enforcement action.

12. On June 19, 2019, Chris Mathys objected to the June 17, 2019, NOV in a letter to the State Water Board and Central Coast Water Board.
 13. On June 25, 2019, the State Water Board issued a response to Mr. Mathys's June 19, 2019, letter determining that the petition filed on November 19, 2015, was incomplete, that Chris Mathys had failed to submit required information by the deadline directed in its January 12, 2016, letter, and that it would not, therefore, take any further action on the incomplete petition.
 14. On September 14, 2021, the Central Coast Water Board issued Administrative Civil Liability Complaint No. R3-2021-0097 (2021 Complaint) to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. The 2021 Complaint proposed an administrative civil liability of one hundred twenty-five thousand eight hundred and ninety-three dollars (\$125,893) for failure to submit monitoring and technical reports as required by the 2015 Order.
 15. On January 20, 2022, the Central Coast Water Board issued stipulated Administrative Civil Liability Order No. R3-2022-0013 to Chris Mathys, Rhine LP, and Oro Financial of California, Inc., adopting the settlement agreement to resolve the violation alleged in the 2021 Complaint and imposing an administrative civil liability of one hundred twenty-five thousand eight hundred and ninety-three dollars (\$125,893).
 16. On July 28, 2022, the Central Coast Water Board ordered Chris Mathys, Rhine LP, and Oro financial of California, Inc. to submit a Time Schedule and monthly progress reports related to investigations at the Site, pursuant to a Water Code section 13267 Order (2022 Order). The Central Coast Water Board required the submittal of the Time Schedule and progress reports to ensure that remaining Site characterization activities proposed in the Central Coast Water Board approved November 18, 2021, *Site Assessment Workplan*⁷² were completed within a reasonable timeframe. To date, the 2022 Order has not been complied with.
 17. On November 1, 2022, the Central Coast Water Board issued an NOV (November NOV) to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. for failing to submit a Time Schedule, or the monthly progress reports required for September and October 2022, as required in the 2022 Order.
 18. On January 12, 2023, the Central Coast Water Board issued an NOV to Chris Mathys, Rhine LP, and Oro Financial of California, Inc. for failing to submit a Time Schedule, or monthly progress reports for November and December 2022 as required in the 2022 Order.
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Central Coast Regional Water Quality Control Board

Public Notice of Draft Cleanup and Abatement Order Former Semco Twist Drill & Tool Company Facility 2926, 2936, 2946, 2956, 2976, and 2986 Industrial Parkway (Site) Santa Maria, Santa Barbara County

April 14, 2023

Si desea hablar con un miembro del personal en español, llame al (916) 322-4265.

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is providing this notification to the landowners, residents/tenants, and interested parties near this groundwater cleanup site (site map included on page two) to notify you of upcoming investigation and cleanup actions, and to ask for your feedback and comments.

The Central Coast Water Board is the public agency with primary responsibility for the protection of the quality of the waters of the state. Former operators and owners (Dischargers) caused solvents, petroleum hydrocarbons, and 1,4-dioxane to spill into soil and groundwater beneath this Site, and the Central Coast Water Board has required these Dischargers to investigate and cleanup the waste. The purpose of this notification is to provide you with an opportunity to comment on the draft Cleanup and Abatement Order that directs the Dischargers to conduct additional investigation and cleanup in your community to improve water quality.

Public Comment Period

You have until **May 29, 2023**, to comment on the draft Cleanup and Abatement Order (draft CAO). A hardcopy of the draft CAO can be provided to you upon request. A complete copy of this document can be found at the link below:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

All interested parties are required to submit their comments to the Central Coast Water Board in writing on or before **May 29, 2023**. Comments should be addressed to:

Sarah Treadwell
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Tel: (805) 549-3695
sarah.treadwell@waterboards.ca.gov

JANE GRAY, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

For more information on this cleanup project go to GeoTracker at:
<http://geotracker.waterboards.ca.gov/?qid=SLT3S2411351>

Site Vicinity Map



Satellite imagery from GeoTracker modified by Central Coast Water Board staff on March 6, 2023.

Junta Regional de Control de Calidad del Agua de la Costa Central

**Aviso público del borrador de orden de limpieza y reducción
Antiguas instalaciones de Semco Twist Drill & Tool Company
2926, 2936, 2946, 2956, 2976 y 2986 Industrial Parkway (sitio)
Santa Maria, Condado de Santa Barbara**

14 de abril de 2023

La Junta Regional de Control de Calidad del Agua de la Costa Central (Junta de Agua de la Costa Central) proporciona este aviso a los propietarios, residentes/arrendatarios y partes interesadas cercanas a este sitio de limpieza de aguas subterráneas (mapa del sitio incluido en la página dos) para notificarles las próximas acciones de investigación y limpieza, y para solicitar sus opiniones y comentarios.

La Junta de Agua de la Costa Central es la agencia pública responsable de la protección de la calidad de las aguas del estado. Los antiguos operadores y propietarios (entidades responsables de las descargas) provocaron el vertido de disolventes, hidrocarburos de petróleo y 1,4-dioxano en el suelo y las aguas subterráneas bajo este sitio, y la Junta de Agua de la Costa Central ha exigido a estas entidades responsables de las descargas que investiguen y limpien los residuos. El propósito de este aviso es brindarle a usted y a otras partes interesadas la oportunidad de hacer comentarios sobre el borrador de orden de limpieza y reducción que ordena a las entidades responsables de las descargas llevar a cabo investigaciones y limpiezas adicionales en su comunidad para mejorar la calidad del agua.

Período de comentarios públicos

Tiene de plazo hasta el **29 de mayo de 2023** para presentar sus observaciones sobre el borrador de orden de limpieza y reducción (borrador de CAO). Puede solicitar una copia impresa del borrador de CAO. Puede encontrar una copia completa de este documento en el siguiente enlace:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

Todas las partes interesadas deberán presentar sus comentarios por escrito a la Junta de Agua de la Costa Central a más tardar el **29 de mayo de 2023**. Los comentarios deben dirigirse a:

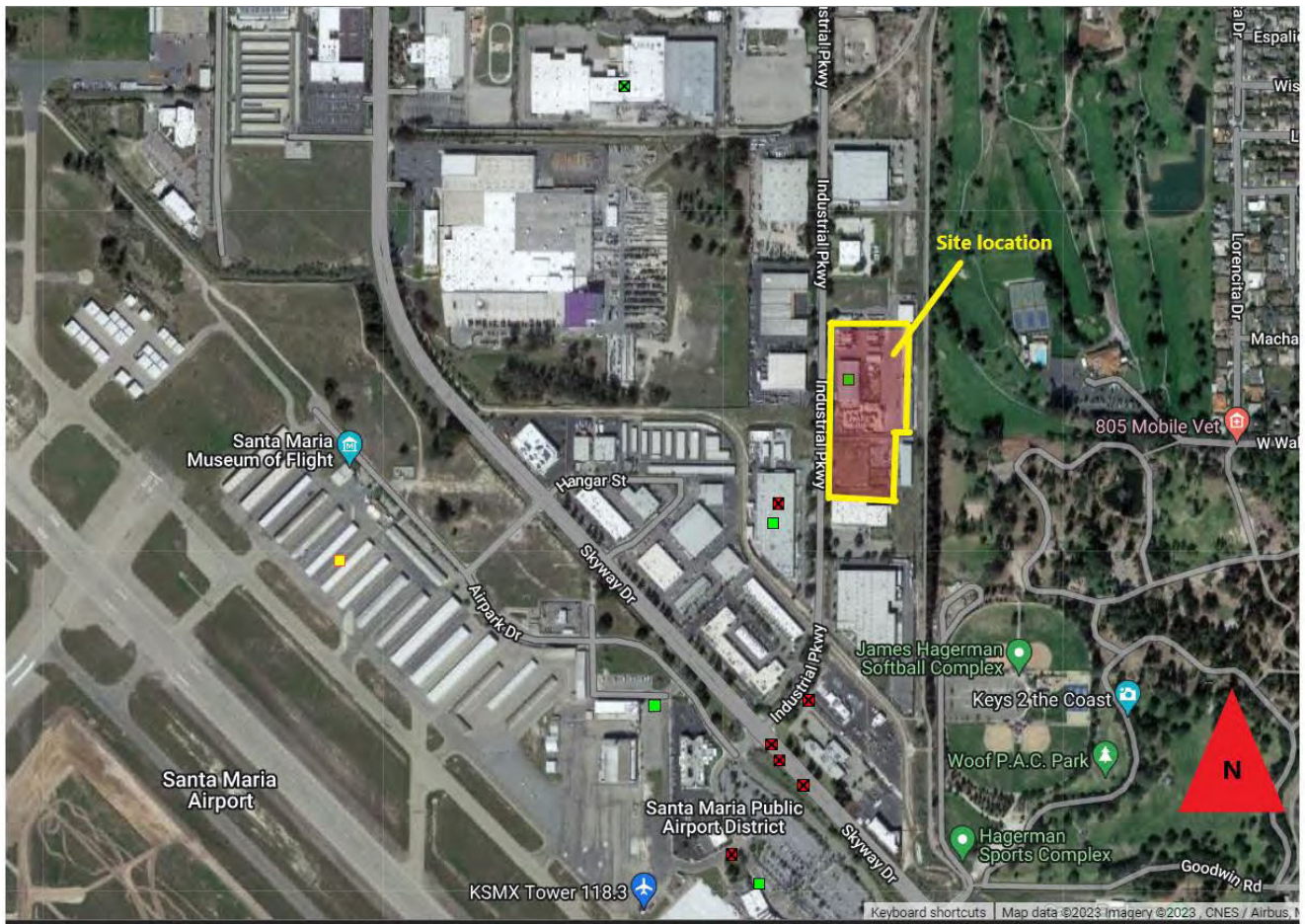
Sarah Treadwell
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Tel: (805) 549-3695
sarah.treadwell@waterboards.ca.gov

Si desea hablar con un miembro del personal en español, llame al (916) 322-4265.

Para obtener más información sobre este proyecto de limpieza, visite el sitio web de GeoTracker:

<http://geotracker.waterboards.ca.gov/?gid=SLT3S2411351>

Mapa de las inmediaciones



Imágenes por satélite de GeoTracker modificadas por el personal de la Junta de Agua de la Costa Central el 6 de marzo de 2023.



GROVEMAN HIETE LLP

Barry C. Groveman
bgrovmn@me.com
Direct: (818) 515-8038

May 29, 2023

VIA EMAIL ONLY

(via email to sarah.treadwell@waterboards.ca.gov)

Ms. Sarah Treadwell
REGIONAL WATER QUALITY CONTROL BOARD,
CENTRAL COAST (“REGIONAL BOARD”)
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: *Comments on behalf of the Santa Maria Public Airport District on the SEMCO
Draft Cleanup and Abatement Order R3-2023 (Proposed)*

Ms. Treadwell:

I. INTRODUCTION

This firm represents the Santa Maria Public Airport District (“SMPAD” or “Airport”) in connection with the above-referenced matter. The purpose of this letter is to provide comments in response to the Regional Board’s proposed draft Cleanup and Abatement Order No. R2-2023, hereafter referred to as the Draft CAO.

For purposes of addressing environmental and technical issues raised in the Draft CAO, the Airport retained the professional engineering and consulting firm Roux & Associates (“Roux”). To this end, attached please find Roux’s Technical Comment Letter to the Draft CAO (“Roux Report”).

The Airport’s legal response to the Draft CAO is set forth below.

II. LEGAL RESPONSE TO THE DRAFT CAO

A. Delays and the Passage of Time has Impeded the Airport’s Ability to Respond to the Draft CAO

Before addressing the Draft CAO, it is important for the record to reflect passage of time and delays that have impacted this issue. The Regional Board should view naming the SMPAD as a responsible party through this lens.

The Regional Board's long held mission statement includes the following:

“To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.”

In order to complete this mission, the Regional Board is entrusted with extensive enforcement powers, including powers codified in the California Water Code. These enforcement mechanisms are intended to be used for a wide variety of activities, including the identification of parties responsible for groundwater contamination. The enforcement statutes are designed to give the Regional Board proper authority to identify responsible parties and then require those parties to implement a cleanup plan in a proper time frame so that the contamination does not spread unnecessarily, and that public health and beneficial uses are protected. Unfortunately, that did not occur in this case. As set forth briefly below, the Regional Board was unable to perform its duties to protect public health. The delays now risks exacerbating discharges into becoming plumes that, over time, become extensive, comingled and regional. Equally important, the delays have denied the alleged responsible parties an order of due process and fundamental fairness. This is because, in part, due to the passage of decades, the alleged responsible parties are now denied the ability to find and present evidence that will insulate them from liability.

The historical facts regarding these impacts are not in dispute. The SEMCO Site, which is defined in the Draft CAO, is not a new issue. In fact, the Regional Board became aware of potential groundwater contamination issues at the SEMCO Site in 1980. Five years later, there was even more evidence of a significant groundwater problem, when the Regional Board learned that one of the City of Santa Maria's ("City") drinking water wells had been impacted by releases at the SEMCO Site. Despite having substantial evidence of a potentially significant groundwater contamination problem, the matter was not addressed promptly.

Instead, efforts were focused on going back and forth with the owners of SEMCO. Even though a cleanup and abatement order had been issued to SEMCO, it did not effectively prosecute that case. For example, no subpoenas were issued to SEMCO for information about the company's finances and insurance policies. It is likely that SEMCO's standard business insurance policies did not have pollution exclusions, and those policies, which may still exist, would have triggered coverage for the groundwater pollution event. There was also a very limited review of SEMCO's finances. The record shows reliance on SEMCO's own statements concerning its ability to pay rather than use of an independent review. A more thorough audit of SEMCO would have provided quicker answers about the company's ability to handle a protracted and likely expensive groundwater investigation and cleanup. The delays eventually led to SEMCO's bankruptcy, and ultimately no real responsible party. These are just a few examples of the negative impacts on the parties not being added to the Draft CAO.

Now, literally five decades later, a small public agency – the Airport – which has no connection to the SEMCO Site groundwater contamination – is expected to participate in funding a cleanup that involves potentially millions in costs.

The Airport should be removed from the Draft CAO.

B. The Airport is Not a Discharger

The Regional Board asserts in the Draft CAO that the Airport has liability for the groundwater contamination because it is a “discharger.” The Regional Board relies on scant evidence to reach such a conclusion. First, the Regional Board cites to the Airport’s ownership of property from 1964 through 1968, a time at which SEMCO allegedly operated on the Airport’s property. The Board goes on to state that the Airport is liable as a discharger in this case because the Airport was “aware of the activities that resulted in the discharges of waste and, as lessors of the Site, had the ability to control those discharges.” It is notable that the Regional Board staff and counsel provide no **evidence** to support this conclusory statement.

Rather, to support its claims against the Airport, the Regional Board’s Draft CAO relies solely on *United Artists Theatre Circuit, Inc. v. California Regional Water Quality Control Bd.* (2019) 42 Cal.App.5th 851, 887.) (hereafter referred to as “*United Artists*”).

United Artists provides a clear standard for discharger liability under the California Water Code, holding, specifically:

“[W]e conclude a prior owner may be named in a cleanup order as someone who has ‘permitted’ a discharge if it knew or should have known that a lessee’s activity presented a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance.” See, *United Artists* at 864-865. [Emphasis added.]

The Court further states that “the term ‘permitted’ is expansive enough to encompass a situation where a landlord let a discharge occur by allowing an activity to take place, where the landlord knew or should have known the general activity created a reasonable possibility of discharge.” *United Artists* at 888.

In coming to this conclusion, the Court found that a landowner of property in the 1970s, 1980s and 1990s, should have known that its dry cleaner tenant’s dry-cleaning activity created a possibility of discharge. This makes sense, given that the discharges in the *United Artists* case occurred from a highly regulated activity (dry cleaner using solvents) when the California Water Act was in effect.

In stark contrast, here, the alleged discharge occurred from 1964 through 1968, a time when the California Regional Water Quality Control Board did not exist. As discussed in detail in the Roux Report, not only did the Regional Board not exist, there were no environmental statutes or

regulations to establish standards, duties practices as to what is expected under law and regulation. This includes standards and practices regarding what a landlord could have known or should have known if its tenant's activities created a possibility of discharge. The facts here must be evaluated based on the standards for landowners in the 1960s, and not the standards used by modern and comprehensive environmental statutes.

As to the facts, as stated above and as stated in the Roux Report, there is no evidence to suggest that the Airport had any information that SEMCO's activities created the possibility of discharge. For example, in 1969, a document provided detail about the City of Santa Maria Community Development Department process for expansion of SEMCO operations. The planning documents from the City of Santa Maria include the following statement (emphasis added):

"The applicant [SEMCO] states that the production does not cause any waste that must be disposed of, nor does it produce any toxic fumes in the air." (See the Roux Report for further details on this document.)

These representations by SEMCO to the City of Santa Maria Development Department in 1969, *after the Airport no longer owned the Property*, indicate that a prior landowner with SEMCO as a tenant, if having any understanding of the operations at the SEMCO Facility at all, would have likely have been told the same thing regarding SEMCO's operations (i.e.g, SEMCO's operations had no waste generation and/or the asserted benign nature of the operations).

The facts in this case are not consistent with the facts in the *United Artists* case. The Regional Board has improperly cited that case, and without any other evidence or legal standard, the Regional Board must modify the Draft CAO and remove the Airport as a potentially responsible discharger party.

III. CONCLUSION AND REQUEST

In sum, the Regional Board's Draft CAO did not demonstrate the necessary knowledge required to assign liability to the Airport. Rather, to the contrary, the Draft CAO was devoid of any facts to connect the Airport to the Groundwater Contamination, nor did it show that the Airport had any knowledge about the potential release of contaminants to the SEMCO Site. The mere passage of time cannot justify forcing innocent and small public agencies like the Airport to assume responsibility for this problem.

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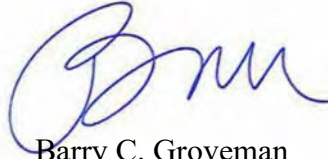
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GROVEMAN | HIETE LLP

Based on the foregoing and the attached Roux Report, we request that the Regional Board remove the Airport from the Draft CAO. Thank you.

Very truly yours,



Barry C. Groveman
GROVEMAN | HIETE LLP

Enclosures: Roux & Associates Technical Comment Letter to the Regional Board's Draft Cleanup and Abatement Order R2-2023 [Proposed]

Copies to: See Email Distribution List

May 29, 2023

Ms. Sarah Treadwell
Central Coast RWQCB
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

(sent via email to sarah.treadwell@waterboards.ca.gov)

Re: Technical Comments on behalf of the Santa Maria Public Airport District on the SEMCO Draft Cleanup and Abatement Order

Dear Ms. Treadwell:

On behalf of the Santa Maria Public Airport District (SMPAD), Roux Associates (Roux) is providing these historical and technical comments regarding the Draft Cleanup and Abatement Order (Draft CAO) for the Former Semco Twist Drill & Tool Company (SEMCO) Facility at 2926, 2936, 2946, 2956, 2976, and 2986 Industrial Parkway (the SEMCO Facility, or Property) in Santa Maria, CA.

Overall, the Draft CAO: 1) incorrectly determines the SMPAD as a “discharger,” as defined in the Water Code; 2) fails to consider the extensive history of the United States Department of Defense (DOD) and known chlorinated solvent impacts from the DOD’s past operations and use of the former Santa Maria Army Airfield (Army Airfield) as a critical training base for both propeller aircraft and top-secret fighter jets (which likely merited use of chlorinated solvents); and, 3) has other general technical shortcomings in describing the SEMCO Facility, past operations and other nearby potential comingling contributors.

Comments are provided in the general six areas noted below:

- 1) The SMPAD is not a discharger and only owned the Property for approximately four years. The Draft CAO claims that SMPAD, as a prior land-owner leasing to SEMCO from 1964 to 1968, *“knew or should have known that a lessee’s activity created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance.... Landowners leasing to entities using degreasers (many of which used TCE), know or should have known by the 1940s that there was a reasonable possibility of discharge of wastes that could create, or threaten to create, a condition of pollution or nuisance.”* This claim is not based on any facts nor is it supported by what was considered standard business practices during the mid-1960s. Rather, a newly formed public Airport district (SMPAD) as a landowner in the 1960s given environmental laws/regulations (none of which substantially existed) at the time would not have had direct or specific knowledge of discharges by a tenant, let alone awareness of the possibility for waste discharges related to degreasing operations. This includes but is not limited to the following supporting facts:
 - o In 1980, the RWQCB conducted an enforcement inspection of SEMCO. After that investigation, the RWQCB made no note or comment on the degreasing, or solvent storage/disposal operations, which are alleged to have caused the issues that are the subject of the Draft CAO.¹ (Attachment 1.1). If the RWQCB in an enforcement site inspection capacity relating to allegations of illegal discharges did not note the potential for discharges of hundreds of gallons of degreasing solvents^{2,3,4,5,6} specifically at the SEMCO Facility in 1980, it is unreasonable to assert that a landowner in the 1960s would have had knowledge of the possibility of waste discharge and/or creation of pollution, or nuisance at this specific Facility.

¹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4504290521/STAFF-LTR_CA-REQ_20AUG1980.pdf
Draft CAO, Item A7 “Chemical Usage”

² https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7727129876/PURCHASE-CREDITS_SUMMARY_02AUG1988.pdf

³ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7054533243/LEGAL_CORRESP_RECEIPTS_31MAR1988.pdf

⁴ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7728365838/STAFF-LTR_SUBMITTAL_12MAY1988.pdf

⁵ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7528414666/STAFF-LTR_FTS_05JULY1988.pdf

⁶ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7528414666/STAFF-LTR_FTS_05JULY1988.pdf

Later, in 1989 the RWQCB in assessing the SEMCO Property stated, *“it is likely waste products were disposed to ground surface **as was commonly done in past times**”* (emphasis added)⁷. This statement about waste products “commonly” being discharged to the ground indicates that this general issue was commonplace and part of regular historical industrial practices.

- In 1969, after SEMCO became owner of the Property, a document detailing a City of Santa Maria Community Development Department process for expansion of SEMCO operations included the following statement (emphasis added), *“The applicant states that the production **does not cause any waste that must be disposed of, nor does it produce any toxic fumes** in the air.”* (emphasis added; Attachment 1.2). These representations by SEMCO to the City of Santa Maria Community Development Department indicate that SEMCO was informing the City that it “did not cause any waste.” There is little doubt that any prior owner who leased the Property to SEMCO would have been told the same thing regarding SEMCO’s operations, (i.e. lack of waste generation and/or the asserted benign nature of the operations).
- Based on a public records act response from the Santa Barbara County Air Pollution Control District (APCD), there were not any air-associated solvent/degreasing permits for the SEMCO Facility.⁸ If the key air-quality regulator did not require permits, or was unaware of the scope/details of SEMCO’s operation (storage and use of 1000’s of gallons of regulated solvent in the 1980s)⁹, this is further support that a landowner in the 1960s would not have been aware of the degreasing, or the RWQCB’s wholly unsupported allegation of the SMPAD’s “knowledge” of possible discharges claimed in the Draft CAO.
- The well-understood insurance practice of issuing a “pollution exclusion” which generally represents common knowledge of potential industrial polluting activities only came to be as early as the 1970s.¹⁰ This has been acknowledged by the State Water Resources Control Board (SWRCB) in other matters.¹¹
- In both 1962 and 1976 versions of the American Society for Testing and Materials standard for vapor degreasing it is stated that, *“If there are no regulations forbidding it, the sludge may be poured on dry ground at a safe distance from buildings and allowed to evaporate. If the sludge is free flowing and can soak into the ground before the solvent evaporates, it may be poured into shallow containers to permit the solvent to evaporate before dumping.”*
- In 1964, the American Society of Metals recommended that: *“in the absence of any clearly defined ordinances, the sludge [from vapor degreasing] is usually poured on dry ground well away from buildings, and the solvents are allowed to evaporate. If the sludge is free flowing, it is placed in shallow open containers and allowed to evaporate before the solids are dumped on the ground”*.¹²
- In 1967, the American Insurance Association’s Chemical Hazards Bulletin stated that chlorinated hydrocarbon wastes should be, *“moved to a safe location (away from inhabited areas, highways, buildings or combustible structures) and poured onto dry sand, earth or ashes, then cautiously ignited,”* and in other instances the chlorinated hydrocarbon wastes, *“may be placed in an isolated area as before and simply allowed the liquid waste to evaporate”*.¹³

⁷ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6005554020/LTR_REVIEW_01MAR1989.pdf

⁸ SBAPCD, Email Response to Public Records Act Request, 5/11/2023

⁹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7727129876/PURCHASE-CREDITS_SUMMARY_02AUG1988.pdf

¹⁰ <https://dsc.duq.edu/cgi/viewcontent.cgi?article=3068&context=dlr>

¹¹ https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/1998/wqo98-05.shtml

¹² American Society for Metals, Metals Handbook Volume 2 Heat Treating, Cleaning and Finishing (8th Edition) (1964), 340.

¹³ American Insurance Association, Chemical Hazards Bulletin (issued October 1967 and revised March 1972), 41

- The California Porter Cologne Water Act was enacted in 1970¹⁴, as was the legal requirement for registration of liquid waste haulers¹⁵. Irrespective of the failure of the RWQCB to identify the potential for possible solvent discharges in 1980, the first RWQCB water quality control/Basin Plan did not even exist until 1971¹⁶, pointing to a general lack of understanding at the State and regional level of a need for regional water boards to oversee activities such as potential waste-discharges from degreasing operations like at the SEMCO Facility.
- In 1972, California passed the Hazardous Waste Control Act (Attachment 1.3), where prior to this, *“Certain volatile substances are, however, being disposed in open air dumps with insufficient supervision and control to prevent the possibility of creating serious risk of injury or disease to human health and animal life.”* (Attachment 1.4).
- In 1975 the Santa Barbara APCD passed their first iteration of Rule 321, “RE Solvent Cleaning Machines and Solvent Cleaning” <https://www.ourair.org/wp-content/uploads/R321BP-05-2009.pdf>
- The Federal Resource Conservation and Recovery Act (RCRA) was signed into law in 1976 and provided a framework for the management of hazardous and non-hazardous solid wastes. However, it was not until 1980 that the first regulations were promulgated under RCRA.¹⁷
- In 1977 the County of Santa Barbara issued a Santa Maria Basin Report which only noted water quality concerns about salts and Nitrates.

Given all of the instances above where the RWQCB itself did not flag degreasing/solvent use during a SEMCO Facility inspection in 1980; where industrial-standards/practices were evolving; and/or either a State, regional or local entity had not specifically identified the SEMCO Facility and/or in general did not have specific laws or regulations even into the 1970s clearly applying to degreasing/solvent waste disposal, it is not expected that the SMPAD as a landowner from 1964 to 1968 would have known about SEMCO’s specific operations; or, have had awareness or any knowledge of the possibility of discharges creating a condition of nuisance or pollution.

- 2) The DOD should be added as a party to the Draft CAO. The Draft CAO states that there were two former Army Airfield USTs on the SEMCO Property,¹⁸ *“One 1,500-gallon fuel oil UST, identified as T1242, was located beneath the Site in an area that is now a parking lot north of the former Semco building. There are no records indicating UST T1242 was removed or closed in place. As documented in Santa Barbara County’s file, there are records that USACE removed one UST at the Site, identified as T1273, on December 17, 1990. UST T1273 was allegedly located on a concrete slab north of a warehouse identified as Building T1273 (Building T1273 is included on the Basic Layout Plan dated 1945). However, UST T1273 is not shown on the 1945 Basic Layout Plan.”* The Draft CAO also states,¹⁹ *“Additionally, records indicate two USTs¹⁷ were located in the northern portion of the Site and were not associated with areas where TCE and VOC use was expected or documented by the USACE (such as the airport hangers motor or sheet metal repair shops, etc.). Also, the locations of the aforementioned former USTs do not correlate with the Site’s source area location, where the highest concentrations of TCE and petroleum hydrocarbons have been reported in soil, soil gas, or groundwater.”* However, the Draft CAO does not cite to the more than eight feet of petroleum free product identified at the Property (as discussed further in Item 4).

¹⁴ 1971, RWQCB Central Coast Region 3 Water Quality Control Plan (WQCP)

¹⁵ <https://babel.hathitrust.org/cgi/pt?id=uc1.c109116127&view=1up&seq=473> and Sacramento Bee, 9/20/1970

¹⁶ 1971 and 1975, RWQCB Central Coast Region 3, WQCPs

¹⁷ 45 FR 33084:33133 (May 19, 1980).

¹⁸ Draft CAO, Item A6, Footnote 17

¹⁹ Draft CAO, Item A4

In making these statements in the Draft CAO, the RWQCB is citing that the United States Army Corps of Engineers (USACE) and by extension the DOD were responsible for the USTs on the SEMCO Property. Also, the Draft CAO states that prior to the County and City becoming owners in 1947 the Army Airfield had substantial USTs and hazardous/flammable liquids and the potential to have used trichlorethylene (TCE) and volatile organic compounds (VOCs). Based on USACE/DOD documentation they also concurred in being responsible for the Army Airfield USTs, where the 2014 DOD NDAI document stated, “A Findings and Determination of Eligibility (FDE) signed in 1989 (see Atch 4) found that the Santa Maria Army Airfield qualified as a FUDS. The associated Inventory Project Report (INPR) (see Atch 5) written in the early 1990s recommended the creation of a containerized hazardous, toxic and radioactive waste (Con/HTRW) project to remove old underground storage tanks. In 1994, a revision to the INPR was submitted and in June 1995 both a Con/HTRW and an HTRW project were authorized.”²⁰

Although the location of the SEMCO Facility may not be where TCE and VOC use in the RWQCB’s opinion, “was expected or documented by the USACE,” the RWQCB overlooks that very little to no VOC analysis was conducted by the USACE associated with the UST abandonment/investigation/remediation effort, let alone evaluating past pipelines into and within buildings from the tanks. In at least one instance when VOCs were analyzed for during the USACE UST effort, VOCs were detected (Tank 1317 [Lube Oil Pump House]²¹, where Tank 1317 was located approximately 1,200 feet south of the SEMCO Facility, immediately adjacent to the Mafi Trench Site [See Attachment 2.1]).²² Tank 1317 was not located in an area where “hangers, motor or sheet metal repair shops” existed and samples collected on behalf of the USACE detected halogenated compounds in sludge at 1,100 parts per million (ppm); and PCE in liquid at 0.06 ppm (57.9 parts per billion). A Mr. Frank DeMargo (sic) from the RWQCB was reportedly consulted by the USACE regarding the detections.²³ Despite all of this evidence, and known discharges of contaminants associated with former Army operations at the Army Airfield, the RWQCB absolved the DOD of any responsibility specific to SEMCO in 2014.²⁴

Beyond the known detection of VOCs associated with former Army Airfield operations, the specific operations in World War II at this Army Airfield are very likely to have used chlorinated solvents.

- The Army Airfield was home to both a critical training function for P-38 propeller powered airplane fighter pilots,^{25,26} and also was one of four bases in California for the secret P-59 jet fighter airplanes during and after World War II (See inset below, with full 1945 Santa Maria Times article in Attachment 2.2 and 412th Fighter Group jet images in Attachment 2.3).^{27,28,29}

²⁰ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8907376945/Master_SMAF_14_NDAI.pdf

²¹ https://geotracker.waterboards.ca.gov/view_documents?global_id=T0608300505&enforcement_id=6268016

²² https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1974251806/SLT3S0301290.PDF

²³ 3/22/91 Memo by USACE, PDF Page 33-34 within

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3843307316/41317_SECTION%203%20&%204-OCR.pdf

²⁴ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1984756946/SEMCO-NDAI_email-granthimebaugh.pdf

²⁵ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1984756946/SEMCO-NDAI_email-granthimebaugh.pdf

²⁶ https://santamariatimes.com/shirley-contreras-when-the-p-38-lightning-flew-above-santa-maria/article_7d1788cd-3570-587a-8ee6-e6160628e129.html

²⁷ <https://www.historynet.com/how-the-bell-p-59-airacomet-became-americas-first-jet-fighter/>

²⁸ <https://archive.org/details/jetpropulsionpro00nevi/page/n127/mode/2up?q=%22P-59A%22>

²⁹ 2000, Pace, S. Bell P-59 Aeracomet Book.

Trained Jet Pilots

Recently the field switched from the training of P-38 pilots to P-51 instruction. Jet training has also been carried on here recently the field being one of few in the United States training in jet propulsion motors.

- In fact, leading up to the closure of the Santa Maria Army Airfield, the 412th Fighter Group it housed was growing with addition of key additional squadrons up to and into 1945 within the 412th Fighter Group, as noted here:³⁰

"412 FG was established at Muroc AAF on 30 November 1943 as the USAAF's - in fact, America's - premier jet airplane equipped fighter unit. As part of the 4th Air Force, the 412 FG formed three squadrons: the 29th Fighter Squadron (FS) - "Gamecocks"; 31st FS - "Foxes"; and the 445th FS. Respectively, these three squadrons would go on to operate P-59As and P-59Bs. ...

It was during the late 1944-to-late 1945 time period that several additional squadrons were attached to the 412 FG. These were comprised of the 361st FS, 615th Air Engineering Squadron (AES), and the 624th Air Material Squadron (AMS). Another lesser-known P-59 unit - the 440th Army Air force Base Unit, a training squadron - was in operation at Santa Maria by late June 1945."

- 1945 documentation from the US Army Air Corps/Air Force clearly indicates TCE solvent use in maintenance degreasing operations.^{31,32,33}

Given this, the Army Airfield would have been prioritized to be performing the highest level of aircraft maintenance (likely including chlorinated solvents for degreasing).³⁴ The 2014 DOD NDAI³⁵ declaration notably makes no mention of the jet-fighter function of the Army Airfield and does not explicitly note the two tanks on the SEMCO Facility.

Based upon all of the above, if past owners of the Property are considered dischargers by the RWQCB, the DOD/US Army former Airfield operations should not be overlooked, in that the Army Airfield both used chlorinated solvents and likely discharged them and was both an owner and operator at the SEMCO Property (in addition to potential petroleum/heating fuel comingling discussed below). The dismissal by the RWQCB of any Army Airfield UST/and or operational area for chlorinated solvent use/discharge, without further evaluation is not merited.

³⁰ <http://usafunithistory.com/PDF/0400/412%20TEST%20WG.pdf>

³¹ 1945, Industrial Medicine in AAF: <https://hdl.handle.net/2027/osu.32436001888922?urlappend=%3Bseq=126%3Bownerid=115275249-130>

³² 1945, Trichloroethylene Degreasing: <https://hdl.handle.net/2027/mdp.39015072234597?urlappend=%3Bseq=360%3Bownerid=13510798889134683-416>

³³ 1945, Industrial Solvents in the AAF: <https://hdl.handle.net/2027/osu.32436001888922?urlappend=%3Bseq=203%3Bownerid=115275249-207>

³⁴ Doherty, 2012. The Manufacture, Use, and Supply of Chlorinated Solvents in the United States During World War II, Environmental Forensics, 13:1, 7-26

³⁵ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8907376945/Master_SMAF_14_NDAI.pdf

- 3) The Draft CAO oversimplifies the historical SEMCO data, and does not include some key applicable facts.
- As noted above in Comment 2, the Draft CAO does not adequately consider past solvent use, operations and liability for USTs related to the DOD and past Army Airfield operations and presence of hydrocarbon free product.
 - Draft CAO Item A17 references, *"increasing trends in groundwater waste concentrations"* to suggest that soil contamination is continuing to impact groundwater.; and Draft CAO Item A14 references shallow and deep groundwater results from three separate investigation phases over 45 years (1987 to 2022), each approximately 20 years apart with varying concentrations, sampling methods (developed wells vs possible grab samples), and depths ranging from 5 feet to 50 feet below ground surface (bgs). For example the Draft CAO reports TCE in shallow groundwater at 430,000 micrograms per liter (ug/L) from 1987 to 1991, 300 ug/L in 2003, and 350,000 ug/L in 2021/2022. Although there may be substantial variability in the groundwater data, given the sporadic nature of the past investigations and data availability an "increasing trend" may or may not be observed.
 - Draft CAO Item A18 states, *"Groundwater has historically flowed south to southeast in the shallow zone and south to southwest in the deep zone."* In the 1991 ERCE Report documenting installation of the deeper "DMW" monitoring wells, uncertainty was expressed about the deeper groundwater flow direction, which at the time was indicated as being towards the north.³⁶ A 2004 report by Everest Services Inc. prepared for Concha Investment for the SEMCO Facility indicates that deep monitoring well DMW-1 was abandoned and that all wells were re-surveyed, and the resurvey resulted in a change in reported top of casing elevations for wells DMW-2 through DMW-4 of between 2.24 and 2.29 feet relative to earlier elevations.³⁷ The 2021 most recent groundwater report for the SEMCO Facility³⁸ indicates that well DMW-3 could not be located and also that a previously undocumented well "DMW-5?" may exist.
 - In 2003, the RWQCB sent a letter to Chris Mathys of ORO Financial (owner of the SEMCO Property at the time), and indicated that, *"We were also reviewing the nearby Mafi-Trench site file and found that it was difficult to see any correlation between the groundwater potentiometric surface at the two nearby sites."*³⁹
 - Given the sporadic nature of the deeper groundwater level information, the substantial change in reference point elevations and the uncertainty over how many deep monitoring wells have existed/do exist at the SEMCO Facility, it is speculative as to what the applicable deeper groundwater flow directions have been.
- 4) Although the SEMCO Facility is a source of impacts to the subsurface, there is a potential co-mingling of different constituents; and, given the uncertain groundwater flow directions, the potential co-mingling of impacts from multiple sources.
- In 1990, the RWQCB documented the discovery by SEMCO's consultant of approximately 8.5 feet of free product on the water table at the SEMCO Facility.⁴⁰ Although at the time, the petroleum hydrocarbon fluids were attributed to being cutting oil intermixed with VOCs, there is no definitive documentation whether the petroleum hydrocarbons might have been from cutting oils, or other oil (possibly related to former

³⁶ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8375035166/GW_INVEST_DEEP-AUQ_PH2_APR1991.pdf

³⁷ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2973249673/2003%20third%20quarter%20monitoring%20report%20semco.pdf

³⁸ https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1012124121/SLT3S2411351.PDF

³⁹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2057216823/04-30-2004_LTR.pdf

⁴⁰ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1143435418/MEMO_INTERNAL_CAO89-070_18JAN1990.pdf

DOD/Army Airfield operations). The consultant for SEMCO in 1989 noted, “A vertical chemical variation within this free product plume appeared to be present during sampling. The portion of the free product located just above the water table in both wells appeared less viscous than the overlying portions of the free product found in SMW2, perhaps suggesting a difference in composition over the length of the free product column. In addition, the basal portion of the free product appeared to contain halocarbons.”⁴¹

- There is a clear factual change in SEMCO Facility operations^{42,43} where in numerous documents a transition from TCE to 1,1,1-TCA used for degreasing is noted in the 1980s. The presence of 1,4-dioxane associated with 1,1,1-TCA may present an important date/time indicator as to timing of discharges/masses released. The presence of 1,4-dioxane generally indicates some contribution/co-mingling with more recent solvent use/discharges/releases.
- Consultants for the Mafi Trench Site have asserted that the SEMCO Facility is the source of TCE detected in the on-Mafi Trench deep monitoring well; however, the Mafi Trench Site is due south of the SEMCO Facility, where as noted above, there is uncertainty on the deeper groundwater flow directions, indicating an incomplete understanding, or comingled contributions to the deeper groundwater bearing zone:
 - In a recent RWQCB summary of the Mafi Trench site online it is quoted that, “The groundwater flow direction within the perched groundwater zone is toward the west to southwest. During the operation of the remediation system the groundwater flow direction was reported to flow toward the northwest at times.” and “The regional aquifer groundwater flow direction is toward the west-northwest. Historical water well records indicate that groundwater within the regional aquifer fluctuates between approximate depths of 90 feet to 220 feet. Discontinuous zones of perched groundwater are known to exist within the Basin.”⁴⁴
 - In a report prepared by a consultant for the Mafi Trench entity; in spite of their estimated shallow and regional groundwater flows being to west/southwest, northwest, or west-northwest, “Padre concluded that the trichloroethene (TCE)-impacted groundwater within the regional aquifer beneath the Project Site is likely associated with the former SEMCO facility located 255 feet northeast of the Project Site (Padre, 2019). Therefore, continued monitoring of well DW-1 (deep, regional aquifer well) is not proposed as part of the Updated MRP.”⁴⁵
 - In a report by a consultant for Mafi Trench in 1991, boring B8, located east of the Mafi Trench site building detected 1,1,1-Trichloroethane (1,1,1-TCA), 1,1-dichloroethane (1,1-DCA) and Toluene, indicating impacts in a wide-spread area. The Mafi Trench Site also detected tetrachloroethylene (PCE) in groundwater.

⁴¹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5084904551/REPORT_SUBSURFACE-INVEST_PHASE2_DEC1989.pdf

⁴² https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7727129876/PURCHASE-CREDITS_SUMMARY_02AUG1988.pdf

⁴³ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7054533243/LEGAL_CORRESP_RECEIPTS_31MAR1988.pdf

⁴⁴ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7181836783/Mafi%20Groundwater%20Information%20-%20Case%20Information.pdf

⁴⁵ https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/2047083973/SLT3S0301290.PDF

- 5) As indicated in the two timelines below, the DOD and SEMCO both were owners and operators of the SEMCO Property and the challenges faced by the RWQCB in driving any meaningful remediation/investigation has resulted in current day greater costs and scope than if effective investigation/remediation had been realized in the 1980s/1990s.

o **OWNERSHIP:**⁴⁶

- <1942: Approximately 3,100 acres of land is acquired for the Army Airfield. Prior to the development of the airfield in 1942 the land was undeveloped and covered with brush and eucalyptus trees.
- 1942–1946: The Army Airfield was commissioned in 1942.
- 1946: The Army Airfield was placed on surplus property list.
- 1947: the County of Santa Barbara acquired the property by means of an interim permit issued by the War Assets Administration.
- February 1949: The Army Airfield was quitclaim deeded to the County of Santa Barbara and the City of Santa Maria, each with a one-half interest. Use of the former Army Airfield was restricted by deed to public airport purposes with a recapture clause, which was later removed.
- 1949-1964: The Santa Maria Public Airport was managed jointly by the City of Santa Maria and County of Santa Barbara.
- 1964: The City of Santa Maria and the County of Santa Barbara formed a district for the joint management of the former Army Airfield. The former Army Airfield was transferred to SMPAD in March 1964.
- 1947>1968, the SEMCO Property was leased to SEMCO for operations.
- May 1968: the SEMCO Property was sold by SMPAD to the Staffords. The Staffords owned the Property until 2001.
- 2001: The Staffords defaulted on their loan.
- August 2002: Ownership of the SEMCO Property was transferred to Oro Financial of California, Inc. as a partial payment of debts.
- December 2002: Ownership of the SEMCO Property was transferred to Concha Investments, Inc.
- June 2006: Ownership of the Property was transferred to Chris Mathys.
- May 2009: Ownership of the Property was transferred to Platino, LLC.
- August 2010: Ownership of the Property was transferred to Rhine L.P.⁴⁷

⁴⁶ Santa Maria Airport SMX, History (<http://www.santamariaairport.com/about-the-airport/history/>); Ruhge, J., Historic California Posts, Camps, Stations and Airfields – Santa Maria Army Air Field, (<https://www.militarymuseum.org/SantaMariaAAF.html>); Draft CAO: April 14, 2023; Department of the Army, No Department of Defense Actions Indicated (“NDAI”) at Former Santa Maria Army Airfield FUDS No. J09CA061901 (January 17, 2014).

⁴⁷ Email from Ana Melendez (State Water Resources Control Board) to Nicholas Mirman (Assemblymember) regarding November 10, 2022 letter (November 11, 2022).

○ **Post 1980-Environmental Timeline**

- 1980, threat of impacts to the subsurface from SEMCO operations identified by the RWQCB, with no mention of degreasing or potential VOC discharges/impacts (Attachment 1.1).⁴⁸
- 1985, RWQCB first involvement with SEMCO associated with solvents/VOCs.⁴⁹
- 1987, first RWQCB CAO.⁵⁰
- 1988, RWQCB concerns are expressed as, “contamination found at the Semco site is not minor” ... “[t]hese high concentrations pose a significant threat to water quality”.⁵¹
- 1989, second RWQCB CAO,⁵² with subsequent letter by the RWQCB stating, “Continued delays in cleanup will only allow the organic contaminant plumes to spread, and the cost of cleanup to increase.”⁵³
- 1993, a staff report for a RWQCB Board meeting stated,⁵⁴ “It is apparent from review of the files there has been a great deal of “foot dragging” and denial of responsibility by SEMCO. Apparently, SEMCO is still denying its responsibility in spite of the overwhelming evidence they are the source.

Basically, six years have been spent assessing the extent of contamination at this site. It has been eight years since the problem was first discovered. The shallow ground water zone dewatering system was constructed and operated for one month, June 1992.

The treatment system's carbon canister fouled (with what, is unknown at this time) and the system was shut down.” ...

“Semco missed a unique opportunity (toward the end of a drought) to dewater the shallow perched ground water zone and remove the solvents and cutting oil. The winter rains have likely increased the amount of water in the shallow zone to be removed and caused more vertical migration of solvents and lateral spreading of cutting oil (leading to more expense for Semco to assess and remediate)”.

- In 1994, the California Department of Toxic Substances Control (DTSC) issued an Imminent and Substantial Endangerment Determination.⁵⁵
- In 2010, a RWQCB review of the SEMCO file the RWQCB stated,⁵⁶ “The SEMCO case has been active for 20-25 years, yet site soil, shallow groundwater and deeper supply aquifer groundwater remain significantly impacted primarily by hundreds ppb (and higher) solvents and TPH (and most recently, free product), the full spatial extent of pollution is unknown, the pollution appears to be worsening in some respects, Board orders are not being complied with, and there has been no environmental progress, or activity, on the case since 2003.” and “Therefore, pursuant to existing Board orders, this case must be advanced to complete plume definition and remediation. Before commencing additional plume definition and

⁴⁸ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4504290521/STAFF-LTR_CA-REQ_20AUG1980.pdf

⁴⁹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4504272282/PHONE_LOGS_RB3_1985-1988.pdf and https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9924794077/MEMO_TCE_27AUG1985.pdf

⁵⁰ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7741810679/CAO_87-188_25SEPT1987.pdf

⁵¹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3204609513/NOV_WP-INCOMPLETE_03AUG1988.pdf

⁵² https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6005554020/LTR_REVIEW_01MAR1989.pdf

⁵³ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/1251357853/LTR_CLEANUP_26JULY1989.pdf

⁵⁴ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6184140861/1993_feb12_Item5_BoardMinutes.pdf

⁵⁵ https://www.envirostor.dtsc.ca.gov/geifile?filename=/public%2Fdeliverable_documents%2F1906339883%2Fsemco%20twist%20and%20drill%20is%26E.pdf

⁵⁶ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5560470402/10-10%20Case%20Summary.pdf

remediation, all existing monitoring devices should be monitored and sampled to indicate current conditions.”

- In 2014, a subsequent RWQCB review stated,⁵⁷ *“The SEMCO case has been active for 20-25 years, yet site soil, shallow groundwater and deeper supply aquifer groundwater remain significantly impacted primarily by hundreds ppb (and higher) solvents and TPH (and most recently, free product), the full spatial extent of pollution is unknown, the pollution appears to be worsening in some respects, Board orders are not being complied with, and there has been no environmental progress, or activity, on the case since 2003.”*
- 6) As a summary of the timelines, in terms of the ownership of and operations at the former SEMCO Property and the SMPAD:
- As noted throughout this letter, the SMPAD is not a discharger.
 - Semco was an operator from 1947>>2001 (for 54 years), and owner/operator from 1968>2001 (33 years)
 - The DOD was an operator and owner from ~1942>1947 (Owner & Operator [~5 years]), and accepted responsibility for their old tanks in the 1980s/1990s, including VOC wastes.
 - The City/County owned and/or controlled the Property from 1947>1964 (17 years)
 - Other entities owned and/or operated between 2001>2023 (22 years)

Please let us, or the SMPAD know if you would like to discuss these comments on the Draft CAO.

Sincerely,



Jon Rohrer, P.G., C.Hg.
Principal Hydrogeologist



Peter Shimer, P.G.
Senior Geologist

Attachments:

cc:

Joshua George
Groveland Hiete

⁵⁷ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8230578362/CASE_STATUS_JAN2014.pdf

ATTACHMENTS (in addition to in-text citations)

1. Supporting Documentation that SMPAD is not a Discharger
 - 1.1: 1980 RWQCB Inspection of SEMCO, with notation of illegal brine disposal/percolation AND potential threat to groundwater, with **NO** mention of degreasing and/or solvents
 - 1.2: 1969 City of Santa Maria Community Development Department Record of SEMCO development proposal
 - 1.3: 1972, Hazardous Waste Control Act (HWCA) Article
 - 1.4: 1971, HWCA Article

2. Supporting Information RE DOD Impacts and the Army Airfield Operations
 - 2.1: 2019 Mafi Trench Site Diagram (Padre, Plate 3, showing “Former Air Base Lube Oil Pump House”)
 - 2.2: 1945 Santa Maria Times Article RE Santa Maria Army Airfield Closing and Jet Training
 - 2.3: Excerpts from Bell P-59 Aeracomet book illustrating 1945 jet operations at the Santa Maria Army Airfield (Citation: Pace, photos by Lionel Paul)

Technical Comments on Behalf of the Santa Maria Public Airport District on the SEMCO Draft Cleanup and Abatement Order

ATTACHMENTS

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**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 1.1

1980 RWQCB Inspection of SEMCO, with notation of illegal brine disposal/percolation AND potential threat to groundwater, with NO mention of degreasing and/or solvents

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL COAST REGION1102 A LAUREL LANE
SAN LUIS OBISPO, CALIFORNIA 93401
(805) 549-3147

August 20, 1980

Semco Twist Drill & Tool Co., Inc.
2936 Industrial Parkway
Santa Maria, CA 93454Attention: Mr. Art Johnson,
Chief Metallurgist

Gentlemen:

On August 11, 1980, Mr. Ron Sherer of my staff inspected your facilities in Santa Maria, California. It was found that you were illegally discharging salt brines to the ground where it was allowed to percolate. This letter will confirm the discussion that took place between Mr. Sherer and Mr. Art Johnson of Semco Inc. during the inspection.

The Porter-Cologne Water Quality Control Act gives this Board the responsibility and the authority to protect ground and surface water quality of the Central Coast Region. Discharges of the type noted during the August 11, 1980 inspection is or threatens to degrade the ground water located below the site. Therefore, according to section 13304 of the Porter-Cologne Act, you are directed to immediately cease discharging wastes that may adversely affect state waters.

Mr. Johnson stated that sealed evaporation ponds or some other type of containment structures would be constructed to control the waste. You are requested to submit a report outlining the corrective action taken and, if appropriate, a timetable for implementing any additional work that may be needed to bring your facilities into compliance with state law. The report should be received in this office by September 9, 1980.

As discussed during the inspection, the salt residue in the existing percolation pit has to be removed and properly disposed of at a Class I disposal site.

If you have any questions concerning the authority of this Board or this letter, please contact Ron Sherer or William Meece at this office.

Very truly yours,

KENNETH R. JONES
Executive Officer

RHS:bf

bcc: City of Santa Maria, Ben Middleton

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 1.2

1969 City of Santa Maria Community Development Department
Record of SEMCO development proposal

Santa Maria Feb

Z-69-10 S.E.M. CO., INC.

Manufacturing plant in PC District,
2936 Industrial Parkway

November 19, 1969

EXHIBIT A

This proposal is to allow an amendment to the development plan for a PC (Planned Community) District which was originally approved under Z-68-22 for property located at the Santa Maria Public Airport, including portions of Skyway Industrial Park, Tract No. 5011.

The City Code sets forth that the PC Land Use District is designed to accommodate various types of development, including industrial development, providing the development is accomplished in such a manner as to be made compatible and appropriately a part of a planned unit development, and having consideration for the existing and proposed land uses in the area.

The Planned Community zoning of this airport property will allow the proposed industrial use to be conducted upon the property, providing it has the ability to meet City standards relative to vibration, smoke emission, air pollution, sound, odor, etc. The City's performance standards appear in Division 5 of Article V of Chapter 10 of the City Code.

S.E.M. CO. is a light industrial concern engaged in the manufacture of cutting tools which are shipped out of town to large firms. No products are sold locally.

The tools are light in relation to their cost, and therefore are shipped mainly by truck or airplane. Shipments are made once daily in the afternoon.

The tools are completely manufactured in the plant. No outside storage is proposed. The only new material used is steel, which is received from steel mills monthly. Incoming freight is minimal. If a change in the method of operation were proposed in the future to provide for outside storage or any other outside activity, it would be required to be screened from view from public streets and other public ways by the construction of a durable screening fence of cyclone steel with slats or a concrete block wall at least six feet in height.

The applicant states that the production does not cause any waste that must be disposed of, nor does it produce any toxic fumes in the air. If there is to be any discharge of waste into the city sewer system in the future, said discharge shall be in accordance with the requirements of the Public Works Department.

The manufacturing plant employs approximately 125 persons at the present time. It is anticipated that the number of employees will increase to approximately 300 persons within the next five years.

After occupying the new facilities, the present buildings will be demolished. This demolition is scheduled to take place during the summer of 1971.

RECEIVED
NOV 26 1969
SANTA MARIA PUBLIC
AIRPORT

The industrial development of this portion of the airport is in conformance with the adopted elements of the General Plan. The public facilities have been required under the subdivision procedure to accommodate industrial development. A railroad spur borders the rear property line.

The specific development proposed under this application is described on the following exhibits:

Exhibit B - Vicinity Map

This exhibit shows the location of the parcel which is to contain the proposed manufacturing plant on the east side of Industrial Parkway.

Exhibit C - Plot Plan

This exhibit shows the location of the building on the property. The building will contain 40,032 square feet and set back approximately 35 feet from Industrial Parkway. A utility vault is shown in front of the building. The size of the vault enclosure is approximately 20 feet in length by 6 feet in width. It is recognized that the size may be slightly different from this precise measurement, and in this event, the final size of the vault enclosure shall be approved by the Community Development Department.

The utility vault enclosure is set back approximately 9 feet from Industrial Parkway. The vault is designed also to serve as a base for the company's identification sign.

The original Planned Community development plan for this property requires that front yard setbacks shall be commensurate with the existing and established setbacks of the development in the area, but in no case shall a structure be built so as to encroach closer than 25 feet to the front property line.

The pad mounted transformer, the gas service meter, and the sign are items that would be permitted within the front setback area. Since this development proposes to locate both of the service meters within the slumpstone utility vault enclosure, and proposes this enclosure to serve as a base for the sign, it is felt that the proposal meets the requirements of the original development plan.

The rear portion of the lot as well as a part of the frontage on each side of the lot, is shown as being undeveloped. Buildings which are existing on the rear will be demolished by a date in 1971 specified in the developer's agreement with the Santa Maria Public Airport District. The present facility, which is located in one of these buildings, will remain in operation during the construction period, and then will be moved gradually into the new building. The remainder of the lot will be held for future expansion, although there are no present plans.

Any future expansion or other development of the property will be required to be approved by the Airport-City Development Committee and by the City and will be considered to be an amendment to this development plan.

The off-street parking area is located on the north side of the building, with additional spaces provided for visitors and executive parking along the west side of the building in the front.

The PC zoning states that parking will be required based on whichever one of the following formulas results in the greater number of off-street parking spaces:

(a) One space for each 2,000 square feet of gross building area, plus one space for each 2,000 square feet of area outside a building used for the processing or manufacturing associated with the proposed use, plus adequate spaces for visitor parking and for company and service vehicles; OR

(b) Two spaces for each three employees, based on the maximum number of employees working on any one shift, plus adequate spaces for visitor parking and for company and service vehicles.

Formula (b) would be used in this instance, as it is the formula that results in the greater number of parking spaces. Based on this formula, and the applicant's statement that 65 is the maximum number of employees working on any one shift, the total of 90 parking spaces shown on the plan will meet the parking requirement.

At the time of any future development, the parking situation would again be reviewed, and parking would be required for the total development based on the formulas given above or any amendment thereto.

The parking spaces and access areas shall be blacktopped, double striped and bumpered in accordance with city parking standards.

The plot plan now submitted is in too small a scale to precisely check the measurements of the individual parking spaces; therefore, a plan in a larger scale will be required. This plan shall show the dimension of all parking spaces, and the placement of the bumpers and the double striping, and shall be submitted to the Community Development Department prior to the issuance of the building permit. This plan may be accomplished in connection with the landscape plan, if desired.

The parking plan shall be implemented substantially as approved prior to occupancy, or a bond shall be posted to guarantee the implementation of the parking plan immediately after occupancy.

This exhibit also shows the areas on the site that are proposed to be landscaped. A precise landscape plan, showing the size and species of plants and the facilities for irrigation, will be required to be submitted to and approved by the Planning Commission prior to the issuance of the building permit. This plan shall show the location of the existing street trees. The landscaping shall be implemented substantially as approved prior to occupancy, or a bond shall be posted to guarantee the implementation of the landscape plan immediately after occupancy.

All public and private landscaping areas shall meet the requirements of the Recreation and Parks Department, and shall be permanently maintained with healthy, growing plant material, relatively free from weeds. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of portland cement concrete or plant-mix asphaltic concrete curbing.

Exhibit D - Elevation Plans

This exhibit shows the architectural features of the building.

The over-all height of the building is shown to be 20 feet. The exterior of the building will be steel in varying shades of gold, for the north, east and south elevations, and a portion of the west elevation. The projecting office portion of the west elevation will be blue. The north and south elevations each contain a single overhead door; the east elevation contains five overhead doors.

The utility vault enclosure is proposed to be slumpstone on three sides, and open to the rear with screening, and will have a metal cover. The total height of the structure is shown to be 7 feet. This height may be increased slightly, and in this event, the final height of the vault enclosure shall be approved by the Community Development Department.

The utility vault and enclosure shall be constructed in accordance with the specifications and meeting the requirements of the Pacific Gas and Electric Company and the Southern Counties Gas Company.

The applicant states that construction is scheduled to begin in March of 1970, with completion scheduled for March of 1971.

The location of the trash container area shall be surfaced in concrete and shall be approved by the Public Works Department.

Any signs shall meet the requirements of the City Sign Code, and a sign permit is required.

Public improvements, where lacking, shall be accomplished under the subdivision requirements of Skyway Industrial Park, Tract No. 5011.

All surface drainage shall be handled in accordance with the requirements of the Public Works Department; any drainage discharged into Industrial Parkway shall be directed to one or more sumps upon the property and then drain through pipes through the curb to the public right-of-way in accordance with specifications of the Public Works Department.

A grading and drainage plan for the lot shall be submitted to and approved by the Public Works Department.

All public utility services, including electrical, telephone and community television antenna services, shall be placed underground in accordance with city requirements.

A drainage fee of \$500 per acre will be required to be paid in accordance with the requirements of the Santa Barbara County Flood Control District prior to the issuance of the building permit. If the fee has been paid, a letter from the Flood Control District stating this fact shall be submitted.

The storage of oil and any other flammable materials shall meet the requirements of the Fire Department.



CITY OF
SANTA MARIA

LaVonne McGee

COMMUNITY DEVELOPMENT DEPARTMENT

even

J. W. ABRAHAM, DIRECTOR

P. O. Box 1189
WALNUT 5-0951

Mr Berry -

Tacked is Exhibit A for
same subject contains the
amended page 3 re parking -

km

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 1.3

1972, Hazardous Waste Control Act (HWCA) Article

Industrial Waste Bill Is Now Law

SACRAMENTO (UPI) — Gov. Ronald Reagan has signed a bill requiring the state Department of Public Health to adopt regulations for handling and disposing of hazardous industrial waste.

The bill by Assemblyman John F. Dunlap, D-Napa, also requires the department to prepare a list of hazardous waste substances generated in the state.

By placing new controls on industry's handling of waste, Dunlap said, he hopes "it will become more advantageous to recycle rather than to simply abandon such substances in the nearest dump where the volatile substances are apt to spread into the community."

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 1.4

1971, HWCA Article

Assembly Okays Bill Controlling Toxic Wastes

SACRAMENTO — Legislation prohibiting the release of wastes hazardous to human health was approved overwhelmingly by the Assembly this week. Assembly Bill 2914 by Assemblyman John F. Dunlap (D-Napa, Solano) is designed to encourage recycling of industrial waste material.

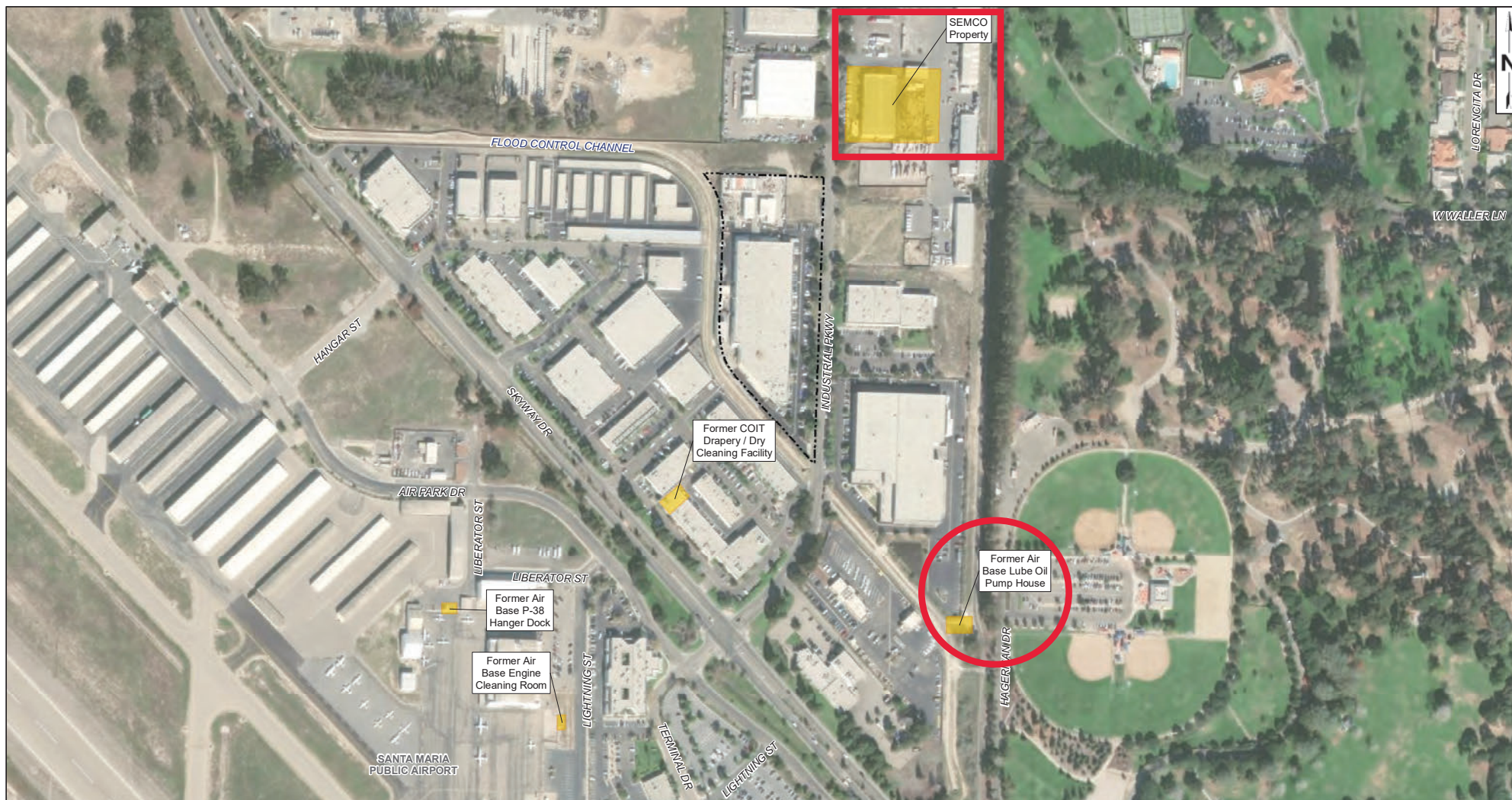
Dunlap said, "The major purpose of this bill is to prevent the spread of certain hazardous wastes through the atmosphere. The state Regional Quality Control Boards are basically doing a good job of preventing contamination of water. Certain volatile substances are, however, being disposed in open air dumps with insufficient supervision and control to prevent the possibility of creating serious risks of injury or disease to human and animal life."

The bill amends the Health and Safety Code to require that such toxics be stored in closed containers or be recycled. It further requires that manufacturers and transporters of industrial waste file a report describing the effluents stored or transported.

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 2.1

2019 Mafi Trench Site Diagram (Padres, Plate 3, showing “Former Air
Base Lube Oil Pump House”)



LEGEND

- PROPERTY BOUNDARY LINE
- POTENTIAL SOURCES OF CHLORINATED VOCs


NOTES:

1. DATA SOURCES: SANTA BARBARA COUNTY ASSESSOR, ESRI ONLINE BASEMAP (DIGITALGLOBE 11/2016)
2. COORDINATE SYSTEM: NAD 1983 STATEPLANE CALIFORNIA V FIPS 0405 FEET
3. VOCs = VOLATILE ORGANIC COMPOUNDS
4. THIS MAP WAS CREATED FOR INFORMATIONAL AND DISPLAY PURPOSES ONLY.



 padre associates, inc. ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS	PROJECT NAME: EFT Enterprises, L.P. 3037 Industrial Park Way City of Santa Maria, Santa Barbara County, CA		SITE PLAN SHOWING POTENTIAL SOURCES OF CHLORINATED VOCs	PLATE 3
	PROJECT NUMBER: 1801-3361	DATE: December 2018		



 ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

SITE CONCEPTUAL MODEL

**3037 INDUSTRIAL PARKWAY
SANTA MARIA, SANTA BARBARA COUNTY, CALIFORNIA
(GLOBAL ID NO. SLT3S0301290)**

Prepared for:
EFT Enterprises, L.P.

January 2019

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 2.2

1945 Santa Maria Times, Article RE Santa Maria Army Airfield Closing
and Jet Training

Santa Maria Daily Times

A NEWSPAPER DEDICATED TO THE INTERESTS OF THE SANTA MARIA VALLEY

VOLUME 64 (26 Years a Daily)
SANTA MARIA, CALIFORNIA, THURSDAY, OCTOBER 25, 1945
NUMBER 157

THE WEATHER
Clear tonight and Friday. Not quite so warm on Friday.
TEMPERATURE TODAY
High 85 Low 45
RAINFALL
This season .02 Last season .10

WAR AIRFIELD CLOSING

12,000,000 Get Tax Freedom On 1946 Income

House and Senate Seek Compromise Over Differences

WASHINGTON — (AP) — The 1946 tax reduction bill reached its final congressional stage today with at least 12,000,000 present taxpayers guaranteed that they will owe nothing next year.

The bill went to a Senate-House conference with both sides agreed to permit individual exemptions to that extent. They also were agreed upon repeal of the 85-year automobile use tax and freezing the social security payroll tax at one per cent each on employer and employee for another year.

The conferees faced the task of compromising other differences between the \$3,788,000,000 measure approved by the Senate yesterday and the \$3,350,000,000 bill passed by the House two weeks ago.

These differences include:

1. The amount of relief to be allowed 36,000,000 individuals remaining on the tax rolls.
2. Whether to repeal the excess profits tax on corporations effective Dec. 31 or continue it at a reduced rate for another year.
3. Whether to set July 1, 1946 for the end of war-time increases in excise taxes which affect such items as jewelry, furs, liquor, railroad tickets and theater admissions.
4. Whether to provide special tax benefits for veterans.

There was only a little difference between the Senate and House on the amount of relief to be granted to individual income taxpayers.

Typical Cases

In either case a man and wife with no children would owe nothing on income up to \$1,000 a year. A couple with two children would owe nothing on earnings up to \$2,500. This was part of the program under which 12,000,000 taxpayers would be let off the rolls.

Both houses also provided some relief for the remaining 36,000,000 taxpayers. The Senate bill, however, would give more relief to those in the \$4,000-to-\$6,000 bracket than the House bill. Treasury experts said there are about 32,000,000 taxpayers in those brackets and only about 4,000,000 in the higher categories.

The big difference was on corporation taxes.

The Senate voted to repeal the excess profits tax on corporations effective Dec. 31. This would save corporations an estimated \$2,555,000,000 next year.

The House also voted, and the Senate rejected, a cut in the tax rate on "normal" corporation profits. The Senate did approve, however, other cuts in corporation taxes designed particularly for the benefit of small business.

Shipyard Strike At Moore Yards In Oakland Ends

Machinists Leave Jobs in Dispute Over Pay Increase

By United Press

AFL machinists went on strike today at the San Leandro, Cal., plant of the Caterpillar Tractor Company while a one-day "quickie" walkout ended at the Moore Drydocks at Oakland.

Seven hundred and fifty members of Machinists Lodge 284 walked off their jobs at the San Leandro factory, forcing the plant to close. A picket line was organized to back demands for a 35-per cent pay increase and closed shop contract, officials said. A strike vote had been taken yesterday.

At the Moore yards, union officials said the walkout, touched off by a jurisdictional dispute between AFL riggers and sailors, was unauthorized. They instructed all craftsmen to return to work.

Lumber Strike Continues

The strike of 60,000 Pacific northwest lumber workers continued as a major industrial disturbance on the west coast.

Following were the latest developments in the Pacific coast labor sector:

Shipyard's—Approximately 1,500 members of the AFL riggers' union, who walked out yesterday after a jurisdictional dispute with the AFL Sailors Union of the Pacific over which union should handle lines on decommissioned ships, returned to work today.

Edward Ryan, business agent of the boilermakers union, announced there was "no strike and no picketing" and told workers who showed up for the 7:30 a. m. shift to go to their jobs.

Machinists Still Out

A company spokesman said riggers, welders, burners, and pipefitters had returned but a number of CIO machinists still were absent. Ryan said riggers would work on all ships other than the two which have been tied up since Monday on a jurisdictional dispute.

Local 1304 of the CIO machinists in the East Bay planned to strike against shipyards and machine shops Monday. The CIO men may be joined in San Francisco by the AFL machinists Lodge 68, although Harvey Brown, international president of the AFL machinists, said in New York that Lodge 68 did not have international strike sanction. The San Francisco labor council was to meet tomorrow night to discuss supporting the machinists. The two unions seek a 30 per cent wage increase.

War Department Says Activity Ends Dec. 31

Santa Maria Army Air Field will be "temporarily inactivated" by the end of this year, according to a War Department announcement received by Col. Barton M. Russell, field commanding officer, this morning.

The directive, issued by the War Department bureau of public relations, read:

"You are authorized to announce the temporary inactivation of Santa Maria Army Air Field, Santa Maria, Calif., on or about December 31, 1945."

Commander's Statement

Col. Russell immediately issued the following statement:

"Public relations has received an announcement of deactivation of Santa Maria Army Air Field as of Dec. 31, 1945.

"No immediate announcements have been made as to plans for deactivation or as to date that sections on the field may discontinue operations.

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The latter part of March, 1944, Col. Ralph A. Staveland became commanding officer, remaining here two days at which time, on April 1, 1944, Col. Richard Granger replaced him. Col. Granger served until the latter part of December 1944 when Col. Barton Russell, the present commanding officer, assumed command of the field.

Trained Jet Pilots

Recently the field switched from the training of P-38 pilots to P-51 instruction. Jet training has also been carried on here recently the field being one of few in the United States training in jet propellant motors.

In a talk to pickets, Sorrell said one reason for the continued strike at the studio was a demand of

YOU TOO CAN GIVE



WAR CHEST

FOR OUR BOYS... OUR OWN OF HOME... OUR ALLIES

OPA Cuts Ration Points On Butter, Oils, Lard

WASHINGTON — (AP) — Ration value of butter, margarine, lard shortening and oils were reduced by the OPA today from 12 to eight points a pound for the rationing period beginning Sunday.

Ration values of all meat will remain the same during the Oct. 28-Dec. 1 period, except for a four-to-three point reduction on seven fatty cuts of pork. The pork cuts include fat backs and clear plates, from 10 to 8 points a pound; jowl, from 7 to 4; regular plates, from 10 to 6; bacon jowl, from 7 to 4; dry cure jowls, from 6 to 3; and barbecued pork, from 10 to 8.

OPA said it was reducing point values on butter, fats and oils because 12 per cent more butter and 39 per cent more lard would be available for civilians next month, largely because of large supplies released by the armed forces.

Butter Price Rises

Butter prices go up five to six cents a pound Nov. 8 as result of termination of government subsidies.

OPA Chief Chester Bowles said there would be 19 per cent less beef next month than during October. There also will be less veal and lamb, but a 41 per cent increase in the supply of pork will make the over-all meat supply about the same as this month, heavy casualties.

"Up to this time, therefore," Bowles said, "overall meat supplies do not permit the end of rationing."

OPA also validated five new ration stamps of 10 points, effective Nov. 1.

Because there are only four red stamps left in war ration book four—Q1, X1, Y1 and Z1—green stamp NR, the top-right stamp on the last sheet of book four will be used. They will be good until Feb. 28.

New Car Goes On Display Here

The new car was displayed today at the Santa Maria High School. It was a 1945 model and was the first of its kind to be shown in the city.

Damage Widespread As Jap Munition Depot Explodes

TOKYO — (AP) — Eight hundred to 1,000 tons of Japanese mines, shells and torpedoes blew up on the Kiriham Peninsula below Tokyo today, causing widespread damage and possibly heavy casualties.

The ammunition was being moved by Japanese from storage caves to wharves for disposal under supervision of the American 316th Ordnance Munition Squadron.

Traffic Citation

Clarence Oscar Johnson, who was issued a traffic citation Oct. 18 charging him with passing an unloading school bus, was fined \$7.50 by Judge Marion Smith.

Japanese Diplomats Ordered Recalled

The Japanese government has ordered the recall of its diplomats from several countries in response to the recent military actions in the Pacific.

Farm Family Sets National Record

Only a few of California's Future Farmers of America are selected each year for the "State Farmer" award, and less than 200 of the quarter-million FFA in the nation ever reach the "American Farmer" honor annually. Yet, last month, all seven of the sons of Henry Giacomini of Humboldt county had achieved the highest state honor, and four had gone on to the top national award. Top picture, left to right, are father Henry, then John, Eugene, Edwin, Ernest, Harold and Mrs. Giacomini; below, Joe and Don, both in the naval air service. Every son has a large dairy enterprise.

Santa Marians Invited To Navy Day Ceremonies In Hueneome on Saturday

After four years of hard and bitter fighting the United States Navy Saturday, October 27, lets down its wartime security barriers and, in celebration of Navy Day 1945, invites the people of the Santa Maria area to inspect the great naval installations and ships which contributed to final victory.

For the first time since its construction, the huge U. S. Navy base at Port Hueneome will be thrown open to the public as a part of the county-wide Navy Day observance.

Conducted Tours

In a conducted tour of the base, the public will see the immense advance base depot, from which the Navy shipped almost all of the equipment used to build and maintain bases on the islands and atolls along the road to Japan.

When the war ended the base was completing its stock of materials for the invasion of Japan and the China Coast and vast stock piles of invasion equipment, from bulldozers and giant trucks to jeeps and building materials, will be seen on the tour of the naval activities.

To show the people of this area

Movie Strike Ends But Pickets Still Besiege Warner Lot

HOLLYWOOD — (AP) — The 33-week-old movie strike was ended but 1,200 pickets today besieged Warner Bros. studios in what Strike Leader Herbert Sorrell referred to only as a "little beef."

In a talk to pickets, Sorrell said one reason for the continued strike at the studio was a demand of

War Department Says Activity Ends Dec. 31

Santa Maria Army Air Field will be "temporarily inactivated" by the end of this year, according to a War Department announcement received by Col. Barton M. Russell, field commanding officer, this morning.

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The directive, issued by the War Department bureau of public relations, read:

"You are authorized to announce the temporary inactivation of Santa Maria Army Air Field, Santa Maria, Calif., on or about December 31, 1945."

Commander's Statement

Col. Russell immediately issued the following statement:

"Public relations has received an announcement of deactivation of Santa Maria Army Air Field as of Dec. 31, 1945.

"No immediate announcements have been made as to plans for deactivation or as to date that sections on the field may discontinue operations.

"It is desired that all employees cooperate with this command by continuing at their jobs until such time and details and plans are announced, as announcement of such plans may affect continued employment of a number of people."

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Col. John S. Chennault, son
of Maj. Gen. Claire Chennault,
former commander of the 14th

Continued on Page 8, Col. 3

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Air Field Closing Set For Year's End

Continued from Page 1

Air Force and of the Flying Tigers, was at one time stationed on the field.

The first contingent of Wacs arrived on the field the final week of August, 1944, commanded by Lieut Mary E. Linton.

The first wedding performed in the Air Field Chapel was that of Miss Lee Porter and Lieut. Edward Roed, postal officer and theater officer, on April 10, 1943. Latter he became field public relations officer.

**Technical Comments on Behalf of the Santa Maria Public Airport District on
the SEMCO Draft Cleanup and Abatement Order**

ATTACHMENT 2.3

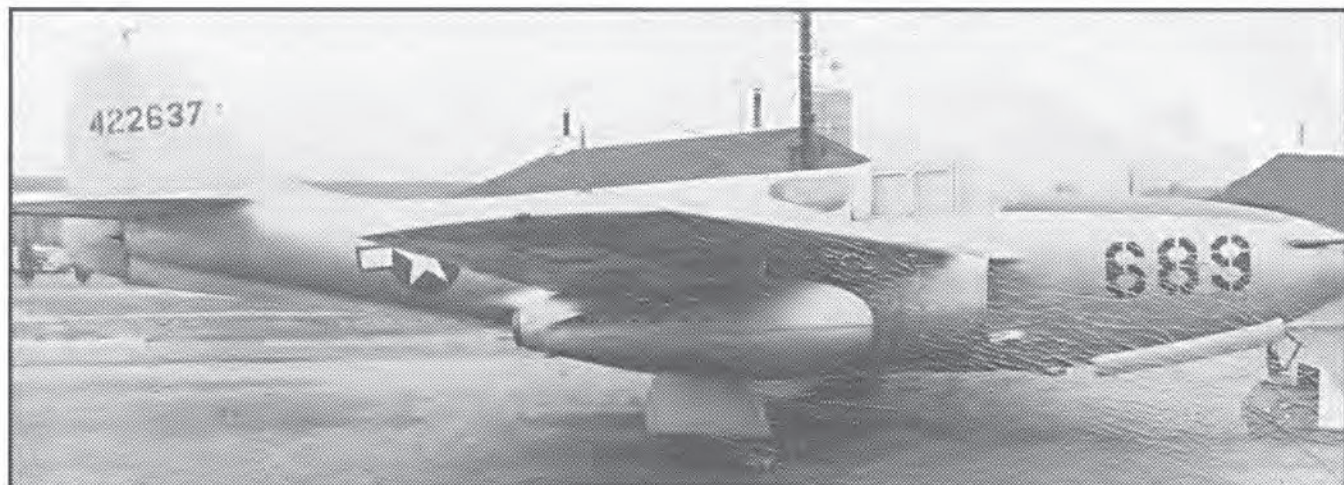
Excerpts from Bell P-59 Aeracomet book illustrating 1945 jet operations at
the Santa Maria Army Airfield (Citation: Pace, photos by Lionel Paul)



were all gone - the 412th having completed its transition to P-80s Shooting Stars.

The plane's drawbacks could not be minimized, however. Not only had the Airacomet proved sluggish in performance – contemporary piston-powered and propeller-driven fighters literally flew circles around it – it was also unstable at high yaw angles, which required vigorous rudder correction. The aircraft had a tendency to snake, another characteristic of early jets. It therefore was not suited for combat. Being too slow and too

Above, the 13th P-59B 44-22641 runs up the left engine at twilight, making it look like it had an afterburner, at Santa Maria, California, on 28 May 1945. The exhaust flame, looking like a comet's tail, led to the aircraft's official name - Airacomet. (AFFTC/HO) **Below**, P-59B-1-BE 44-22637 at Santa Maria in 1945. (via Lionel Paul)



Santa Maria Airport California Tiger Salamander Take Settlement

Determining the Airports Impacts

Using a GIS tool based on the Searcy model (Searcy and Shaffer 2008), we used known and potential California tiger salamander breeding ponds to calculate the loss of reproductive value to the species from the unpermitted conversion of 435 acres of upland habitat on the Santa Maria Airport (Airport) property. The reproductive value of the upland habitat lost was 133,661. In addition to the impacts to California tiger salamander upland habitat, a known breeding pond, SAMA 10, was destroyed during the habitat conversion.

When take occurs under an incidental take permit, impacts are first avoided and minimized and then mitigation is used to offset unavoidable impacts to a species or its habitat that result from the permitted activities. Mitigation also is provided prior to the impacts to prevent any temporal loss to the species. In this case unpermitted take and habitat conversion occurred without implementation of avoidance and minimize measures resulting higher levels of take than would have occurred from permitted activities. The impacts also resulted in a temporal loss to the species because mitigation was not implemented prior to the impacts. Therefore, we propose that the reproductive value be replaced at 2:1 ratio to offset their impacts, meaning the mitigation option must provide a reproductive value of 267,322 offset the take of California tiger salamanders and unpermitted conversion of California tiger salamander upland habitat.

We did not use reproductive value to quantify the loss of a breeding pond. Instead, using the same 2:1 ratio, the loss of a breeding pond must be mitigated by the creation of 2 California tiger salamander breeding ponds.

Settlement Options

In this document we propose and discuss several different options to mitigate the unpermitted impacts that occurred on the Airport property.

Our proposals are consistent with the Service's recently revised mitigation policy (Service 2023) which establishes fundamental mitigation principles and provides a framework for applying a landscape-scale approach to achieve a no net loss of resources and their values, services, and functions resulting from actions impacting listed species.

The primary intent of the revised mitigation policy is to apply mitigation in a strategic manner that ensures an effective linkage with conservation strategies at appropriate landscape scales. This is accomplished by considering the following factors when developing mitigation proposals:

Effective Siting: The Service prefers compensatory mitigation sites in locations already identified in landscape scale conservation plans or mitigation strategies that will meet conservation objectives and provide the greatest long-term benefit to the listed, proposed,

and at-risk species. The Service will also rely upon existing conservation plans that incorporate the best available scientific information, consider climate change adaptation, and contain specific objectives aimed at the biological needs of the affected resources. When conservation plans incorporating all these elements are unavailable or outdated, Service personnel will incorporate the best available science into mitigation siting decisions and recommendations.

Use of Reliable and Consistent Metrics: Metrics that measure ecological functions or services at compensatory mitigation sites and impact sites should be science-based, quantifiable, consistent, repeatable, and related to the conservation goals for the species. These metrics may be species- or habitat-based. Metrics used to calculate credits generally should be the same as those used to calculate debits for the same species or habitat type, including consistent use of baseline conditions. If they are not the same, the relationship (conversion) between credits and debits must be transparent and scientifically defensible. Metrics must account for duration of the impact, temporal loss to the species, management of risk associated with compensatory mitigation, and other such measures.

Strategically Sited Compensatory Mitigation: The Service will give preference to compensatory mitigation projects sited within the boundaries of priority conservation areas identified in existing landscape scale conservation plans as described in the Service's Mitigation Policy. We may identify conservation areas for listed species in documents such as species status assessments, recovery plans and outlines, and 5-year reviews.

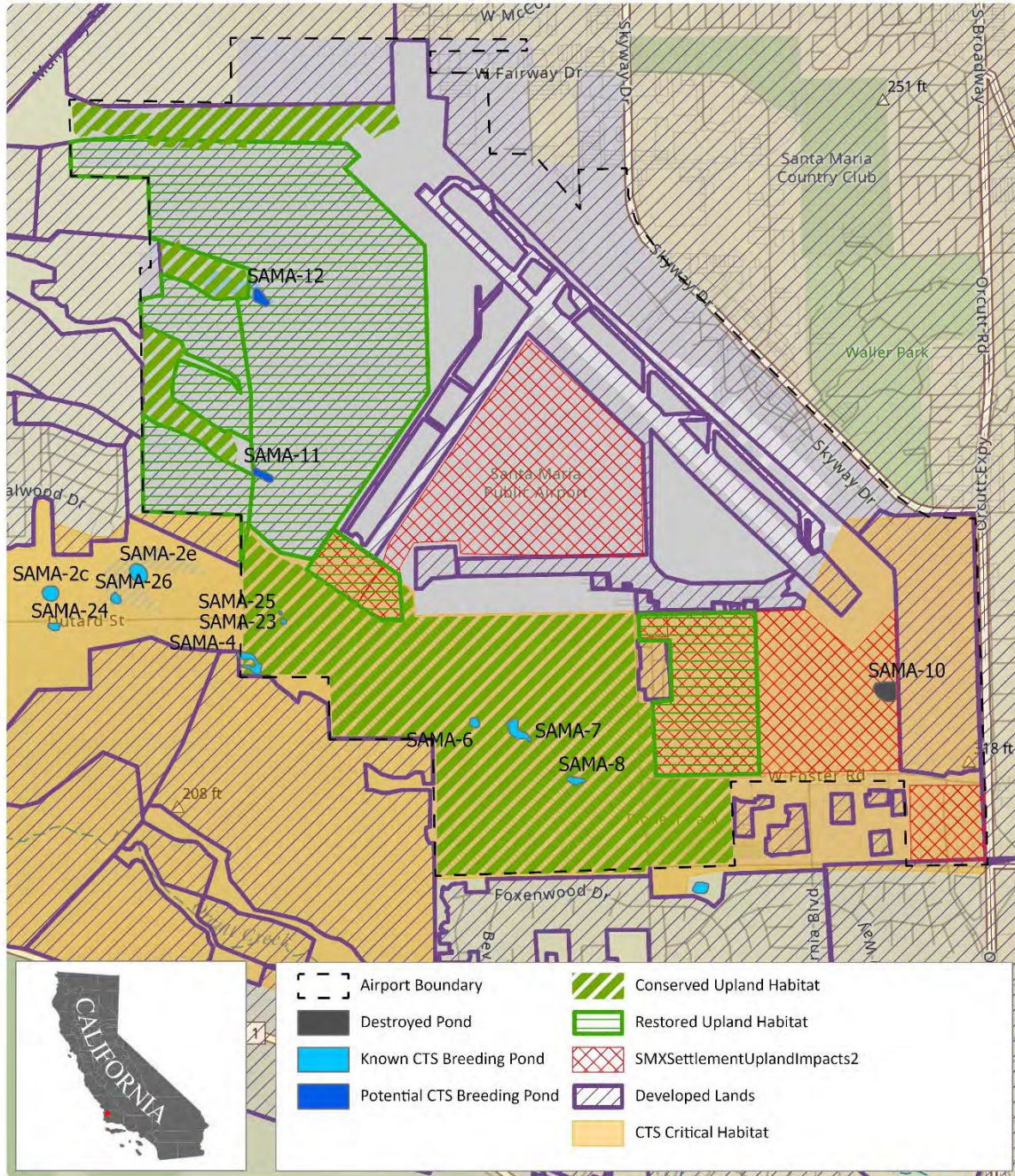
Preference for Consolidated Compensatory Mitigation: The Service generally prefers mitigation mechanisms that consolidate compensatory mitigation on the landscape, such as conservation banks and in-lieu fee programs, to small, disjunct compensatory mitigation sites spread across the landscape. Consolidated mitigation sites generally have several advantages over multiple, small, isolated mitigation sites.

1) Onsite Conservation Easement Settlement Option

The Santa Maria Airport will restore 603 acres of lands currently being used for agriculture and conserve these lands and an additional 553 acres of California tiger salamander upland habitat within the Airport boundary. The reproductive value of the conserved 1,156 acres is 224,511 based on the known California tiger salamander breeding ponds within dispersal distance of the restored and conserved habitat. In addition to the restored and conserved upland habitat, the Airport will create two additional California tiger salamander ponds within the conserved area to mitigate for the loss of SAMA 10. Each of these ponds must be at least as large as SAMA 10.

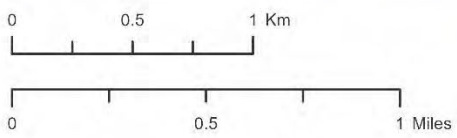
The Airport will develop a mitigation work plan that includes specifications for restoring and enhancing the conserved area (see map on page 4); sequencing and timing of conservation activities; monitoring and reporting requirements; and other considerations to ensure the land

will support the species in perpetuity. The mitigation plan will include a step-down plan for the restoration of the 603 acres. This step-down restoration plan will outline the restoration objectives and describe restoration methods, schedule for restoration activities, and the amount and types of habits resources to be achieved by the restoration (usually acres, or some other physical measure). It will also include performance standards for habitat establishment to determine whether the restoration has achieved its intended outcome. The restored and existing California tiger salamander habitat (breeding ponds and upland habitat) will be enhanced and maintained to ensure the continued viability of the habitat for California tiger salamander. The mitigation plan will also include the long-term management of the conserved lands by the Airport and describe how the restored and conserved habitat will be managed to ensure long-term sustainability of the resource. It will also include long-term financing mechanisms and the entity responsible for long-term management.



- Airport Boundary
- Destroyed Pond
- Known CTS Breeding Pond
- Potential CTS Breeding Pond
- Conserved Upland Habitat
- Restored Upland Habitat
- SMX Settlement Upland Impacts 2
- Developed Lands
- CTS Critical Habitat

Ventura Fish and Wildlife Office
 2493 Portola Road, Suite B
 Ventura, California
 805.644.1766



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2) Offsite Conservation Easement Option

The Airport will secure a conservation easement within the West Santa Maria Metapopulation with a reproductive value sufficient to offset the loss of California tiger salamander upland habitat. In addition to the creation of an easement, the Airport would fund the creation of two California tiger salamander breeding ponds on conserved lands within the West Santa Maria Metapopulation. They will also provide funding for a headstarting/translocation program to produce California tiger salamander individuals to offset the high number of individuals that were taken during habitat destruction.

The Airport will also fund the salvage of and translocation of the remaining California tiger salamanders that occupy Airport property. This would involve permitted biologist capturing and relocating California tiger salamanders to an area within the west Santa Maria metapopulation with sufficient breeding and upland habitat that is protected in perpetuity. Salvaging the remaining individuals would take place over the period of 3 to 5 years. After salvage activities have occurred, a protocol survey will be used to determine a negative finding for California tiger salamanders and provide a means to alleviate the Airport of future consultation with the Service or CDFW for the California tiger salamander.

Any property that is conserved through an easement must be in the West Santa Maria Metapopulation. Potential properties could include:

- Powell Property
- Punta de la Laguna
- Other strategically located property in area where recovery criteria for upland habitat can be achieved.

Conserved lands must also be managed and monitored to ensure long-term sustainability of the resource. To ensure this, the Airport must provide a long-term management fund, a qualified fund holder, and designate a qualified land manager responsible for long-term management of the conserved lands.

3) Mitigation Funds Settlement Option

The Airport will mitigate the impacts of upland habitat conversion and destruction of SAMA 10 by providing mitigation funding in an amount sufficient to offset the loss of California tiger salamander upland habitat reproductive value at a 2:1 ratio. In order to estimate the funds necessary to offset the Airport's impacts to upland habitat, the Service used the reproductive value of the impacts (133,661) and applied a 2:1 mitigation ratio. We estimate that mitigation credits at existing California tiger salamander conservation banks to have a reproductive value of approximately 1,000. Therefore, the purchase of 267 credits would offset impacts to upland habitat. Bank credits range from \$30,000 to \$50,000 so an average of \$40,000 is used to approximate the cost of mitigation, which would total \$10,680,000.

In addition to mitigating for the loss upland habitat, the Airport will provide funding for the creation of 2 additional California tiger salamander breeding ponds within the West Santa Maria metapopulation. The Airport will also fund the salvage of and translocation of the remaining

California tiger salamanders that occupy Airport property. This would involve permitted biologist capturing and relocating, California tiger salamanders to an area within the west Santa Maria metapopulation with sufficient breeding and upland habitat that is protected in perpetuity. The cost of pond creation is highly variable depending on location. We estimate the cost of pond creation to cost between \$100,000 to \$250,000 per breeding pond. The creation of two ponds would cost an estimated \$200,000 to \$500,000.

Settlement funds from this option would be placed in an account while the Service, CDFW, and the Airport developed an off-site option within the West Santa Maria metapopulation of California tiger salamander that offsets the Airports impact's at a 2:1 ratio. If an option within the West Santa Maria Metapopulation has not been developed within a set amount of time, then mitigation options may considered outside of the metapopulation. However, an out-of-metapopulation correction would be applied and the airport would be required to contribute additional funds to account for the correction factor. For example, credits purchased at La Purisima Conservation Bank required multiplier of 1.4 to correct for out-of-metapopulation for impacts that occurred in the West Santa Maria Metapopulation.

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Funding of Settlement Options

Possible approaches to funding the settlement options described above include:

- Creating legal assurance that the Airport will provide funds annually for an agreed upon period of time. Options where long term management is specified may require a long-term management fund to ensure that conserved lands maintain their value in perpetuity. Options where a conservation easement is specified require a qualified endowment holder and an endowment stewardship fund.
- Use of the Airport's reserve funds.
- Sale of a portion of Airport property
- Or a combination of the approaches described above.

References

Searcy, C.A., and H.B. Shaffer. 2008. Calculating biologically accurate mitigation credits: insights from the California tiger salamander. *Conservation Biology* 22:997-1005.

5.4. Qualifications for Holders of Site Protection and Financial Assurance Instruments

Qualifications for entities entrusted with holding real estate protection instruments and/or financial assurance instruments intended to fund the stewardship of compensatory mitigation sites are essential in ensuring that mitigation is carried out for the duration specified in the permit or consultation. Holders of these instruments are proposed by the mitigation sponsor and are subject to approval by the Service. Minimum qualifications (listed below) must be met prior to Service approval of a mitigation program, project, or site.

Land trusts and other entities that are accredited by the Land Trust Accreditation Commission (Commission) and are in good standing will automatically meet the minimum requirements for holding real estate and financial assurance instruments and be approved by the Service. The Commission has developed national standards for excellence, upholding the public trust, and ensuring that conservation efforts are permanent. Organizations successfully completing this rigorous process will meet the needs for long-term stewardship of mitigation lands. Therefore, the use of an entity that is accredited by the Commission, as holder or grantee of a conservation easement, is required in those areas where accredited entities are available and willing to hold easements for Service-approved mitigation sites. In the event that an organization acting as grantee on a conservation easement or holding stewardship funds fails to maintain accreditation or otherwise loses accredited status, the Service may require that the conservation easement and/or endowment fund be transferred to another entity. Should other national or state accreditation programs that use the same rigorous criteria as the Commission be developed in the future, the Service may consider entities qualifying in those programs for an expedited approval process.

The Service recognizes that accredited organizations willing to hold easements for Service-approved mitigation sites are not available in all areas. For those areas in which accredited entities are not available, holders of real estate and/or financial assurance instruments must meet the following minimum qualifications prior to Service approval of a mitigation program or site:

- a. A nonprofit organization or government entity having as its principal purpose and activity the direct protection or stewardship of land, water, or natural resources, including, but not limited to agricultural lands, wildlife habitat, wetlands, and endangered species habitat;
- b. Adoption and demonstrated implementation of the Land Trust Alliances' Land Trust Standards and Practices (LTA Standards);
- c. For holders of easements or other long-term site protection mechanisms, an organization with a history of successfully holding land or easements in long-term stewardship for the above purposes that:
 - i. has been incorporated (or formed as a trust) for at least five years,
 - ii. is named as the grantee on at least two conservation easements, and
 - iii. has successfully upheld their responsibilities under the conservation easements which they hold as grantee as demonstrated by:
 - a. annual monitoring of each of its conservation easements,
 - b. baseline documentation reports for each of its conservation easements,

- c. an easement enforcement policy and demonstrated responsible application of such policy if the organization has identified violations on its easements,
- d. an easement amendment policy and demonstrated responsible application of such policy if the organization has completed any amendments;
- iv. is a third party organizationally separate from (having no corporate or family connection to) the mitigation sponsor, property owner and project applicant or permittee. The purpose of this requirement is the avoidance of conflict of interest issues that can cause the grantee to act in a manner inconsistent with, or contrary to, the purpose and/or terms of the conservation easement in an effort to benefit itself;
- v. in accordance with LTA Standards, has funds sufficient for defense of conservation easements they hold as grantee.

d. For holders of financial assurances:

- i. a successful history of holding and managing funds for the above purposes consistent with requirements under UPMIFA, and in accordance with state law, and generally accepted accounting practices promulgated by the Financial Accounting Standards Board (FASB);
 - ii. adequate internal controls and ability to manage restricted funds as verified by a third party certified public accountant; and,
- e. A non-profit, non-governmental organization must also:
- i. qualify for tax exempt status in accordance with Internal Revenue Code (IRC) section 501(c)(3);
 - ii. be a public charity under the IRC and in good standing with the relevant state public charity bureau for the state in which the mitigation area is located, or otherwise comply with applicable state laws;
 - iii. is a third party organizationally separate from (having no corporate or family connection to) the mitigation sponsor, property owner, and project applicant or permittee; and
 - iv. adhere to generally accepted accounting practices that are promulgated by the Financial Accounting Standards Board, or any successor entity.

The National Fish and Wildlife Foundation (NFWF) is approved by the Service to hold financial assurance instruments. NFWF is organized under IRC section 501(c)(3), and was established by Congress in 1984 to support the Service's mission to conserve fish, wildlife and plant species. NFWF is one of the nation's largest non-profit funders for wildlife conservation, is transparent, and accountable to Congress, federal agencies and the public, and has a record for successfully managing endowments for permanent conservation. NFWF generally does not hold conservation easements.

Government agencies are limited in their ability to accept, manage, and disburse funds for the purposes described here and must not be given responsibility for holding endowments or other financial assurances for compensatory mitigation projects. These funds must be held by a third party as described in this section. One exception is made for public agencies that meet stringent requirements to hold funds for mitigation projects on public lands, see section 6.