



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

**Thursday
May 11, 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 APRIL 13, 2023**
- 2. MINUTES OF THE REGULAR MEETING HELD APRIL 27, 2023**
- 3. 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)**
- 4. GENERAL MANAGER'S REPORT**
- 5. MANAGER OF FINANCE & ADMINISTRATION REPORT**
 - a) Demand Register**

6. **DISTRICT COUNSEL'S REPORT. (Joshua George and Natalie Frye Laacke)**
7. **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.
8. **RESOLUTION 924. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT AMENDING THE RATES AND CHARGES FOR FISCAL YEAR 2023-2024**
9. **RESOLUTION 925. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT APPROVING SALARIES AND SALARY INCREASES FOR DISTRICT EMPLOYEES FOR FISCAL YEAR 2023-2024.**
10. **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.**
11. **AUTHORIZATION FOR THE PRESIDENT AND SECRETARY TO EXECUTE THE CONSENT TO SUBLEASE BETWEEN THE DISTRICT AND GRESSER, INC. TO SUNLIFE FARM, INC.**
12. **AUTHORIZATION FOR THE MANAGER OF FINANCE AND ADMINISTRATION TO ADD MARTIN PEHL, GENERAL MANAGER, AS AN AUTHORIZED SIGNATORY ON THE ACCOUNT AT PACIFIC PREMIER BANK.**
13. **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: (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.**
14. **DIRECTORS' COMMENTS.**
15. **ADJOURNMENT.**

MINUTES OF THE REGULAR BOARD
MEETING OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT HELD APRIL 13, 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 Moreno, Adams, Clayton, and Baskett. General Manager Pehl, Manager of Finance & Administration Reade, and District Counsel Frye Laacke. Director Brown was absent.

1. MINUTES OF THE REGULAR MEETING HELD March 23, 2023. Director Baskett made a Motion to approve the minutes of the regular meeting held March 23, 2023. Director Moreno Seconded and it was carried by a 4-0 vote.
2. COMMITTEE REPORT(S):
 - a) AVIATION SUPPORT & PLANNING (Standing or Ad Hoc) – No meeting scheduled.
 - b) ADMINISTRATION & FINANCIAL (Standing or Ad Hoc) – No meeting scheduled.
 - 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) – The Committee met twice with the City of Santa Maria.
3. GENERAL MANAGER'S REPORT. General Manager Pehl attended a preconstruction meeting for the Taxiway Rehabilitation Project. He also discussed the General Plan update with the City of Santa Maria and had a meeting with Tartaglia. He informed the Board that he will be attending the upcoming Allegiant Conference in Las Vegas with Administrative Assistant Fenton.
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 071372 through 071461 in the amount of \$293,136.65 was recommended for approval as presented. Director Adams made a Motion to accept the Demand Register as presented. Director Baskett Seconded and it was carried by a 4-0 vote.
 - b) Budget Deviations. Director Baskett made a Motion to accept the Budget Deviation as presented. Director Clayton Seconded and it was carried by a 4-0 vote.
5. DISTRICT COUNSEL'S REPORT. Nothing to report.

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.

Mitchell McNulty addressed the Board as a representative of TVJ Sons and apologized for the length of time they have gone without a plane in their hangar and assured the Board that they will be purchasing a plane soon.

Thomas Gibbons, a member of the Public, inquired about follow up action to closed session items.

Katherine and James Bagnard, hangar tenants, asked the Board to reconsider the eviction notice they have received and requested approval to have a BBQ at their hangar.

7. Authorization for the General Manager to apply for the Small Community Air Service Development Program Grant. Director Moreno made a motion to approve. Director Adams Seconded, and the motion was carried by a 4-0 vote.
8. Authorization for the President and Secretary to execute the contract security Service Agreement between the District and Bomar Security. Director Baskett made a motion to approve. Director Adams Seconded, and it was carried by a 4-0 vote.
9. Authorization for the award of the re-roof hangar row 3001 contract to Pacific Builders & Roofing, Inc. and authorization for the President and Secretary to execute the contract between the District and Pacific Builders & Roofing, Inc. for the re-roof hangar row 3001 subject to District Counsel's review of insurance and bonds. Director Baskett made a motion to approve. Director Clayton Seconded, and the motion was carried by a 4-0 vote.
10. Authorization for the General Manager to approve a purchase order for runway and taxiway sign panels with ADB Safegate. Director Adams made a motion to approve. Director Baskett Seconded, and the motion was carried by a 4-0 vote.
11. Presentation by Tom Widroe regarding U.S. Customs.
12. Tuition reimbursement for one staff member. Director Adams made a motion to approve. Director Moreno Seconded, and the motion was carried by a 4-0.
13. CLOSED SESSION. At 7:04 p.m. the Board went into Closed Session to discuss the following item(s):
 - a) Conference with Real Property Negotiators (Martin Pehl, Tom Ross, and District Counsel) Re: APN 111-231-09, APN 111-231-11, APN 111-231-17, APN 111-292-027 (Gov. Code Section 54956.8)

- b) Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b): 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 7:38 pm., the Board and staff reconvened to Open Public Session.

No reportable actions.

- 14. DIRECTORS' COMMENTS: Directors Clayton, Moreno, Adams, and Baskett welcomed General Manager Pehl.

Director Baskett requested a report on any crimes that have happened at the Airport. He also inquired about the progress of the Committee for Energy Independence.

- 15. ADJOURNMENT. President Moreno asked for a Motion to adjourn to a Regular Meeting to be held on April 27, 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 7:45 p.m. on April 13, 2023.

Ignacio Moreno, President

David Baskett, Secretary

MINUTES OF THE REGULAR BOARD
MEETING OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT HELD APRIL 27, 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 Brown, Adams, Clayton, and Baskett. 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 April 13, 2023. Director Clayton made a Motion to approve the minutes. Director Adams Seconded. Vice President Adams asked for a vote. Directors Adams and Clayton voted "Yes". Director Baskett voted "No" and Director Brown abstained. Thomas Gibbons, a member of the public, addressed the Board and stated that he felt the minutes for the April 13th meeting were inaccurate. The vote did not have a quorum and the minutes were tabled until the next meeting. The General Manager stated he would discuss the item with Mr. Gibbons following the meeting.
2. COMMITTEE REPORT(S):
 - a) AVIATION SUPPORT & PLANNING (Standing or Ad Hoc) – No meeting scheduled.
 - b) ADMINISTRATION & FINANCIAL (Standing or Ad Hoc) – No meeting scheduled.
 - 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 and Administrative Assistant Fenton attended the Allegiant conference in Las Vegas. General Manager Pehl also took part in a tiger salamander survey the Department of Fish and Wildlife performed on Airport property.
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 071462 through 071487 in the amount of \$129,048.81 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.

d) Quarterly Investment Report. Received and filed.

5. DISTRICT COUNSEL'S REPORT. Nothing to report.

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 five-minute time limit for receipt of testimony. The board reserves the right to establish further time limits for receipt of testimony.

No requests to speak.

7. CLOSED SESSION. At 6:11 p.m. the Board went into Closed Session to discuss the following item(s):

a) Significant exposure to litigation pursuant to Gov. Code Section 54956.9(b): Three Cases.

b) 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 6:54 pm., the Board and staff reconvened to Open Public Session.

No reportable actions.

8. DIRECTORS' COMMENTS: Directors Brown and Adams had no comment.

Director Baskett would like the barriers separating staff from the public to be taken down. He also expressed his desire to have a crime report included in the General Managers report. Director Baskett would like the Board to review any long running contracts to ensure there are no better options. Director Baskett also expressed his desire for the District to become energy independent.

9. ADJOURNMENT. Director Adams asked for a Motion to adjourn to a Regular Meeting to be held on May 11, 2023, at 6:00 p.m. at the regular meeting place. Director Baskett 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 6:56 p.m. on April 27, 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 071488 to 071547 and electronic payments on Pacific Premier Bank and in the total amount of \$517,894.69.

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 071488 to 071547 and electronic payments on Pacific Premier Bank in the total amount of \$517,894.69 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 MAY 11, 2023.

DAVID BASKETT
SECRETARY

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
* 71488	4/26/2023	AT&T	\$44.79	Telephone Service
* 71489	4/26/2023	Bomar Security & Investigation	\$2,838.00	Security Service
* 71490	4/26/2023	Brayton's Power Wash & Sweep	\$500.00	Street Sweeping
* 71491	4/26/2023	Central City Tool Supply, Inc.	\$259.33	Shop Supplies
* 71492	4/26/2023	City of Santa Maria	\$426.52	Construction Meter Fees
* 71493	4/26/2023	City of Santa Maria-Util Div	\$4,369.53	Utilities - Water
* 71494	4/26/2023	Clark Pest Control	\$1,533.00	Weed/Wildlife Abatement
* 71495	4/26/2023	De Lage Landen	\$102.18	Copier
* 71496	4/26/2023	Emergency Repair Door Service	\$6,222.61	Terminal/FBO Maintenance
* 71497	4/26/2023	Frontier Communications	\$858.80	Telephone Service
* 71498	4/26/2023	Home Depot	\$186.89	Terminal /Admin Maintenance
* 71499	4/26/2023	J B Dewar, Inc	\$690.44	Unleaded/Diesel Fuel
* 71500	4/26/2023	LSC Communications	\$38.90	FAA Publications
* 71501	4/26/2023	Lumacurve Airfield Signs	\$576.44	Signs - Landing Area
* 71502	4/26/2023	McMaster-Carr	\$322.80	Terminal Maintenance
* 71503	4/26/2023	Mission Linen Service	\$181.99	Uniform Service
* 71504	4/26/2023	Pacific Telemanagement Services	\$230.92	Pay Phone Svcs - Terminal
* 71505	4/26/2023	Pathpoint	\$2,051.46	Airport Maint. Svc - Window Cleaning
* 71506	4/26/2023	RRM Design Group	\$6,956.25	SMX Bus. Park - Spec. Plan Amendment
* 71507	4/26/2023	Sherwin-Williams	\$70.70	Pavement Maintenance- Landing Area
* 71508	4/26/2023	S Lombardi & Assoc., Inc.	\$6,464.07	Airport Advertising
* 71509	4/26/2023	Santa Maria Valley Crop Service	\$5,228.57	Weed Abatement Chemicals
* 71510	4/26/2023	Statewide Safety & Signs, Inc	\$217.57	Pavement Maintenance - Landing Area
* 71511	4/26/2023	Tri-Counties Plant Service	\$275.00	Interior Plant Service - Terminal
* 71512	4/26/2023	Gsolutionz, Inc.	\$540.73	iCloud Voice Svcs 2/22/23-3/22/23
* 71513	4/26/2023	Ravatt Albrecht & Associates	\$8,394.30	Customs Building Remodel
* 71514	4/26/2023	Kimley-Horn and Associates, Inc.	\$15,224.53	SMX Specific Plan Support
* 71515	4/26/2023	G. Sosa Construction	\$17,400.00	Airside Pavement Rehab
* 71516	4/26/2023	Pehl, Martin	\$453.99	Interview Reimbursement
* 71517	4/26/2023	Clay's Septic & Letting Inc.	\$3,218.10	Storm Drains Maintenance - Radisson
* 71518	4/26/2023	Shatto, Robin	\$557.00	Tenant Refund
* 71519	5/4/2023	American Assn of Airport Exec	\$450.00	Digicast - 7/1/23 - 9/30/23
* 71520	5/4/2023	Adamski Moroski	\$15,795.00	Legal Counsel Services
* 71521	5/4/2023	Advantage Answering Plus	\$505.26	Answering Service
* 71522	5/4/2023	AT&T	\$246.05	Telephone Service
* 71523	5/4/2023	Bagby Plumbing Service & Repair	\$404.79	Hangar Maintenance
* 71524	5/4/2023	Bedford Enterprises, Inc.	\$318.99	Hangar Maintenance
* 71525	5/4/2023	Cal-Coast Machinery, Inc	\$275.03	Vehicle Maintenance
* 71526	5/4/2023	Coast Networkx	\$210.00	Computer Support Services

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
* 71527	5/4/2023	City of Santa Maria	\$228,200.00	ARFF Services (January - March 2023)
* 71528	5/4/2023	Clark Pest Control	\$2,788.00	Weed/Wildlife Abatement
* 71529	5/4/2023	C.J. Brown & Company, CPAs	\$4,625.00	Annual Audit
* 71530	5/4/2023	Frontier Communications	\$985.39	Telephone Service
* 71531	5/4/2023	Groveman Hiete LLP	\$13,547.50	Legal Counsel Services
* 71532	5/4/2023	Hayward Lumber Company	\$346.49	Pavement Maintenance
* 71533	5/4/2023	Heath, Ray	\$3,575.20	Consulting Services - Contingencies
* 71534	5/4/2023	J B Dewar, Inc	\$661.50	Unleaded/Diesel Fuel
* 71535	5/4/2023	Jack's All American Plumbing	\$220.00	Terminal Maintenance
* 71536	5/4/2023	Los Padres Fire Protection	\$1,950.60	Fire Safety Maintenance
* 71537	5/4/2023	MarTeeny Designs	\$275.00	Website Maintenance
* 71538	5/4/2023	McMaster-Carr	\$117.26	Signs - Terminal Area
* 71539	5/4/2023	Mission Linen Service	\$393.66	Uniform Service
* 71540	5/4/2023	Outdoor Supply Hardware	\$702.72	Shop Supplies/Building Maintenance
* 71541	5/4/2023	Ponek Appraisal	\$5,000.00	Appraisal Report Fees
* 71542	5/4/2023	Safety-Kleen	\$321.15	Hangar Maintenance
* 71543	5/4/2023	Tartaglia Engineering	\$46,339.84	Relocate Threshold of Runway 20
* 71544	5/4/2023	Verizon Wireless	\$5,217.24	Mobile Devices, Equipment Charges
* 71545	5/4/2023	WageWorks	\$100.00	Cafeteria Plan - Admin Fee
* 71546	5/4/2023	Oberon3, Inc	\$50.00	Building Maintenance - Terminal
* 71547	5/4/2023	Gsolutionz, Inc.	\$107.95	GPS Cloud Svcs - Phones 6/1/23 - 6/30/23
		Subtotal	<u>\$420,165.03</u>	
ACH	4/25/2023	CalPers	\$5,334.65	Employee Retirement
ACH	4/26/2023	Principal	\$3,134.89	Employee Dental/Life/Disability Insurance
ACH	4/26/2023	Empower Retirement	\$4,147.88	Employee Paid Retirement
ACH	4/26/2023	Umpqua Bank	\$21,415.41	Business Travel, Office Supplies, Drainage Maint.
ACH	4/27/2023	Paychex	\$29,157.11	Payroll
ACH	4/28/2023	Paychex	\$8,477.51	Payroll Taxes
ACH	4/28/2023	Paychex	\$189.36	Paychex Invoice
ACH	5/1/2023	Ready Refresh	\$171.32	Water Delivery
ACH	5/2/2023	Collective Communications	\$7,500.00	Collective Strategies
ACH	5/2/2023	Pacific Premier Bank	\$927.27	Credit Card Fees
ACH	5/2/2023	Aflac	\$277.56	Employee Voluntary Insurance
ACH	5/3/2023	Quadient	\$200.00	Postage
ACH	5/5/2023	PG&E	\$16,260.17	Terminal/Admin/Hangar Electricity

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
ACH	5/8/2023	Xerox	\$536.53	Copier
		Subtotal	<u>\$97,729.66</u>	
		Total	<u><u>\$517,894.69</u></u>	

RESOLUTION NO. 924

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT
AMENDING RATES AND CHARGES FOR 2023/2024 FISCAL YEAR**

WHEREAS, by Resolution 924, the Board of Directors authorized and approved rates and charges for various tenants and users of Airport facilities; and

WHEREAS, periodic adjustment of rates and charges is appropriate in order to achieve the District's goal of recovering the costs of operating and maintaining the Airport from the rents, fees and charges paid by tenants and users of Airport facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Maria Public Airport District, that the schedule of rates, charges and fees set forth in Annex "A" and Exhibit "A" and Exhibit "B" (attached and incorporated by this reference), shall be effective for the Santa Maria Public Airport, as of July 1, 2023, shall apply to all tenants and users of Airport facilities as described in Resolution No. 924.

District may implement changes in rates and charges from time to time through the adoption of future rates and charges resolutions. During the period following the adoption of this resolution, and until the effective date of a subsequent rates and charges resolution, the rates set forth in Annex "A", Exhibit "A", and Exhibit "B" shall apply; provided, District leases and rental agreements may provide for additional adjustments to rates and charges based on changes in consumer price or other indices.

If any provision, clause, sentence, paragraph, rate, charge, or fee of this Resolution, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Resolution which can be given effect without the invalid provision or application. To this end, the provisions of this Resolution are declared severable.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of the Santa Maria Public Airport District held on May 11, 2023, on Motion of _____, Seconded by _____, and carried by the following roll call vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Ignacio Moreno, President

ATTEST:

David Baskett, Secretary

ANNEX A

Resolution No. 924 SANTA MARIA PUBLIC AIRPORT DISTRICT Schedule of Rates & Charges - FY 2023-2024

TERMINAL

Charge		Unit of Measure	Last Increase	Current Rate	New Rate
Air Carrier Space					
	Counter Space	Per Sq. Ft./Per Month	7/1/2009	\$1.37	\$1.37
	Office Space	Per Sq. Ft./Per Month	7/1/2009	\$1.37	\$1.37
	Baggage Make-Up Area	Per Sq. Ft./Per Month	7/1/2009	\$1.37	\$1.37
	Storage & Other Spaces	Per Sq. Ft./Per Month	7/1/2009	\$1.37	\$1.37
	Other	Per Sq. Ft./Per Month	7/1/2009	\$1.37	\$1.37
Rental Cars					
	Counter Space (Minimum)	Per Sq. Ft./Per Month	7/1/2022	\$2.14	\$2.22
	Office Space (Minimum)	Per Sq. Ft./Per Month	7/1/2022	\$2.14	\$2.22
	Storage Space (Minimum)	Per Sq. Ft./Per Month	7/1/2022	\$2.14	\$2.22
	Ready Parking (Minimum)	Per Space/Per Month	7/1/2022	\$28.06	\$29.10
	Concession	Monthly 8% of Sales		8%	8%
District Facilities					
	Boardroom Use (1)	Per Meeting	7/1/2008	\$50.00	\$50.00
Miscellaneous					
	Terminal Restaurant (Minimum)	Per Sq. Ft./Per Month 4% of Gross Revenue	7/1/2018	\$0.4549	\$0.4549
	Terminal Vending	10% of Gross Monthly Receipts			
	Shuttle Space Rent	Per Sq. Ft./Per Month	7/1/2022	\$1.78	\$1.85
	TSA Facilities	Per Sq. Ft./Per Month	6/20/2013	\$5.36	\$5.36
(1) Aviation related and/or community orientated one-time events considered to be of public interest, non-profit, and/or having a value to the aviation community, may request in writing a waiver of fees, which may be approved at the discretion of the General Manager					

ANNEX A

Resolution No. 924 SANTA MARIA PUBLIC AIRPORT DISTRICT Schedule of Rates & Charges - FY 2023-2024

NON-AVIATION

Charge	Unit of Measure	Last Increase	Current Rate	New Rate
Mobile Home Park	Per Space/Per Month	9/1/2022	\$395.49 - \$413.09	\$410.12 - \$428.37
Outside Storage	Per Sq. Ft./Per Month	7/1/2022	\$0.3180	\$0.330
Agriculture				
AG Lease (Outside Water)	Per Acre/Per Year	9/1/2017	Grazing Rate + 50% of Sublease	Grazing Rate + 50% of Sublease
AG Lease (District Water)	Per Acre/Per Year	9/1/2022	\$1,362.00	\$1,412.00
Grazing	Per Acre/Per Year	7/1/2014	\$11.00	\$11.00
Miscellaneous				
Special Event Permit	Per Day	7/1/2017	\$550.00	\$550.00
Use Permit	Yearly	7/1/2009	\$150.00	\$150.00
Filming Permit (Impact on Operations)	Daily	7/1/2009	\$5,000.00	\$5,000.00
Filming Permit (No Impact on Operations)	Daily	7/1/2009	\$1,000.00	\$1,000.00
Vehicle Release (Impound/Stored)	Each Incident	7/1/2009	\$100.00	\$100.00
Abandoned Vehicle Removal	Each Incident	7/1/2009	\$200.00	\$200.00
Copy Fee	Per Page	7/1/2009	\$0.25	\$0.25
	Per CD	7/1/2009	\$10.00	\$10.00
	Per USB	7/1/2017	\$10.00	\$10.00
Personnell				
Maintenance Worker	Hourly	7/1/2022	\$75.00	\$78.00
Security Escort	Hourly	7/1/2022	\$43.00	\$45.00

ANNEX A

**Resolution No. 924
SANTA MARIA PUBLIC AIRPORT DISTRICT
Schedule of Rates & Charges - FY 2023-2024**

AVIATION

Charge		Unit of Measure	Last Increase	Current Rate	New Rate
Landing					
	Scheduled Air Carriers	Per 1,000 lbs CGLW	7/1/2008	\$1.00	\$1.00
	Non-Scheduled Air Carriers	Per 1,000 lbs CGLW	7/1/2008	\$1.00	\$1.00
	Freight Forwarding	Per 1,000 lbs CGLW	7/1/2008	\$1.00	\$1.00
	USFS (Including Contract Aircraft)	Per 1,000 lbs CGLW	3/1/2013	\$0.50	\$0.50
Fuel Flowage					
	Jet A	Per Gallon	Prior to 1999	\$0.06	\$0.06
	100 LL	Per Gallon	Prior to 1999	\$0.06	\$0.06
Hangar Rental					
		Per Month (Includes Electricity)	7/1/2022	See Exhibit "A"	See Exhibit "A"
	Non-Airworthy Aircraft Storage	Per Month (Includes Electricity)	7/1/2022	20% Additional	30% Additional
Storage Units					
		Per Month (Includes Electricity)	7/1/2022	See Exhibit "B"	See Exhibit "B"
Security Deposit					
	Hangars	Upon Execution of Lease	7/1/2009	\$250.00	\$250.00
	Storage Units	Upon Execution of Lease	7/1/2009	\$250.00	\$250.00
Commercial Hangars:					
	Hangar Space	Per Sq.Ft./Per Month	7/1/2022	\$0.38	\$0.39
	Office Space	Per Sq.Ft./Per Month	7/2/2022	\$0.53	\$0.55
	Shop Space	Per Sq.Ft./Per Month	7/3/2022	\$0.38	\$0.39
	Ramp Space	Per Sq.Ft./Per Month	7/4/2022	\$0.05	\$0.05
Tie Down					
	Single Engine	Per Month	7/1/2022	\$77.00	\$80.00
	Light Twin Engine	Per Month	7/2/2022	\$90.00	\$93.00
	Freight Forwarding	Per Month/Per Plane	7/3/2022	\$125.00	\$130.00
	Mooring	Per Day	7/1/2018	\$150.00	\$150.00
Airport Access Card					
	AOA Access Badge	Each	7/1/2018	\$25.00	\$35.00
	AOA Renewal	Each	7/1/2018	\$15.00	\$25.00
	AOA Re-Activation	Each	7/1/2018	\$65.00	\$100.00
	SIDA Access Badge	Each	7/1/2018	\$75.00	\$100.00
	SIDA Renewal	Each	7/1/2018	\$50.00	\$75.00
	SIDA Re-Activation	Each	7/1/2018	\$100.00	\$150.00
	Lost/Replacement	Each	7/1/2018	\$100.00	\$150.00

SMPAD Hangars

Hangar Row/Unit	Lease Type	Sq Ft	Current Rent	% Increase	New Rent	Increase
3001- A, D, H	Corp Hgr	2,119	\$546	3.7%	\$566	\$20
3001- B, G	Corp Hgr	2,064	\$532	3.7%	\$551	\$19
3001-C, F	Corp Hgr	2,027	\$522	3.7%	\$541	\$19
3001-E	Corp Hgr	2,109	\$544	3.7%	\$564	\$20
3005	T-Hgr	1,078	\$278	3.7%	\$288	\$10
3009	T-Hgr	1,040	\$268	3.7%	\$278	\$10
3011	T-Hgr	1,000	\$257	3.7%	\$267	\$10
3019	T-Hgr	1,000	\$257	3.7%	\$267	\$10
3023	T-Hgr	1,040	\$268	3.7%	\$278	\$10
3027	T-Hgr	1,026	\$265	3.7%	\$275	\$10
3029-A, F	Corp Hgr	3,098	\$797	3.7%	\$827	\$30
3029-B-E	Corp Hgr	3,040	\$782	3.7%	\$811	\$29
3031	T-Hgr	1,026	\$265	3.7%	\$275	\$10
3035-A	Corp T-Hgr	1,982	\$510	3.7%	\$529	\$19
3035-B-D, G-J	Corp T-Hgr	1,839	\$473	3.7%	\$491	\$18
3039	T-Hgr	994	\$256	3.7%	\$266	\$10
3043	Corp Hgr	3,040	\$782	3.7%	\$811	\$29
3103	T-Hgr	1,043	\$268	3.7%	\$278	\$10
3105-A	Corp Hgr	3,115	\$888	3.7%	\$920	\$32
3105-B-G	Corp Hgr	3,115	\$802	3.7%	\$831	\$29
3107	T-Hgr	870	\$224	3.7%	\$232	\$8
3109	T-Hgr	940	\$243	3.7%	\$252	\$9
3111	T-Hgr	963	\$248	3.7%	\$258	\$10

EXHIBIT "A"

SMPAD Storage Units						
Hangar Row/Unit	Lease Type	Sq Ft	Current Rent	% Increase	New Rent	Increase
3005-A, I	Storage	537	\$ 283	3.7%	\$ 294	\$ 11.00
3009-F, G	Storage	180	\$ 94	3.7%	\$ 98	\$ 4.00
3011-F, G	Storage	190	\$ 100	3.7%	\$ 104	\$ 4.00
3019-F	Storage	190	\$ 100	3.7%	\$ 104	\$ 4.00
3023-F	Storage	180	\$ 94	3.7%	\$ 98	\$ 4.00
3027-F, G	Storage	176	\$ 93	3.7%	\$ 97	\$ 4.00
3031-F, G	Storage	176	\$ 93	3.7%	\$ 97	\$ 4.00
3035-E	Storage	363	\$ 191	3.7%	\$ 198	\$ 7.00
3039-A, I	Storage	537	\$ 283	3.7%	\$ 294	\$ 11.00
3107-J, K	Storage	180	\$ 94	3.7%	\$ 98	\$ 4.00
3109-F	Storage	155	\$ 82	3.7%	\$ 86	\$ 4.00
3111-F, G	Storage	176	\$ 93	3.7%	\$ 97	\$ 4.00
EXHIBIT "B"						

RESOLUTION 925

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA MARIA PUBLIC AIRPORT DISTRICT APPROVING
SALARIES AND SALARY INCREASES FOR DISTRICT EMPLOYEES FOR FISCAL
YEAR 2023-2024**

WHEREAS, Resolution 513, the Board of Directors approved a Memorandum of Understanding between the District and the Santa Maria Public District Employees' Association which adopted, among other things, an Employee Relations Policy ("Employee Relations Policy") and established a process for recognition of employee organizations: and

WHEREAS, the District employees have elected not to exercise their rights to form a recognized employee organization as that term is defined in the Employee Relations Policy; and

WHEREAS, the Board of Directors wishes to establish salaries and provide for salary increases for District employees.

BE IT THEREFORE RESOLVED, by the Board of Directors of the Santa Maria Public Airport District as follows:

1. Affected employees shall receive a 3.7% (three-point seven percent) cost of living increase based on the Consumer Price Index, all items 1982-84=100, Los Angeles-Long Beach-Anaheim, for all Urban Consumers (CPI) effective July 1, 2023, reflected in new monthly salary ranges as follows:

GENERAL MANAGER

STEP:	a	b	c	d	e
SALARY:	\$12,856	\$13,498	\$14,173	\$14,882	\$15,626

MANAGER OF FINANCE AND ADMINISTRATION

STEP:	a	b	c	d	e
SALARY:	\$7,609	\$7,991	\$8,390	\$8,809	\$9,250

MANAGER OF OPERATIONS AND MAINTENANCE

STEP:	a	b	c	d	e
SALARY:	\$7,990	\$8,390	\$8,809	\$9,250	\$9,712

RESOLUTION 925

OPERATIONS SUPERVISOR

STEP:	a	b	c	d	e
SALARY:	\$6,684	\$7,018	\$7,369	\$7,737	\$8,124

MAINTENANCE SUPERVISOR

STEP:	a	b	c	d	e
SALARY:	\$6,684	\$7,018	\$7,369	\$7,737	\$8,124

FOREMAN

STEP:	a	b	c	d	e
SALARY:	\$6,063	\$6,366	\$6,684	\$7,019	\$7,369

MAINTENANCE WORKER III

STEP	a	b	c	d	e
SALARY:	\$5,441	\$5,713	\$5,999	\$6,299	\$6,614

MAINTENANCE WORKER II

STEP:	a	b	c	d	e
SALARY:	\$4,952	\$5,200	\$5,460	\$5,733	\$6,020

MAINTENANCE WORKER I

STEP:	a	b	c	d	e
SALARY:	\$4,309	\$4,524	\$4,750	\$4,988	\$5,237

RESOLUTION 925

AIRPORT MAINTENANCE WORKER I

STEP:	a	b	c	d	e
SALARY:	\$3,325	\$3,491	\$3,666	\$3,849	\$4,042

AIRPORT MAINTENANCE WORKER II

STEP:	a	b	c	d	e
SALARY:	\$3,623	\$3,805	\$3,995	\$4,194	\$4,404

AIRPORT MAINTENANCE WORKER III

STEP:	a	b	c	d	e
SALARY:	\$4,055	\$4,258	\$4,471	\$4,694	\$4,929

AIRPORT MAINTENANCE WORKER IV

STEP:	a	b	c	d	e
SALARY:	\$4,347	\$4,564	\$4,792	\$5,032	\$5,283

OPERATIONS OFFICER

STEP:	a	b	c	d	e
SALARY:	\$4,563	\$4,792	\$5,031	\$5,283	\$5,547

ADMINISTRATIVE ASSISTANT

STEP:	a	b	c	d	e
SALARY:	\$4,970	\$5,217	\$5,479	\$5,752	\$6,041

RESOLUTION 925

ADMINISTRATIVE SECRETARY

STEP:	a	b	c	d	e
SALARY:	\$4,821	\$5,062	\$5,315	\$5,581	\$5,860

RECEPTIONIST/SECRETARY

STEP:	a	b	c	d	e
SALARY:	\$3,930	\$4,126	\$4,332	\$4,549	\$4,776

ACCOUNTING CLERK

STEP:	a	b	c	d	e
SALARY:	\$4,276	\$4,489	\$4,714	\$4,949	\$5,197

ACCOUNTING TECHNICIAN II

STEP:	a	b	c	d	e
SALARY:	\$5,110	\$5,365	\$5,633	\$5,915	\$6,212

PASSED AND ADOPTED at the Regular meeting of the Board of Directors of the Santa Maria Public Airport District held May 11th, 2023, on Motion of Director _____, Seconded by _____ and carried by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

Ignacio Moreno, President

David Baskett, Secretary

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



Central Coast Regional Water Quality Control Board

April 27, 2023

SEMCO Twist Drill and Tool Co., Inc.
c/o California Secretary of State
1500 11th Street, Room 390

**Substitute Service of Process by Hand
Delivery to California Secretary of State
[Cal. Corp. Code, § 1702, subd. (a)]**

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 enclosed:
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.** If you

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>

need additional time to submit written comments and/or evidence regarding this Proposed Order, a written extension request must be received by Central Coast Water Board staff on or before the May 29, 2023 due date. Please submit your written comments and/or extension request 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

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

Enclosure: Proposed Cleanup and Abatement Order R3-2023-(PROPOSED)

cc (via mail):

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

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

cc (via electronic mail):

Rhine, L.P., Oro Financial of California, Inc., Concha Investments, Inc. Platino, LLC, Curry Parkway, L.P., Chris Mathys, an individual:
Chris Mathys, mathys@orofinancial.net

City of Santa Maria:

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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
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David Boyers, Assistant Chief Counsel, David.Boyers@waterboards.ca.gov
Yvonne West, Director, Yvonne.West@waterboards.ca.gov

**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

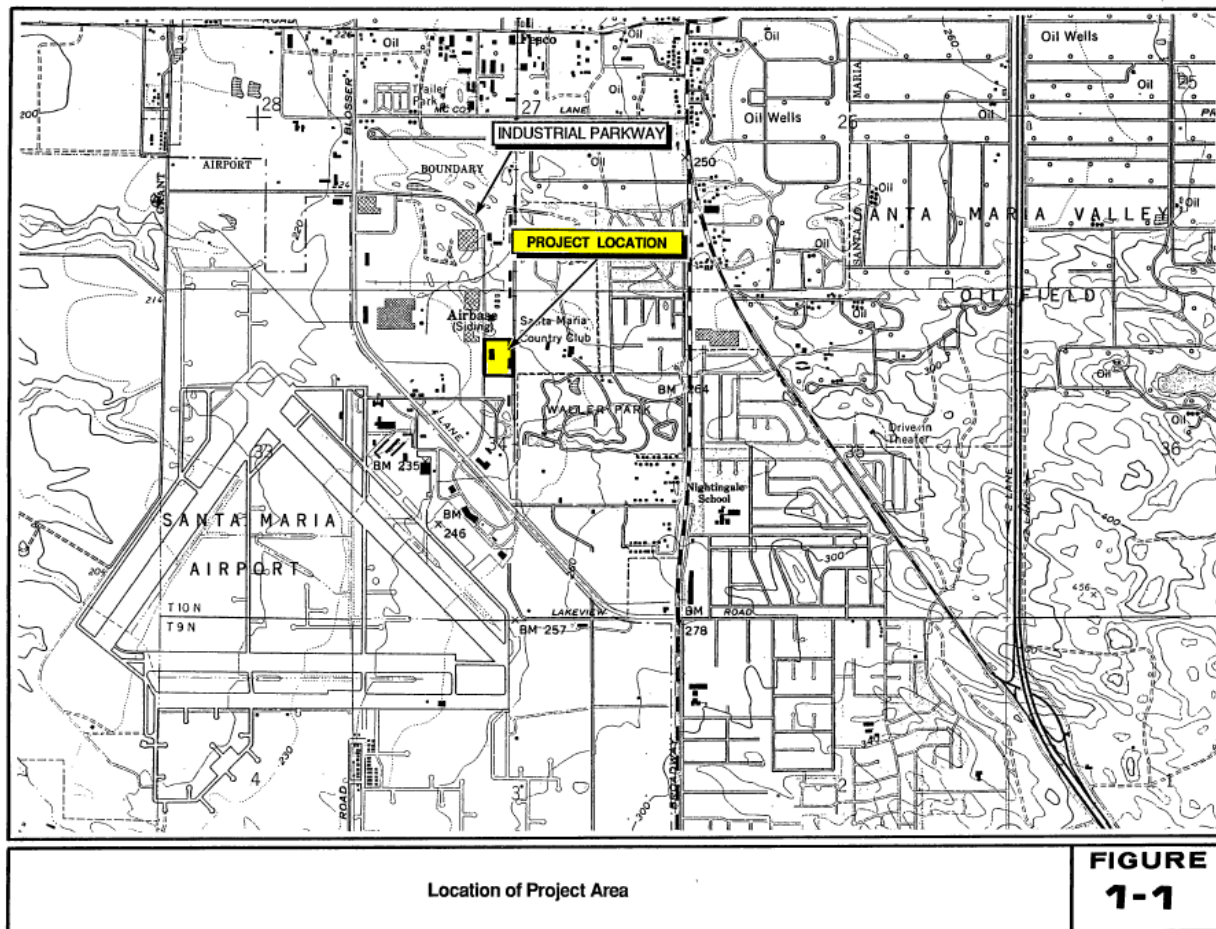


Figure 1. Modified by Central Coast Water Board on January 13, 2020. Original figure is from WESTEC Services, Inc. January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California* report on GeoTracker:

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)

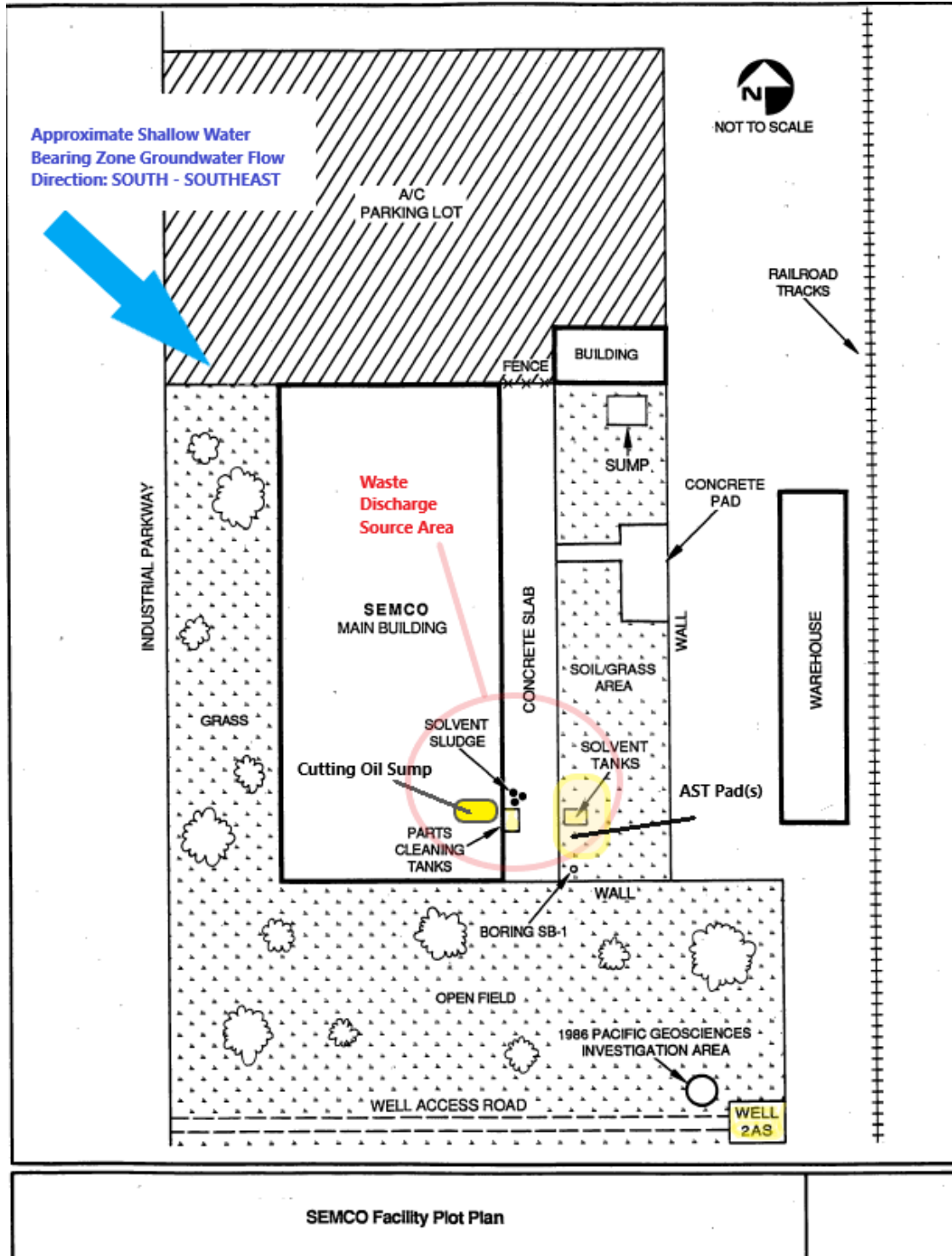


Figure 3. Modified by Central Coast Water Board on February 9, 2023. Original figure is from WESTEC Services, Inc January 1989 *Subsurface Investigation SEMCO Twist Drill and Tool Company Facility Santa Maria, California.*

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

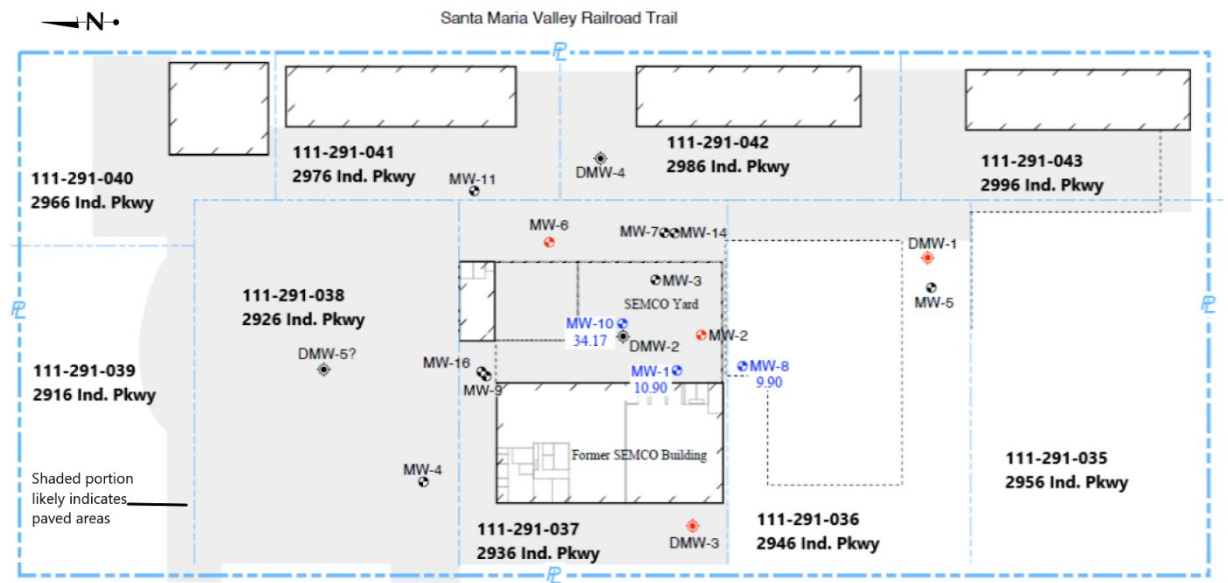


Figure 4. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Monitoring Well Investigation Report* dated July 16, 2021, on GeoTracker.

Figure 5 – 2022 Soil Sampling Site Map

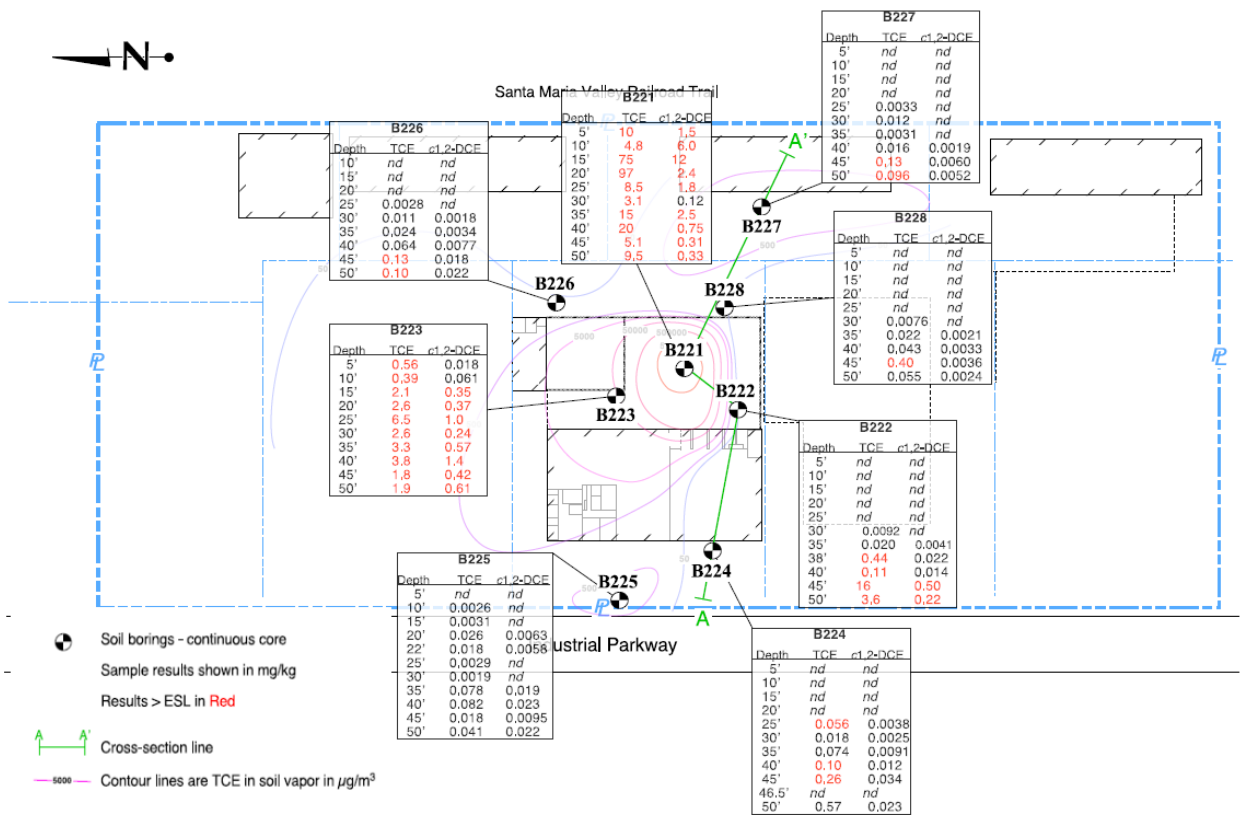


Figure 5. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

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

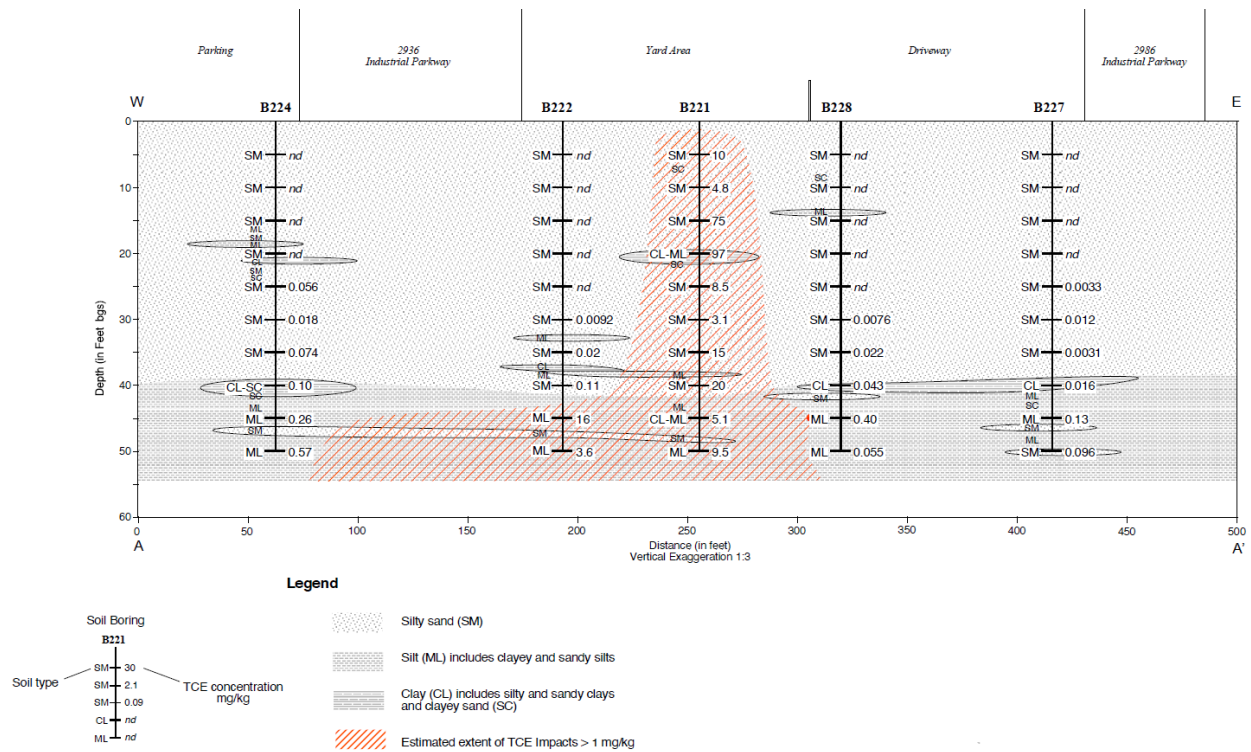


Figure 6. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Site Assessment Report – Vadose Zone Soil Sampling* dated May 25, 2022.

Figure 7 – 2021 Soil Vapor Sampling Site Map

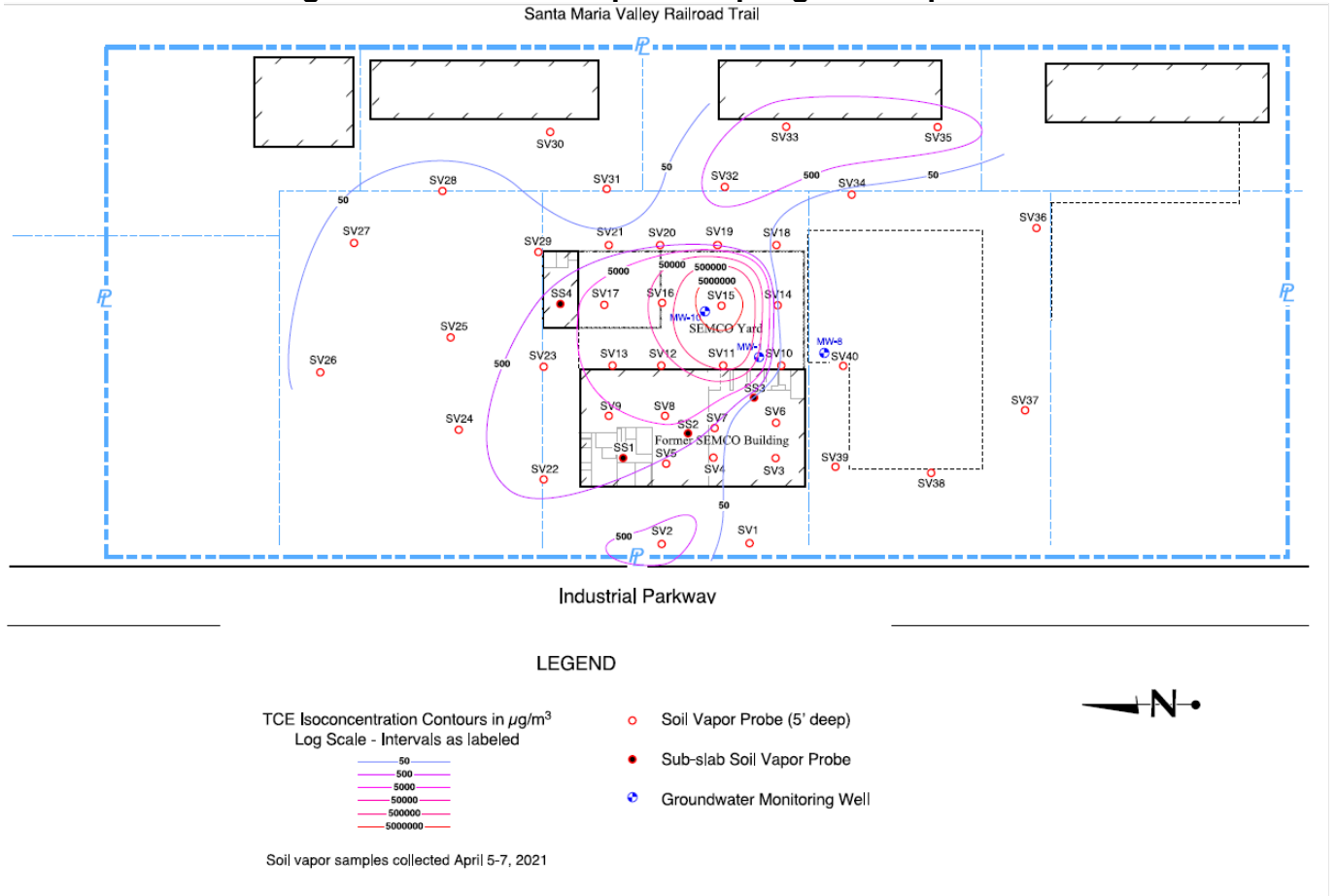


Figure 7. Modified by Central Coast Water Board on January 10, 2023. Original figure is from Analytical Consulting Group, Inc's *Soil Vapor Sampling Report* dated July 16, 2021, on GeoTracker.

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</p> <p>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</p> <p>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</p> <p>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.
-

From: Alex Simas <asimas@kirksimas.com>

Sent: Wednesday, May 10, 2023 9:58 AM

To: Josh George <george@ammcglaw.com>; Natalie Frye Laacke <nfryelaacke@ammcglaw.com>

Cc: MILT GUGGIA (MGECORP@AOL.COM) <MGECORP@AOL.COM>

Subject: RE: Pepper Garcia's Restaurant / Lease with Santa Maria Public Airport District

CAUTION: EXTERNAL SOURCE

Josh:

The tenant has developed some additional information regarding the work needed at the Pepper Garcia's and refined its proposal. The following are details regarding its proposal. Nearly all of these items involve upgrade / refurbishing of items that are approaching 20 years old and are nearing the end of their useful life.

Proposed Work

1. The salttillo tile throughout the restaurant is substantially worn in the ordinary course of business and in some cases is starting to crumble. This requires significant renovation beyond ordinary repairs and maintenance. It involves replacing some tiles, grinding nearly all of them to smooth, regrouting and refinishing. The estimated cost is \$7,000 - \$10,000.
2. The hostess station counter / cash register / credit card terminal station in the entry needs replacement or significant refurbishing. In either case the estimated cost is \$3,000 - \$4,000.
3. The bar top and surfaces on the built in back bar are substantially deteriorated and require replacement. The estimated cost is \$7,000.
4. In the kitchen area the tiled pass through for food as well as the tiled walls / backsplashes are deteriorating and require replacement / refurbishing. The estimated costs is \$2,000 - \$3,000.
5. There are four arches separating the bar and dining area that previously were trimmed with neon signage and additional neon signage exists in other areas, nearly all of which is worn beyond repair. The estimated cost is \$2,000 - \$3,000.
6. All areas in the restaurant require painting. The estimated costs is \$5,000 - \$6,000.

Arguably some of these items may fall into repairs and maintenance for which the tenant would be responsible under the lease. The tenant advises however that over the more than 25 years it has been leasing the facility these and many other similar type items have allowed for rent credit.

The list totals \$33,000 (using the high end of the estimated cost ranges). The tenant is willing to commit to doing at least \$22,000 of the work for the credit of \$17,000. All work will be substantiated by receipts from the vendors used. If the district wants to set a priority list for the items to be completed, the tenant will be happy to cooperate in that.

We sincerely hope that this proposal will allow us to resolve this matter.

Alex

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