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Written Correspondence posted along with the March 21, 2024 Board Packet:

1. Email from Becky Steinbruner to Basin Point of Contact Gmail, dated January 15, 2024, and MGA response dated January 16, 2024 (Page 1).
2. Emails between Becky Steinbruner and the MGA regarding appropriate Gmail addresses/accounts dated January 16 – 17, 2024 (Page 11).
3. Response/Clarification from Georgina King of Montgomery and Associates, dated January 24, 2024 (Page 13).



Sierra Ryan (MGA Point of Contact) <basinpoc@midcountygroundwater.org>

Fw: Petition for Reconsideration of Permit Approval and Request for Stay of Permit Approval

Sierra Ryan (MGA Point of Contact) <basinpoc@midcountygroundwater.org>

Tue, Jan 16, 2024 at 4:11 PM

To: Becky Steinbruner <ki6tkb@yahoo.com>

Cc: Tim Carson <admin@midcountygroundwater.org>, "Sierra Ryan (MGA Point of Contact)" <basinpoc@midcountygroundwater.org>, sierra.ryan@santacruzcountyca.gov

Dear Ms. Steinbruner,

This email is to acknowledge receipt of your email sent to the Basin Point of Contact at "basinpoc@midcountygroundwater.org".

Please note for future correspondence that "sryan@midcountygroundwater.org" is not a valid email address. Ms. Ryan may be reached via the Basin POC email. Her working County email address is: sierra.ryan@santacruzcountyca.gov.

Best regards,

Tim Carson
Administrative Services on behalf of
Santa Cruz Mid-County Groundwater Agency

[Quoted text hidden]

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Sierra Ryan
Santa Cruz Mid-County Groundwater Agency Point of Contact
(831) 454-3133



Sierra Ryan (MGA Point of Contact) <basinpoc@midcountygroundwater.org>

Fw: Petition for Reconsideration of Permit Approval and Request for Stay of Permit Approval

4 messages

Becky Steinbruner <ki6tkb@yahoo.com>

Mon, Jan 15, 2024 at 5:16 PM

To: Sierra Ryan <sryan@midcountygroundwater.org>, Tim Carson <tim@cfsc.org>, "Sierra Ryan (MGA Point of Contact)"

<basinpoc@midcountygroundwater.org>

Cc: "Michael A.M. Lauffer" <michael.lauffer@waterboards.ca.gov>, State Water Board <waterqualitypetitions@waterboards.ca.gov>, Becky Steinbruner <ki6tkb@yahoo.com>

Dear MidCounty Groundwater Agency Staff,
Please acknowledge receipt of this message and that sent January 12, 2024.

I provided the State Water Board Office of Chief Counsel with a hard copy of this document and attachments via FedEx for priority delivery to ATTN: Ms. Adrianna M. Crowl, [1001 I Street 22nd Floor, Sacramento, CA 95814](#), scheduled to arrive 1/15/2024. The hard copy has one amendment, as follows:

Page 5 CONCLUSION AND POINTS AND AUTHORITIES

Addition of:

"The Central Coast Regional Water Quality Control Board failed to provide NOTICE OF RIGHT TO PETITION (required under CCR Title 23 section 2068) and therefore the Board should reconsider, rescind and stay all Permit approvals of December 15, 2023 (12/15/2023 Agenda attached) NO verbal announcement / Notice was made at the meeting 12/15/2023."

Here is a link to the December 14-15, 2023 Central Coast Regional Water Quality Control Board Meeting Agenda:

https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2023/dec/agenda_dec.pdf

I hereby provide e-mail Notice of this amendment to all parties who received e-mail Notice on Friday, January 12, 2024.

Furthermore, on Friday, January 12, 2024, I also supplied via FedEx delivery a hard copy Amended Notice and attached 12/15/2023 Central Coast Regional Water Quality Control Board Agenda to the Central Coast Regional Water Quality Control Board, ([895 Aero Vista Place, Ste 101, San Luis Obispo, CA 93401](#), Attn: Ryan Lodge, Sophie Froelich, and Tammie Olson (delivery due date 1/16/2024), and to Soquel Creek Water District, ATTN: Ron Duncan and Melanie Mow-Schumacher, at [5801 Soquel Drive, Soquel, CA 95073](#) (delivery due date 1/15/2024).

Please respond.

Sincerely,
Becky Steinbruner

----- Forwarded Message -----

From: Becky Steinbruner <ki6tkb@yahoo.com>

To: State Water Board <waterqualitypetitions@waterboards.ca.gov>; Michael A.M. Lauffer <michael.lauffer@waterboards.ca.gov>

Cc: ryan.lodge@waterboards.ca.gov <ryan.lodge@waterboards.ca.gov>; sophie.froelich@waterboards.ca.gov <sophie.froelich@waterboards.ca.gov>; Tryon Thea@Waterboards <thea.tryon@waterboards.ca.gov>; Ron Duncan <rond@soquelcreekwater.org>; Joshua Nelson <joshua.nelson@bbklaw.com>; Charity Schiller <charity.schiller@bbklaw.com>; Sarah Owsowitz <sarah.owsowitz@bbklaw.com>; Barbara Choi <bchoi@abc-law.com>; John A. Christerson <jchisters@aol.com>; Ronnette Smithcamp <rosmithc@cabrillo.edu>; Anne Hogan <ahogan@santacruzcity.com>; Heidi Luckenbach <hluckenbach@cityofsantacruz.com>; Sierra Ryan <sryan@midcountygroundwater.org>; Soquel Creek Water District <melanies@soquelcreekwater.org>; Becky Steinbruner <ki6tkb@yahoo.com>

Sent: Friday, January 12, 2024, 01:12:25 PM PST

Subject: Petition for Reconsideration of Permit Approval and Request for Stay of Permit Approval

Dear Office of the Chief Counsel Mr. Lauffer and California Water Board,

I am hereby petitioning the State Water Resources Control Board (State Water Board), according to Water Code section 13320 and Title 23 California Code of Regulations section 2050 because I hereby do declare that I am affected adversely by a decision of the Board, and hereby petition the State Water Resources Control Board (State Water Board) according to Water Code section 13320 and Title 23 California Code of Regulations section 2050 and for a Stay of all permit action related to Order R3-2023-0033 and Order R3-2023-0001, both of which were approved by the Central Coast Regional Water Quality Control Board on December 15, 2023.

I am hereby filing a Petition for Reconsideration and Stay of Action under Water Code Section 13321 of the December 15, 2023 Central Coast Regional Water Quality Control Board approval of
Permit ORDER R3-2023-0033 WASTE DISCHARGE AND WATER RECLAMATION REQUIREMENTS PURE WATER SOQUEL GROUNDWATER REPLENISHMENT REUSE PROJECT SOQUEL CREEK WATER DISTRICT SANTA CRUZ COUNTY

and

Waste Discharge Requirements for the City of Santa Cruz Wastewater Treatment Facility,
Proposed Order R3-2023-0001, National Pollutant
Discharge Elimination System (NPDES) Permit
CA0048194, Santa Cruz County

I request this action immediately because, under Title 23 2050.6, staff improperly withheld and excluded correspondence I had sent in a timely manner, addressed directly to the Central Coast Regional Water Quality Control Board that contained significant information related to the consideration of the Proposed Permits associated with Order R3-2023-0033 and Order R32023-0001 without informing me that my correspondence was being withheld from the Board packet.

A copy of the correspondence to the Board, dated October 17, 2023 is copied below as "Exhibit A" and the Petition for Writ of Mandate that was attached to the correspondence is also attached here below.

I will suffer significant and adverse harm by the permitting if the Board's permit approvals are not stayed because my legal action will be rendered moot and serious CEQA alleged violations of the Project will not be addressed or mitigated on the merits. My civil due process, taken for Public Benefit, on the merits will be unjustly abrogated.

1) STATUS OF LEGAL ACTION AGAINST PUREWATER SOQUEL PROJECT WILL BE RENDERED MOOT

The Board's approval on December 15, 2023 of the PureWater Soquel Project permits causes me significant and adverse harm because it renders my litigation moot before the Court of law is able to legally resolve alleged CEQA problems inherent. The permitting supersedes any legal issue the Courts may render on the merits. I have been legally challenging this Project since 2018, and am greatly harmed legally by the Board's premature approvals.

At the time of December 15, 2023 hearing before the Central Coast Regional Water Quality Control Board, the Santa Cruz County Superior Court was scheduled to hear the merits of Case 21CV01517, on Friday, January 12, 2024.. The case has been fully briefed.

However, on January 5, 2024, I received notice from the Santa Cruz County Superior Court that the hearing date for the matter has been rescheduled to February 29, 2024, at the request of the Court's legal research librarians.

Likewise, Appeal Case H050093 in the Sixth District Court of Appeal (Trial Case 21CV02699) is still under review by the appellate justices, with oral argument submitted November 9, 2023. The Court is due to issue opinion within 90 days of that oral argument date. If the appeal is denied, I would contemplate an appeal to the California Supreme Court. (It should be noted that the Case Disposition is inaccurate in that the status was not updated after the Court reconsidered the "vacated" status and allowed me extension of time to file Opening Brief.)

Therefore, both cases are pending and yet would be rendered moot by the December 15, 2023 Central Coast Regional Water Quality Control Board's approvals of the Project approvals. I will suffer significant and adverse harm as a result.

Therefore, it is critical that under Water Code section 13320, 13321 and Title 23 of CCR 2050 the Central Coast Regional Water Quality Control Board reconsider and stay their December 15, 2023 approval of Permit ORDER R3-2023-0033 WASTE DISCHARGE AND WATER RECLAMATION REQUIREMENTS PURE WATER SOQUEL GROUNDWATER REPLENISHMENT REUSE PROJECT SOQUEL CREEK WATER DISTRICT SANTA CRUZ COUNTY

and the approval of R3-2023-0001 NPDES Permit for the discharge of the PureWater Soquel Project contaminant brine effluent into the Monterey Bay National Marine Sanctuary and Pacific Ocean.

2) STAFF IMPROPERLY OMITTED MY CORRESPONDENCE THAT WOULD HAVE INFORMED THE BOARD OF MY LEGAL ACTION AND POTENTIALLY PROMPTED QUESTIONS

By filing a Public Records Act request on December 18, 2023, I learned after the December 15, 2023 Central Coast Regional Water Quality Control Board meeting that staff had chosen to omit my correspondence sent to the Board on October 17, 2023 that included an attached Petition for Writ of Mandate that informed the Board of my legal action in progress related to the PureWater Soquel Project Case 21CV01517 in Santa Cruz County Superior Court, and Appeal Case H050093 in the Sixth District Court of Appeal (Superior Court Case 21CV02699). In my letter addressed to the Board I requested the Central Coast Regional Water Board delay considering permit approval of the Project because it would adversely affect my litigation.

Staff chose to eliminate my correspondence in the Board packet. Staff failed to inform me that my correspondence was being omitted from the Board packet.

I had limited time to speak to the Board during the December 15 public hearing on the Project's proposed permit, and had requested in advance to have rebuttal time if Soquel Creek Water District representatives spoke. The Board did in fact invite Mr. Ron Duncan, General Manager for Soquel Creek Water District, and Ms. Melanie Mow-Schumacher, Project Manager for the District, to speak for a very long, unlimited amount of time to the Board. Ms. Mow-Schumacher could not answer the Board's question about Project cost, even though she is familiar with that information. She was unsure about how large the injection well pipes are. Mr. Duncan provided vague and old information to answer the Board's question regarding the location of the seawater intrusion in the Purisima Aquifer, but with no scientific data or reference.

I was very disturbed that Staffmember Mr. Bishop gave inaccurate information to the Board's question about "where is the seawater intrusion?" by answering "I think it is in Aptos and Capitola, where the injection wells are." This is not true, and did not comport with the information provided by Ms. Georgina King of Montgomery & Associates at the MidCounty Groundwater Agency Board meeting the night previous. (Neither Mr. Duncan nor Ms. Mow-Schumacher were in attendance of the MidCounty Groundwater Agency Board meeting.)

Because I had just attended the Santa Cruz MidCounty Groundwater Agency Board meeting the night before, I had the exact answers to the questions the Board had asked of Mr Duncan and Ms. Mow-Schumacher, but that they had not received in answer. I spent most of my time attempting to inform the Board, based on the information of the previous night's presentation by Ms. Georgina King, Expert Hydrologist for Montgomery & Associates to the MidCounty Groundwater Agency Board.

Ms. King made the statement at the December 14 MidCounty Groundwater Agency Board meeting that "Overall, the Basin is doing pretty well." Therefore, according to Ms. King's expert opinion, there was no sense of urgency at all regarding the PureWater Soquel Project permit approvals. I did indeed relay this information to the Board in my testimony and asked that they delay further consideration of the Proposed Permit in order to allow for an expert presentation to their Board by Ms. Georgina King or another knowledgeable expert from Montgomery & Associates..

While testifying to the Central Coast Regional Quality Control Board on December 15, I asked the Board for a continuance of the hearing. I mentioned my litigation, but because I thought they had access to my October 17, 2023 correspondence, I chose to focus what precious little time the

Board limited me to discussing issues to support my request for the continuance and to clarify the matters for the benefit of the Board that staff and Soquel Creek Water District representatives either evaded or answered inaccurately.

Since the Regional Water Board seemed to have little information about the status of the Purisima Aquifer, or the impending Water Optimization Study soon to be released that will provide clear scientific information and updated modeling of the PureWater Soquel Project injected effluent along with the City of Santa Cruz Aquifer Storage and Recovery (ASR) work happening concurrently, I felt it was important that the Board be informed. I felt this would be worthy of a continuance. I also had information I relayed regarding impending ASR work by the City of Santa Cruz, and that the City's Capital improvement projects underway would support the ability of regional water transfers in wet years to use potable water for aquifer injection, rather than treated sewage water with inherent risks.

Here is a link to the information from the City of Santa Cruz Water Advisory Commission presentations regarding the Regional Water Supply management capital improvement projects (Item #3 at the October 2, 2023 meeting, and Item #5 at the August 21, 2023 meeting, both of which discussed the critical and impending Water Optimization Study, funded by the MidCounty Groundwater Agency:

<https://www.cityofsantacruz.com/home/showpublisheddocument/95965/638318436299800000>

Regional Coordination:

Focuses on the various efforts between the City and neighboring water agencies, specifically, Soquel Creek, Scotts Valley and San Lorenzo Valley Water Districts. Includes activities related to groundwater sustainability agencies such as the Optimization Study being performed through the Santa Cruz Mid-County Groundwater Agency and other related modeling.

<https://www.cityofsantacruz.com/home/showpublisheddocument/95428/638278892167700000>

The Regional Water Board Staff had not adequately answered the Board's questions about status of seawater intrusion or alternatives, with Mr. Bishop merely stating "The District needs this permit in order to move forward with the Project."

It seemed that Mr. Bishop was more focused on assisting the applicants get the permit they wanted rather than accurately informing the Board who was tasked with approving it.

I did not know that my October 17, 2023 correspondence and attached Writ of Mandate to the Board regarding the details of my litigation had been withheld from them, or I would have used my time to discuss the impacts of the Board's deliberation on the litigation, and how the Petition for Writ of Mandamus filed against Soquel Creek Water District related to the lack of Final Anti-degradation Analysis and influence of that on the positioning of the PureWater Soquel Project injection wells.

I would have discussed with them the merits of the Haley & Aldrich expert study commissioned by Cabrillo Community College with concerns that the injected effluent could impact their wells, or that the downgradient effluent flow would impact the nearby Estates production well and other private wells nearby.

I did mention my litigation, but thought the Board had my correspondence on the matter, so used my time otherwise. As I was finishing my comment time after the abrupt 30-second warning by Chair Gray, I spoke about the concerns relating to nitrate, questioning why the nitrate level could not be reduced if the PureWater Soquel Project treatment train included reverse osmosis, and that since it was evident the Reverse Osmosis was deficient in removing nitrate to a lower level, what other contaminants would be allowed into the injected effluent? I again briefly mentioned my legal challenge but was still under the impression that my correspondence had been included in the Board packet.

At that point, Chair Gray informed me that my time was up. When I asked about my pre-requested rebuttal time, she responded that I would *only* be given time to speak further if there were questions.

There were no questions, and therefore, I was not invited back to the podium. Mr. Duncan was invited back up to the podium, and profusely thanked the Board.

Had I been allowed to have more time, and had the Board asked any question whatsoever about the status of my litigation, especially as it references the lack of a Final Anti-degradation Analysis available until only March, 2023 (long after all three injection wells were constructed), and my concerns that the high-quality water of the aquifer would be degraded by the Project's effluent injection of nitrate and chloride, with no discussion of buffering, I would have been prompted to speak in more depth about the adverse impacts of any permit approvals of the Project. Instead, I relayed information from a similar discussion that had occurred at the MidCounty Groundwater Agency Board meeting the night before, at which Soquel Creek Water District Board member Tom LaHue admitted the injection well area was NOT experiencing seawater intrusion, but that the injected effluent would be pumped from that area and sold to customers in the service area of the District where there is higher chloride in the production wells. "It's called in-lieu" I explained. Dr. Hunter thanked me for explaining that matter.

Therefore, my prime complaint to the Water Board that leads me to demand Reconsideration and a Stay of the PureWater Soquel Project permits is that the Board's subsequent approval of the Permits essentially renders my litigation moot, and indeed adversely affects my litigation on the merits of not only the lack of Anti-Degradation Analysis, but also other CEQA-related causes of action potentially affecting water quality once the Project is operational.

After the Board's approval on December 15, I remained in the Board chambers, stunned. I was also suffering severely from lingering impacts of a post-concussion syndrome and stress of having nearly been involved in an automobile accident en route to the hearing in San Luis Obispo that morning.

I am currently under professional medical care of two physicians for these stress-induced and post-concussion medical issues (Dr. David Resneck-Sannes (831-338-5222) and Dr. Karl Maret (831662-8421) that, under the circumstances, prevented me from delivering a thorough argument but that would have included discussion of the litigation had I been prompted by the Board with questions relating to my October 17, 2023 correspondence that staff withheld, and had I been allowed rebuttal time, or more time such as what the Board granted the applicants.

As I was able to calm down, it became clear to me that the Board did not even aware of my litigation.

At conclusion of the meeting, I approached Director Hunter and Chair Gray, and asked if they were aware of my litigation against the PureWater Soquel Project? They said they were vaguely aware of it. When I explained the relevance of the litigation to the injection wells just permitted,

Director Hunter said "OH!" Chair Gray walked away, saying nothing about having made any decision to omit my correspondence from the packet, yet this is what Ms. Froelich subsequently has claimed in Public Records Act responses.

It was improper and harmful for Staff to single-handedly decide to omit correspondence to the Board.

It was improper and harmful that Staff did not notify me that my correspondence to the Board was not going to be included in the agenda packet, even though I have submitted similar correspondence to Ms. Tammie Olson in previous matters for meeting agendas and it was included in the Board packets.

Under the provisions of the Board, I requested on December 16-19, 2023, all correspondence submitted to the Board on the items of December 15, 2023 and left multiple phone messages for Ms. Tammie Olson, Thea Tryon, and other administrative staff to determine whether my October 17, 2023 correspondence was included in the December 15 Board packet. I received no response.

Following the December 15, 2023 Board meeting, I have twice submitted a Public Records Act request with legal staff December 18, 2023 and again on January 5, 2024, but to date, have not received any responsive materials that include correspondence. Administrative and legal staff only provided copies of the staff reports, and response to comments on the proposed permits, but did not include any correspondence at all.

Notably, my October 17, 2023 correspondence is absent.

However, on January 4, 2024, Ms. Froelich, legal staff, informed me in e-mail correspondence that Chair Gray did agree to omit my correspondence from the packet. *"Your comments and were brought to the attention of Chair Gray, who determined that they would not be accepted prior to the hearing. Mr. Packard's October 31, 2023 email informed you of that determination, when he said that the board's consideration of the permits (PWS and the accompanying NPDES permit for the City of Santa Cruz's wastewater treatment facility) would not be delayed "due to your legal challenges."*

While Mr. Packard, who is *not* on the Board, did inform me in correspondence October 31, 2023 that my litigation would not delay the Proposed Permit from coming before the Board, he did not inform me that my correspondence regarding the matter would be eliminated from the Board packet altogether.

To date, Staff has not provided me the correspondence responsive to my Public Records Act request proving that Chair Gray authorized omitting from the Board packet my October 17, 2023 correspondence and attached Writ of Mandate that was addressed to the Central Coast Regional Water Quality Control Board, not the permitting staff. As of January 11, 2024, Ms. Froelich estimates the responsive materials will not be available until January 31, 2024.

3) THE BOARD SHOULD RECONSIDER AND STAY THE PERMIT APPROVALS OF DECEMBER 15, 2023 BECAUSE THE DESIGN STATUS OF THE PUREWATER SOQUEL PROJECT IS UNCERTAIN, COULD DEGRADE GROUNDWATER QUALITY AND SHOULD NOT BE PERMITTED UNTIL THERE IS CERTAINTY

In my final moments before the Board before being firmly instructed to be silent by Chair Gray, I mentioned my concerns regarding the nitrate and impending degradation of the high-quality groundwater. Had I been given more time in rebuttal, I would have pointed out that the Staff report made clear that the PureWater Soquel Project treatment process is still under development, and it is uncertain as to the level of contaminants that could or would be removed before being injected into the high-quality aquifer groundwater.

Staff did not discuss this uncertainty at all, merely focusing vaguely on nutrient absorption ratios allowed. At no time did Staff state that the ambient nitrate level of the groundwater is 0.06mg/L or that allowing the PureWater Soquel Project daily injection of nitrate and chloride in the effluent **would degrade** the high-quality water of the Purisima Aquifer.

This appears to be improper and deceptive action to convince the Board to approve the permits.

Page 11 of the Staff Report states:

"The final design that is being developed for Pure Water Soquel is anticipated to have a product water nitrate N concentration of 1.67 mg/L, as described in Table 8 6 of the title 22 engineering report. The final antidegradation analysis summary in Table 11 11 of the title 22 engineering report accurately reflects the anticipated product water nitrate N concentration as 1.7 mg/L. Additionally, table 11 11 also includes a revised assimilative capacity estimation of 0.27% assimilative capacity consumed based on an anticipated nitrate N concentration of 1.67 mg/L. This is lower than the 0.57% assimilative capacity consumed estimated in the final antidegradation analysis using a product water concentration of 3.5 mg/L nitrate N. A memorandum from the design and build engineering firm for Pure Water Soquel, Black & Veatch, describing the anticipated nitrate concentrations in the product water is included as Attachment 2 of the notice of changes and opportunity to comment (second comment period), which is included as Attachment 3 of the staff report. A revised final antidegradation analysis is included in the record.

Central Coast Water Board responses to comments below are based on a product water nitrate N concentration of 1.67 mg/L"

Until there is certainty of the Project effluent quality and verifiable redundancy of the SCADA system control for treatment failures in real time, the Central Coast Regional Water Quality Control Board should rescind their approval of the Project permits in order to protect the high-quality waters of the Purisima Aquifer and the Monterey Bay National Marine Sanctuary. and Pacific Ocean.

If the "final design that is being developed for the Pure Water Soquel" project anticipated to allow 1.67mg/L nitrate, what other Contaminants of Emerging Concern (CEC's) would also not be removed in the reverse osmosis treatment process? The Board should be informed of this possibility and mitigations by the engineering firm developing this final system.

The Board should not be left to accept vague and evasive answers provided by Ms. Mow-Schumacher, who was not even certain of the diameter of the injection well pipelines when asked directly by Director Wolf.

Likewise, the Board should not be left to accept vague anecdotal answers provided by General Manager Duncan who could not answer Director Wolf's question of Mr. Bishop as to the exact status of the sea water intrusion.

4) THE BOARD SHOULD RECONSIDER AND STAY THE PUREWATER SOQUEL PERMIT APPROVALS BECAUSE THEY SHOULD BE INFORMED BY EXPERTS THAT THE CITY OF SANTA CRUZ IS UNDERTAKING BOND-FINANCED CAPITAL IMPROVEMENTS THAT WOULD SUPPORT REGIONAL SHARING WITH SOQUEL CREEK WATER DISTRICT DURING WET YEARS, INJECTING POTABLE WATER INTO THE AQUIFER FOR RECHARGE AND RECOVERY.

I asked the Board to continue their consideration on the Proposed Permits for the PureWater Soquel Project because of knowledge of the extensive bond-funded capital improvement projects currently under construction by the City of Santa Cruz that would support the ability to inject potable water into the Purisima Aquifer, rather than treated recycled water containing nitrates and high chloride levels.

I again make this request for the Water Board to reconsider the December 15, 2023 approval in order to accept new information about the possible ASR alternative that would better-protect the high-quality Purisima Aquifer groundwater.

5) THE BOARD SHOULD RECONSIDER AND STAY THE PUREWATER SOQUEL PERMIT APPROVALS BECAUSE PRESSURE INJECTION OF TREATED WASTEWATER MAY NOT BE NECESSARY WITH CHANGING LEGISLATION AND DIRECT POTABLE REUSE RECENTLY APPROVED

At my December 15, 2023 testimony to the Board, I mentioned that State approvals of Direct Potable Reuse were imminent, and therefore the Board should continue the hearing on the approval of the injection permits for PureWater Soquel. On December 19, 2023, the State Water Board did approve the use of Direct Potable Reuse in California. Therefore, this eliminates the need for Soquel Creek Water District to inject the treated wastewater into the high-quality Purisima Aquifer groundwater, and avoid the risk of fouling the water if there are PureWater Soquel system failures. I mentioned the potential fouling problems such as the Marina One Water Facility experienced in 2020 that cause raw sewage effluent dumping in the Monterey Bay.

Below is the excerpt from the State Water Board Press Release for DPR on December 19, 2023 as Exhibit B.

Because the State of California has recently approved Rule Making for the use of Direct Potable Re-Use of Title 22 Recycled water, the Board should therefore reconsider the permit to inject the treated recycled water to evaluate this new information and alternative that would pose less risk of contamination to the high-quality Purisima Aquifer groundwater upon which many other pumpers besides Soquel Creek Water District depend upon for potable water supply.

6) CONCLUSION AND POINTS AND AUTHORITIES

UNDER CALIFORNIA WATER CODE 13320, I HEREBY REQUEST THE WATER BOARD HOLD AN EVIDENTIARY HEARING TO RECONSIDER THE PERMIT APPROVALS OF DECEMBER 15, 2023 RELATING TO THE PUREWATER SOQUEL PROJECT, AND, UNDER WATER CODE 13321 AND CCR 2050, ENFORCE A STAY ON THE PERMIT APPROVALS UNTIL ALL HARMFUL GRIEVANCES AND NEW INFORMATION DESCRIBED ABOVE AND REQUESTED IN MY TESTIMONY DECEMBER 15, 2023 ARE THOROUGHLY REVIEWED AND PUBLICLY CONSIDERED, MOST NOTABLY THE SIGNIFICANT LEGAL HARM TO CASE 21CV01517 IN SANTA CRUZ COUNTY SUPERIOR COURT, AND APPEAL CASE H050093 IN THE SIXTH DISTRICT COURT OF APPEAL (TRIAL CASE 21CV02699).

California Water Code

§ 13320. Review by state board of regional board action

(a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), Chapter 5.9 (commencing with Section 13399.25), or Chapter 7 (commencing with Section 13500), **any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act**, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act. The state board may, on its own motion, at any time, review the regional board's action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.

(b) The evidence before the state board shall consist of the record before the regional board, and any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find that the action of the regional board, or the failure of the regional board to act, was appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may direct that the appropriate action be taken by the regional board, refer the matter to any other state agency having jurisdiction, take the appropriate action itself, or take any combination of those actions. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) If a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

(e) If a petition for state board review of a regional board action on waste discharge requirements includes a request for a stay of the waste discharge requirements, the state board shall act on the requested stay portion of the petition within 60 days of accepting the petition. The board may order any stay to be in effect from the effective date of the waste discharge requirements.

California Water Code § 13321. Stay of action (a) In the case of a review by the state board under Section 13320, the state board, upon notice and a hearing, may stay in whole or in part the effect of the decision and order of a regional board or of the state board. (b) If a petition is filed with the superior court to review a decision of the state board, any stay in effect at the time of the filing the petition shall remain in effect by operation of law for a period of 20 days from the date of the filing of that petition. (c) If the superior court grants a stay pursuant to a petition for review of a decision of the state board denying a request for a stay with respect to waste discharge requirements, the stay may be made effective as of the effective date of the waste discharge requirements.

I declare that I have sent a copy (e-mail and Overnight Delivery) of this Petition for Reconsideration and Request for Stay to the Central Coast Regional Water Quality Control Board Clerk, Ms. Tammie Olson, Legal Counsel Ms. Sophie Froelich, and Executive Officer, Mr. Ryan Lodge, and requested acknowledgment of receipt.

I have copied Soquel Creek Water District, their legal counsels, and all other parties on this e-mail for timely notification and hereby request all parties acknowledge receipt of this e-mail.

I have attached copies of the Permits as provided by Executive Officer Mr. Ryan Lodge as responsive materials to my Public Records Act request.

I request a hearing on this matter at the earliest date available to the Water Board.

I request a Panel Decision of there is no quorum of the Water Board. *"The Board may conduct any scheduled hearing as a Panel Hearing as allowed by law in the event of a lack of a Board member quorum. In the event that a Panel Hearing is held, final action on that item will not be taken until a Board member quorum is present. The Board generally will not accept additional public comment or testimony after the Panel Hearing, unless the proposed order is substantially changed. (Water Code Section 13228.14, gov. Code Section 11125.7)"*

Please acknowledge receipt of this e-mail. Thank you.

Sincerely,
Becky Steinbruner, Petitioner for Public Benefit
3441 Redwood Drive
Aptos, CA 95003
831-685-2915
ki6tkb@yahoo.com

EXHIBIT A

Becky Steinbruner
From: ki6tkb@yahoo.com
To: Central Coast Regional Water Quality Control Board Waste Discharge Unit, Olson Tammie@Waterboards
Cc: Matthew Keeling, peter.vonlangen@waterboards.ca.gov, Tryon Thea@Waterboards, james.bishop@waterboards.ca.gov, Becky Steinbruner

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Tue, Oct 17, 2023 at 2:48 PM

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Dear Central Coast Regional Water Quality Control Board,

I am informing your **Board** that the PureWater Soquel Project is currently under legal challenge in Superior Court of Santa Cruz County (Case 21CV01517).

The hearing on the merits of the Petition for Writ of Mandate will occur on January 12, 2024. There are 12 Causes of Action that the Court will review, many of which relate to water quality and the Anti-Degradation Analysis of the Project. Please see the attached Petition.

Therefore, I request the Central Coast Regional Water Quality Control Board delay consideration of the Injection Well Permit 2023-0033 and NPDES Permit 2023-0001 for effluent discharge into the Monterey Bay National Marine Sanctuary and Pacific Ocean until after the legal challenge has been heard in the Court of law.

Please respond. Thank you.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

EXHIBIT B

Board approves regulations for converting wastewater to high quality drinking water

Direct potable reuse will help address climate change impacts on water supplies

Dec. 19, 2023 Contact: Blair Robertson – Information Officer

SACRAMENTO – Further advancing the Administration's all-of-the-above Water Supply Strategy to make California more resilient to hotter, drier conditions, the State Water Resources Control Board approved regulations today that will allow water systems to develop treatment protocols to convert wastewater into high quality drinking water. The board's unanimous vote gives California the most advanced standards in the nation for treating wastewater to such an extent that the finished product meets or exceeds current drinking water standards. Known as direct potable reuse,

the process will enable water systems throughout the state to generate a climate-resilient water source while reducing the amount of wastewater discharged to rivers and the ocean. In fact, recycling water allows water systems to add millions of gallons of additional drinking water to their supplies over time while avoiding costlier and more energy intensive water supplies.

.....The newly adopted regulations comply with California's Safe Drinking Water Act, which ensures that the water delivered by public water systems in California shall at all times be pure, wholesome, and safe to drink. Once the new regulations are finalized through the Office of Administrative Law in 2024, water systems will be able to submit plans for direct potable use projects to the board for approval.

https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20231219-dpr-regulations-adoption.pdf

§ 13320. Review by state board of regional board action

California Code of Regulations, Title 23

§ 2050. Petition for Review by State Board
California Code of Regulations, Title 23

§ 2050.6. Supplemental Evidence.
California Code of Regulations, Title 23

§ 2051. Defective Petitions.
California Code of Regulations, Title 23

§ 2052. Action on a Petition.
California Code of Regulations, Title 23

§ 2053. Stay Orders.
California Code of Regulations, Title 23

§ 2054. Consolidation of Proceedings.
California Code of Regulations, Title 23

§ 2055. Notice of Review.
California Code of Regulations, Title 23

§ 2064. Record.
California

California Code of Regulations, Title 23

§ 2066. Workshop Meeting.
California Code of Regulations, Title 23

§ 2067. Formal Disposition.

§ 2055. Informal Disposition.
California Code of Regulations, Title 23

§ 2068. Notice of Right to Petition.

California Water Code § 13321. Stay of action (a) In the case of a review by the state board under Section 13320, the state board, upon notice and a hearing, may stay in whole or in part the effect of the decision and order of a regional board or of the state board. (b) If a petition is filed with the superior court to review a decision of the state board, any stay in effect at the time of the filing the petition shall remain in effect by operation of law for a period of 20 days from the date of the filing of that petition. (c) If the superior court grants a stay pursuant to a petition for review of a decision of the state board denying a request for a stay with respect to waste discharge requirements, the stay may be made effective as of the effective date of the waste discharge requirements.

(a) A stay of the effect of an action of a regional board shall be granted only if petitioner alleges facts and produces proof of all of the following: (1) substantial harm to petitioner or to the public interest if a stay is not granted, (2) a lack of substantial harm to other interested persons and to the public interest if a stay is granted, and (3) substantial questions of fact or law regarding the disputed action. A petition for a stay shall be supported by a declaration under penalty of perjury of a person or persons having knowledge of the facts alleged. (b) Upon a documented showing by petitioner that the request complies with the prerequisites for a stay, the state board shall issue a notice to all interested persons that a stay is being considered. (1) The state board must hold a hearing prior to issuing a stay if requested by any of the following: the petitioner, the discharger (if not the petitioner), the regional board, any person designated as a party by the regional board, or any person designated pursuant to subparagraph (2). A hearing may be held by the state board or a member of the state board. (2) Any interested person may request that the board designate him or her as a party consistent with section 648.1, subdivision (a). The request shall include a statement explaining the basis for requesting designated party

status, including why the petitioner, discharger (if not the petitioner), regional board, or any other designated party does not adequately represent the person's interests. (3) If a hearing is held, notice shall be given in such manner and to such persons, in addition to the petitioner, as the board deems appropriate. (4) A request for a stay may be denied without a hearing. (5) If no hearing is held, the state board may issue a stay only after providing all interested persons with notice and an opportunity to comment on the request for stay. (c) Nothing in subsection (a) shall preclude the state board from issuing a stay of the effect of an action of a regional board, upon its own motion. The requirement of a declaration under penalty of perjury may be waived by the board in case of an emergency. (d) The state board shall review and act on the request for a stay within 60 days from the date of mailing the notification described in section 2050.5(a). This limit may be extended by written agreement from the petitioner.

STATEMENT OF NO FINANCIAL SUPPORT TO BOARD MEMBERS

I, Becky Steinbruner, do hereby declare to the Board that I have not made and will not make any contributions of \$100 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent within the last 12 months to any Central Coast Water Board Member.

I, Becky Steinbruner, do hereby declare to the Board that although I oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board, I recognize that I am prohibited from making a contribution of \$100 (or more) to any Board Member for three months following a Central Coast Water Board decision on the permit application and do not plan to make any such contributions whatsoever.

DECLARATION OF HARM

I, Becky Steinbruner, do hereby declare under the laws of the State of California and under penalty of perjury that the December 15, 2023 approval of PureWater Soquel Permits Order R-2023-0033 and Order R-2023-0001 will cause substantial and adverse legal harm to the litigation for Public Benefit that I am taking and have taken for the past five years since the Soquel Creek Water District Board approved the Project in December, 2018. Most notably, the Permit approvals render moot my two cases 21CV01517 pending in Santa Cruz County Superior Court, and Appeal Case H050093 pending in the Sixth District Court of Appeals (Trial Case 21CV02699). I will be deprived of my civil due process, afforded me under the California Constitution Article I Section 7.

Respectfully submitted,
January 12, 2024

Becky Steinbruner, Petitioner, in Pro Per for Public Benefit

3 attachments



item11_complete_1-1.pdf
4941K



item12_complete.pdf
5013K



21CV01517 - Petition - No Fee (7).pdf
1611K



Tim Carson <admin@midcountygroundwater.org>

Re: Petition for Reconsideration of Permit Approval and Request for Stay of Permit Approval

Becky Steinbruner <ki6tkb@yahoo.com>

Mon, Jan 22, 2024 at 4:41 PM

To: "Sierra Ryan (MGA Point of Contact)" <basinpoc@midcountygroundwater.org>, Sierra Ryan <sierra.ryan@santacruzcountyca.gov>

Cc: Tim Carson <admin@midcountygroundwater.org>

Thank you.

Becky

On Wednesday, January 17, 2024, 08:42:04 AM PST, Sierra Ryan <sierra.ryan@santacruzcountyca.gov> wrote:

The BasinPOC email address is correct, Tim was referring to an additional email address that you included: sryan@midcountygroundwater.org does not exist.

Sierra Ryan, Water Resources Manager

County of Santa Cruz Environmental Health

Health Services Agency

[701 Ocean St rm 312](#)

[Santa Cruz, CA, 95060](#)

(831) 345-5202

Sierra.Ryan@santacruzcountyca.gov

From: Becky Steinbruner <ki6tkb@yahoo.com>**Sent:** Tuesday, January 16, 2024 10:28 PM**To:** Sierra Ryan (MGA Point of Contact) <basinpoc@midcountygroundwater.org>**Cc:** Tim Carson <admin@midcountygroundwater.org>; Sierra Ryan <Sierra.Ryan@santacruzcountyca.gov>**Subject:** Re: Petition for Reconsideration of Permit Approval and Request for Stay of Permit Approval

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Mr. Carson,

Thank you for this information. The MGA website is a bit confusing regarding contact information:

For information or questions about the Groundwater Sustainability Plan, contact Sierra Ryan at 831.454.3133 or BasinPOC@midcountygroundwater.org.

This makes it seem that Sierra is the Basin Point of Contact. If I use the e-mail suggested, does it go to Sierra or someone else?

Thank you for your help.

Sincerely,

Becky Steinbruner

On Tuesday, January 16, 2024 at 04:11:11 PM PST, Sierra Ryan (MGA Point of Contact) <basinpoc@midcountygroundwater.org> wrote:

Dear Ms. Steinbruner,

This email is to acknowledge receipt of your email sent to the Basin Point of Contact at "basinpoc@midcountygroundwater.org".

Please note for future correspondence that "sryan@midcountygroundwater.org" is not a valid email address. Ms. Ryan may be reached via the Basin POC email. Her working County email address is: sierra.ryan@santacruzcountyca.gov.

Best regards,

Tim Carson

Administrative Services on behalf of

Santa Cruz Mid-County Groundwater Agency

On Mon, Jan 15, 2024 at 5:16 PM Becky Steinbruner <ki6tkb@yahoo.com> wrote:



January 24, 2024

Mr. Ron Duncan
General Manager
Soquel Creek Water District
5180 Soquel Dr.
Soquel CA 95073

**SUBJECT: CLARIFICATION OF MS. STEINBRUNER'S
MISREPRESENTATION OF MY DECEMBER 14, 2023 PRESENTATION TO
THE MGA BOARD**

Dear Mr. Duncan:

It has come to my attention that Ms. Becky Steinbruner is repeatedly misrepresenting an excerpt of my statements during a public presentation to the Santa Cruz Mid-County Groundwater Agency (MGA) Board of Directors at its December 14, 2023 meeting on the Groundwater Sustainability Plan (GSP) 2025 Periodic Evaluation. Ms. Steinbruner is using my quote out of context to support her opposition to Pure Water Soquel. Furthermore, Ms. Steinbruner's conclusion, based on misrepresentation of my quote, is erroneous. The Santa Cruz Mid-County Basin (Basin) still has GSP-defined undesirable results occurring, has not yet achieved sustainability, and a project like Pure Water Soquel is needed to eliminate undesirable results for seawater intrusion and depletion of interconnected surface water.

Ms. Steinbruner, in her petition for reconsideration of permit approval and request for stay of permit approval related to Order R3-2023-0033 and Order R3-2023-0001, states:

“Ms. King made the statement at the December 14 Mid County Groundwater Agency Board meeting that "Overall, the Basin is doing pretty well." Therefore, according to Ms. King's expert opinion, there was no sense of urgency at all regarding the PureWater Soquel Project permit approvals.”

A recording of the meeting posted on the MGA's website (https://bit.ly/MGA_Board_12-14-2023) provides an accurate record of what I said regarding the Basin doing well and the context it was made in. The second part of the quote from Ms. Steinbruner's petition, “Therefore, according to Ms. King's expert opinion, there was no sense of urgency at all regarding the PureWater Soquel Project permit approvals”, is an inference by Ms. Steinbruner and not something I said during the meeting or at any time.

The context of my saying “Overall, the Basin is doing pretty well” was regarding re-evaluating the basin’s sustainability goal as part of the GSP’s Periodic Evaluation due to California Department of Water Resources (DWR) in January 2025. Slide 5 of the presentation (shown below) was being displayed at the time I made this comment (recording timestamp 00:36:37). By saying the Basin is doing pretty well, I was referring to how Basin conditions were mostly on track to meet the sustainability goal by January 2040, which is the date the MGA needs to demonstrate to DWR that there are no undesirable results to the Basin’s groundwater beneficial users and uses.

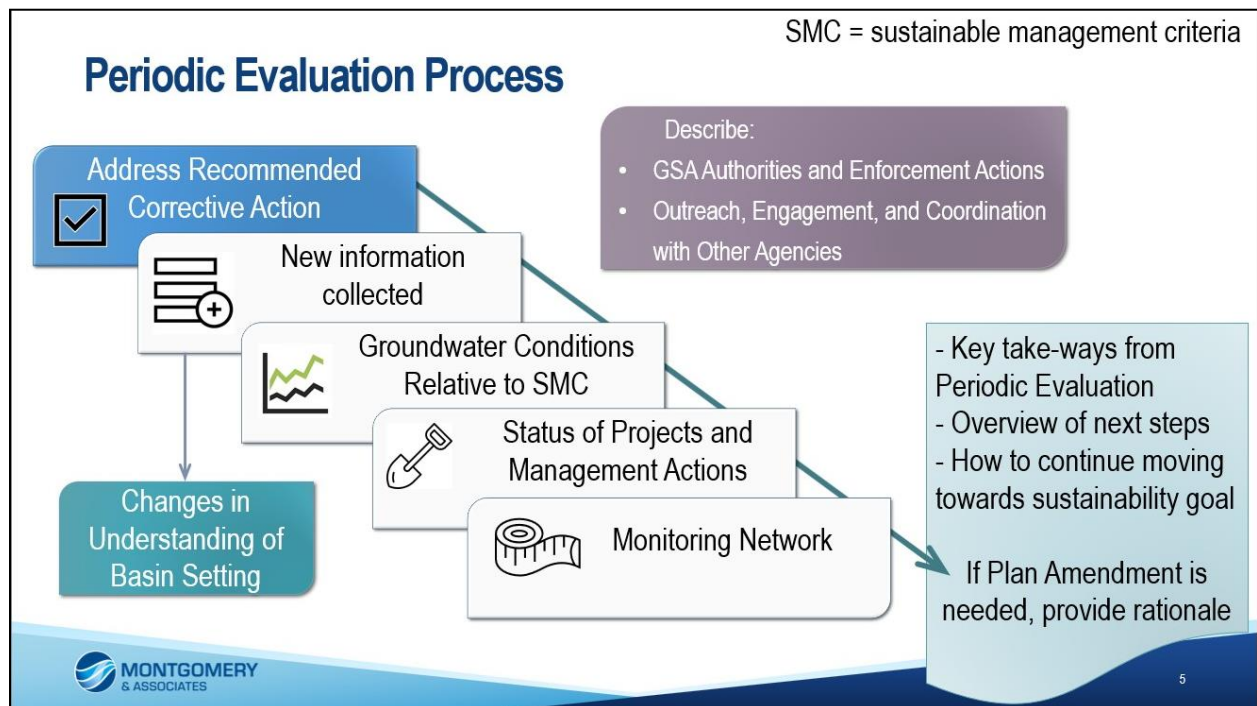


Figure 1. Slide 5 of December 14, 2023 Presentation

My statement during the presentation that “the Basin is going along pretty well” referred to how the Basin/MGA is progressing along the path to sustainability. DWR gives all Groundwater Sustainability Agencies (GSAs) 20 years to achieve sustainability, where sustainability is a condition with no undesirable results occurring to groundwater beneficial users and uses. GSAs are required to prepare and submit annual reports and periodic evaluations of their GSPs. As reported for Water Year (WY) 2022 and will also be reported in the WY2023 Annual Report, the Basin still has GSP-defined undesirable results for seawater intrusion occurring and therefore has not yet achieved sustainability. As indicated by slide 5, part of the path to sustainability includes implementing projects and management actions. The GSP includes Pure Water Soquel as a project to achieve sustainability. One component of the Basin doing pretty well on the path to sustainability is the progress achieved in implementing projects like Pure Water Soquel.

The GSP demonstrated that the Pure Water Soquel project is needed to improve groundwater conditions in the Basin to the point where the Basin is sustainable. For example, Appendix 2-I of the GSP shows how injection of purified water and redistribution of groundwater pumping made possible by Pure Water Soquel is projected to raise groundwater levels above minimum thresholds to prevent undesirable results for seawater intrusion and depletion of interconnected surface water. Pure Water Soquel is projected to reduce undesirable results in advance of the January 2040 deadline and maintain that sustainability for a further 30 years to 2070 as required by the Sustainable Groundwater Management Act (SGMA). Although SGMA provides 20 years to achieve sustainability, this should not be considered a reason to delay projects for achieving sustainability. Reducing undesirable results earlier will reduce the risk of seawater intrusion affecting beneficial users and uses.

For example, one of the undesirable results in the Basin occurs in the Seascapes area where chloride concentrations are increasing, which indicates advancing seawater intrusion. As part of my presentation on the 2025 Periodic Evaluation, I also presented results of a study looking into potential causes of the chloride increases (recording timestamp 01:02:02). In the final public comment period of the December 14, 2023 MGA Board meeting, Ms. Steinbruner actually proposed that Pure Water Soquel water be used at the Seascapes Golf Course, as a solution to reduce groundwater pumping in the Seascapes area where increased seawater intrusion in the Purisima F aquifer unit is occurring (recording timestamp 01:36:17). Pure Water Soquel provides the benefit suggested by Ms. Steinbruner and the planned implementation of the project includes a similar concept. As I described in the presentation (recording timestamp 01:17:08), Pure Water Soquel will reduce nearby Soquel Creek Water District pumping with the goal of helping slow seawater intrusion in the area. Granting Ms. Steinbruner's petition will delay the ability to address this existing and worsening undesirable result.

I appreciate the opportunity to provide clarification to the misrepresentation of my presentation at the December 14, 2023 MGA Board meeting and to refute the conclusion drawn by Ms. Steinbruner that she is citing as mine. If you have any questions, please feel free to reach out to me.

Sincerely,
MONTGOMERY & ASSOCIATES



Georgina King, P.G., C.Hg.
Principal Hydrogeologist
gking@elmontgomery.com