

Minutes of Meeting

8:30 a.m., Thursday, January 19, 2012
Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Ste A
Santa Rosa, CA 95403

Audio recordings of board meetings are available at:
www.waterboards.ca.gov/northcoast; go to the Board Info tab and click on Meetings.

****Attention: Items i thru 1 did not record; only Items 2 thru 20 were recorded****

i. Pledge of Allegiance

Board Member John Corbett led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: Geoffrey Hales, David Noren, William Massey, Heidi Harris, John Corbett and Irene Tynes.

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, Samantha Olson, David Rice, Patti Corsie, Donna Poe, Diana Henriouille, Mona Dougherty, Cherie Blatt, Lisa Bernard, Bryan McFadin, James Burke, Andrew Baker, Cathleen Goodwin, Clayton Creager, Ben Zabinsky, Tom Williams.

iii. Election of Officers

Motion: John Corbett moved to elect David Noren as Board Chair, William Massey seconded the motion. Motion passed unanimously.

Motion: William Massey moved to elect Geoffrey Hales as Vice Chair. John Corbett seconded the motion. Motion passed unanimously.

iv. Board Member Ex Parte Communication Disclosure

William Massey reported that he had met with elected officials of the County, State and Federal levels in the capacity of not only a Board Member, but also as a member of local Community Groups regarding West County Sewers.

Irene Tynes reported that her brother, Chris Beale is an attorney and one of the founders of the Resource Legacy Foundation. Mr. Beale sometimes represents the Mendocino Redwood Company and the Humboldt Redwood Company. No discussions will be made on matters pending before the Board. Prior to being appointed to the Board, Irene also spoke to Mr. Steve Westbrook, owner of the

Reservation Ranch. The Dairy Permit was spoken of, but no opinion was given by either party.

Geoffrey Hales spoke with Gary Rynerson, Green Diamond Resource Co. regarding a temperature policy question. No further issues were discussed.

- v. **State Board Liaison's, and Board Chair's Reports.** The State Board Liaison was not in attendance.
- vi. Cris Carrigan, Director of the State Board's Office of Enforcement was introduced by Catherine Kuhlman to the Board, and he gave a brief overview of the duties of the State Board Office of Enforcement. Cris also introduced Venessa Young of his Staff.
- vii. **Public Forum**

Comments were taken from:

Brenda Adelman, Russian River Watershed Protection Committee

1. Approval of Meeting Minutes: November 3, 2011

Motion: John Corbett moved to adopt the November 2011 Minutes. William Massey seconded the motion, motion passed.

Uncontested Items

2. **Public Hearing** on Order No. R1-2012-0009, to consider Settlement Agreement and Stipulation for Entry of Administrative Civil Liability; to resolve violations alleged in Administrative Civil Liability Complaint No. R1-2011-0013 for **Fort Bragg Municipal Improvement District No. 1 Wastewater Treatment Facility**, WDID No. 1B84083OMEN.
3. **Public Hearing** on Order No. R1-2012-0014, to consider Settlement Agreement and Stipulation for Entry of Administrative Civil Liability; to resolve violations alleged in Administrative Civil Liability Complaint No. R1-2011-0093 for **City of Crescent City**, Wastewater Treatment Facility, WDID No. 1A8006ODN.

Motion: Irene Tynes recused herself from voting. John Corbett moved to adopt, Heidi Harris seconded the motion, motion passed unanimously.

4. **Public Hearing** to consider **Mass Rescission** Order No. R1-2012-0007 for:
 - **Wells Fargo Center for the Arts (formerly Luther Burbank Center for the Arts) Wastewater Treatment Facility**, Order No. 96-40, WDID No. 1B82012OSON ;

- **Sonoma County Permit and Resource Management Department Monte Rio Wastewater Treatment Facility**, Order No. R1-2002-0009, WDID No. 1B01021RSON;
 - **LEAP Now (formerly New Education Development Systems, Inc.) Camp Maacama**, Order No. 88-148, WDID No. 1B78185OSON;
 - **USDI Redwood National Park REQUA Wastewater Treatment Facilities**, Order No. 91-23, WDID No. 1A83145ODN;
 - **California Department of Water Resources Rorabaugh Lease**, Order No. 87-4, WDID No. 1B82100OSON;
 - **Fulton Processors, Inc.**, Order No. R1-2005-0069, WDID No. 1B801790SON;
 - **Gualala Aggregates, Inc.**, Order No. 83-078, WDID No. 1B83078OSON;
 - **Piombo Corporation Windsor River Pit**, Order No. 84-13, WDID No. 1B84013OSON;
 - **Redwood Empire, Inc.**, Order No. 89-76, WDID No. 1B89014RSON ;
 - **Syar Industries, Inc. (formerly Healdsburg Sand and Gravel)**, Order No. 89-96, WDID No. 1B83021OSON.
5. **Public Hearing** on Order No. R1-2012-0004 to consider adoption of Waste Discharge Requirements for the Clean Closure of **Humboldt Redwood Company, LLC (formerly Pacific Lumber Company), Hely Creek Class III Solid Waste Disposal Site**, WDID No. 1B79174OHUM.
6. **Public Hearing** on Order No. R1-2012-0006 to consider Rescinding Cease and Desist Order No. R1-2007-0015 for Fort Bragg Municipal Improvement District No. 1 WDID No. 1B84083OMEN.

Motion: John Corbett moved to adopt Items 2, 4, 5 and 6
William Massey seconded the motion, motion passed unanimously.

Information Items

7. **Enforcement Update.** Diana Henriouille presented an update on the region's Enforcement program and the scope of their activities, which include:
- Processing high-level enforcement cases
 - Maintaining a procedures manual with up-to-date guidance and templates
 - Coordination with other agencies
 - Maintaining a viable spill response program
 - Acting as a clearinghouse for all complaint calls
 - Tracking and prioritizing violations
8. **Municipal Storm Water Phase II Update.** Mona Dougherty, Core Regulatory Unit Senior introduced Christine Sotelo, Lead NPDES Permit writer at the State Water Resources Control Board, Division of Water Quality, Storm Water Program. Christine gave the Board an overview and update of the draft Municipal Storm

Water Phase II Permit scheduled to be considered by the State Water Board for adoption in late spring or early summer.

Action Items

9. **Public Hearing to consider a Regulatory Program for Waste Discharges from Dairies and Concentrated Animal Feeding Operations in the North Coast Region, including Order No. R1-2012-0001, General NPDES No. CAG011001; General Waste Discharge Requirements Order No. R1-2012-0002; and Conditional Waiver of Waste Discharge Requirements Order No. R1-2012-0003.** Cherie Blatt gave the Staff presentation for the General Waste Discharge Requirements (GWDR) and the Conditional Waiver of Waste Discharge Requirements. The GWDR applies to dairies that potentially pose a significant threat to water quality and do not meet the minimum requirements for the Conditional Waiver. The Conditional Waiver applies to dairies that pose low or insignificant threat to water quality. Both the GWDR and Waiver prohibit waste discharge to surface and to groundwater. The GWDR must have a Nutrient Management Plan (NMP), Waste Management Plan and pay a fee depending on herd size. The Conditional Waiver must have a Water Quality Plan and no fees are charged at this time. Lisa Bernard gave the Staff presentation for the National Pollutant Discharge Elimination System (NPDES). The Regional Water Board implements the Federal Clean Water Act in the state of California, including requirements for concentrated animal feeding operations (CAFO) regulations. NPDES permit is the only one of the permits included in the North Coast Dairy permitting program, which allows for discharges to surface water under specific conditions. In addition, unlike the other two proposed North Coast permits, the NPDES permit applies to several types of animal feeding operations. Designation as a concentrated animal feeding operation is based on the number of animals managed at a facility and assumes a discharge to surface waters. Point source discharges are allowed under the NPDES permit under two specific conditions; 1) the facility must comply with a site specific approved nutrient management plan, and 2) discharges to surface water may only be the amount that overflows from storage designed to contain a minimum 25yr/24hr storm.

Each facility seeking coverage under the NPDES permit will submit a NMP in conjunction with a notice of intent for coverage and appropriate fees. Staff will then review the complete application and work with the facility to ensure permit requirements are met. Once staff and the facility operator agree that the application is complete, staff will prepare a letter indicating specific items in the NMP to be incorporated as permit terms. Both the NMP and draft permit terms will be made available for 21-days of public review and upon conclusion of the public review period staff will provide a letter to the facility confirming coverage.

Comments were taken from:

- Paul Martin- Western United Dairymen
- Deanne Meyer- UC Davis

- Casey Walsh Cady- CA Dept. Food and Agriculture
- Dayna Ghiradelli- Clover Stornetta/Sonoma County Dairy Producers
- Don DiBernardi- Sonoma County Dairy Producer
- Dave Renner- Humboldt County Dairyman
- Alan Levine- Coast Action Group
- Larry Hanson-Northern California River Watch

Motion: William Massey moved to adopt with changes, John Corbett seconded the motion, motion passed unanimously.

Paul Martin, Western United Dairyman and Catherine Kuhlman presented Jovita Pajarillo, Region 9-EPA, who retired after 30 years with EPA on December 31, 2011 with a plaque of appreciation for all her dedicated work with the CA Dairy Quality Assurance Program.

10. **Public Hearing to consider adoption of Resolution No. R1-2012-0013, Directing Staff to Use Existing Authorities to Implement Water Quality Objectives for Temperature in the North Coast Region and Develop for Board Consideration a Basin Plan Amendment to Incorporate a Temperature Implementation Policy; and Request for Direction from the Regional Water Board to Staff Regarding the Scope of the Temperature Policy Basin Plan Amendment.** Bryan McFadin, Senior WRCE, gave the Staff presentation on the changes proposed for the Resolution No. R1-2012-0013. Samantha Olson, Staff Counsel gave clarification of the aspects of law as it pertains to the Resolution.

Comments were taken from:

- Kari Fisher-CA Farm Bureau Federation
- Ed Struffenegger-California Forestry Association
- Daniel Myers-Sierra Club
- Mark Mannon-Campbell Timber
- Alan Levine-Coast Action Group
- Matt Greene- California Forestry; Comments read by Matt St. John

Motion: William Massey moved to adopt with amendment and change sheet #1, John Corbett seconded the motion, motion passed unanimously with Geoffrey Hales abstaining from the vote.

Bryan McFadin asked the Board for their direction of the Basin Plan Amendment Process as it pertains to incorporating a Temperature Implementation Policy. The Board requested that:

- Emails are to be treated the same as written comments and only be accepted up to the written comment deadline.

- Requesting an outline of the Basin Plan Process showing when the Public participation dates are scheduled.
 - Schedule a Work-Scope Meeting prior to December, 2013.
17. **Update on the USFS Waiver.** Tom Williams, Northern Timber Staff gave an update on the USFS Waiver R1-2010-0029 adopted in 2010. Tom Williams introduced Tyrone Kelly, Forest Service Supervisor, Six Rivers National Forest Service in Eureka, CA, who addressed the Board regarding the Waiver and how it benefits the Forest Service as it addresses control of nonpoint source discharges related to certain land management activities on National Forest Systems Lands.
11. **Extension of Limited Term Amendment Order No. R1-2011-0038, to NTMP Provisions of Order No. R1-2009-0038, Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region.** James Burke gave an overview of the Limited Term Amendment to NTMP Provisions which expires February 1, 2012 and requested an extension of the limited term amendment until August 23, 2012 to finish the inspections of the remaining NTMP's in the North Coast.

Comments were taken from:

- Clay Brandow- CalFire
- Alan Levine-Coast Action Group
- Lisa Weger-Landowner

Motion: Geoffrey Hales moved to adopt, William Massey seconded the motion, motion passed unanimously.

12. **Resolution No. R1-2012-0008, to consider the Short Term Renewal of the Conditional Waiver for Discharges Related to Specific Land Management Activities in the Shasta River Watershed, North Coast Region.** Andrew Baker, Core Reg Staff, gave an overview of the Waiver and the time schedule for developing a revised Waiver to be adopted in August, 2012.
13. **Order No. R1-2012-0011, to consider requiring the Forestville Water District , Wastewater Treatment, Reclamation and Disposal Facility to Cease And Desist From Discharging Or Threatening to Discharge Effluent In Violation of Waste Discharge Requirements , Order Nos. R1-2004-0027 and R1-2012-0012, WDID No. 1B831000SON, NPDES No. CA0023043, Sonoma County.** Board member William Massey recused himself and left the board room before the Forestville item was presented. Cathleen Goodwin, Core Reg Staff informed the Board that Forestville has not achieved compliance with final effluent limits for copper and the need for interim effluent limitations and a schedule for copper compliance. The Cease and Desist Order will retain interim copper effluent limits from the existing permit and will allow Forestville four additional years to achieve compliance with final copper effluent limitations.

Motion: John Corbett called for a roll-call vote, Geoffrey Hales seconded.
Noren aye
Tynes aye
Harris aye
Corbett aye
Hales aye
Motion passed unanimously.

14. **Order No. R1-2012-0012, to consider adoption of Waste Discharge Requirements for Forestville Water District Wastewater Treatment, Reclamation and Disposal Facility, WDID No. 1B831000SON, NPDES No. CA0023043, Sonoma County.** Board member William Massey recused himself and left the board room before the Forestville item was presented. Cathleen Goodwin, Core Reg Staff gave an overview and update on the Waste Discharge requirements for Forestville. Mona Dougherty, Supervisor Core Reg and Catherine Kuhlman, Executive Officer offered closing comments.

Comments were taken from:

- David Long-Senior Principal Engineer at Brelje & Race. Forestville Water District
- Ron Walker-General Manager Forestville Water District

Motion: John Corbett moved to adopt, Geoffrey Hales seconded the motion, motion passed unanimously.

Information Items

15. **Klamath TMDLs Implementation Update:** Comprehensive Watershed Stewardship for the Basin. Clayton Creager, Staff ES gave an overview of:
- Klamath Basin Implementation Strategy
 - Watershed Stewardship Framework
 - Implementation Activities Summary
 - Conclusions and Challenges
16. **Water Quality Compliance Program for Discharges from Irrigated Agricultural Lands Update.** Ben Zabinsky, TMDL Unit Staff gave an overview of:
- The programs purpose
 - Progress to date
 - Stakeholders Advisory Group process
 - Next steps
 - Timelines

17. Executive Officer's Report. Catherine Kuhlman, Executive Officer updated the Board on:
 - David Noren, William Massey, Catherine Kuhlman and Water Board Staff will be meeting with Sonoma County Board of Supervisors, Efren Carrillo, Mark McGuire and their Staff tomorrow to discuss the issue of septic tanks in the Russian River area.
 - Fee for Waste Discharge Requirements versus NPDES fees for small communities.
 - Timber streamlining and cost of regulating the Timber Industry.
18. Board Member Requests for Future Agenda Items. No requests were made.
19. Other Items of Interest. No other items discussed.
20. **Arrangements for Next Meeting and Adjournment**
9:00 a.m., Thursday, March 15, 2012
River Lodge
1800 Riverwalk Drive
Fortuna, CA

Meeting adjourned at 5:30 pm.

Chairperson_____

Date_____