

California Regional Water Quality Control Board
North Coast Region

Minutes March 27 and 28, 2002
Regional Water Board Tour and
Board Meeting
Regional Water Board Hearing
Room
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

1. Workshop Tour: Selected waste water treatment facilities and other activities in the Russian River.

Wednesday, March 27, 2002, at 9:30 a.m., the Regional Water Board and public members boarded a bus to tour the Windsor wastewater facility.

Board members attending the tour were: Dina Moore, John Selvage, Richard Grundy, Shawn Harmon, John Corbett, and Bev Wasson. Bill Hoy was absent due to illness and William Massey was scheduled to join the tour at a later time in Occidental at the Union Hotel during the lunch hour.

The first scheduled stop was the Town of Windsor wastewater treatment facility. The tour was led by John Johnson, Matt Mullan, Rich Ingram and other Town staff. The Town representatives provided a step-by-step tour of the process from influent to effluent discharge. Recycling is being emphasized, as with the Windsor High School, which will be using recycled water to flush toilets. The Town representatives reported that the effluent use would be the first time in the state that a high school will use recycled water. After leaving the Windsor plant, the tour passed a new subdivision, Vintage Greens, which will be using reclaimed wastewater from the Windsor plant for residential irrigation.

The tour next stopped at the Sonoma County Water Agency's Wohler Bridge facility. The Board and public viewed the Ranney collectors used by the Agency to collect drinking water for municipal supply. Agency biologist Sean White explained the water intake system and facilities intended to monitor and enhance the fishery. Mr. White discussed efforts to release and count fish at various portions of the river to assist in the study of potential impacts to the fishery from various activities.

The Board observed a lunch break in Occidental, and was joined by William Massey.

John Bauer requested that the Board tour take a brief detour to view an area of Monte Rio. Ms. Warner informed Mr. Bauer that we could not grant his request to detour from the scheduled agenda due to time constraints and physical limits for the bus turn-around.

At 3:00 p.m. the Board visited La Crema Winery on Slusser Road where Bob Conophy of Kendall-Jackson led the tour of the wastewater ponds and some of the vineyard.

Most discussion centered on the question of pond impermeability standards, as well as general water use and wastewater handling.

3:30 p.m. the Board returned to the Regional Water Board hearing room.

The regularly scheduled Board meeting of the Regional Water Quality Control Board, North Coast Region, was called to order by Chairman Bill Massey at 3:30 p.m.

i. Pledge of Allegiance

Bev Wasson led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members Present: Richard Grundy, John Corbett, Shawn Harmon, John Selvage, Bev Wasson, Dina Moore, and William Massey.

Staff Present: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Attorneys Sheryl Freeman and Erik Spiess, Division Chiefs, Bob Tancreto, Nathan Quarles, and Luis Rivera; Administrative Officer, Kathleen Daly; Secretary, Jean Lockett; Office Tech, Cathleen Hudson.

2. Update on the Definition of Liners for Wastewater Ponds

Mr. Tancreto spoke on the use of liners and liner specifications in permits, and mentioned that the item was brought back to the board for clarification of terminology. Mr. Tancreto referred to the use of language contained in the proposed General Waste Discharge Requirements for wineries that had been presented at the January Board meeting. That tentative set of requirements included a Finding describing a specification for a liner in ponds in relationship to wineries. Mr. Tancreto noted that at a prior Board meeting, Board member Selvage had commented that the specification seemed vague, and staff evaluated the appropriateness of a more specific definition of liner thickness and the type of liners used. Mr. Tancreto explained that the intent of the specification of 10^{-6} was to distinguish ponds designed to hold water from ponds designed to percolate water. He explained that findings are facts but are not directly enforceable. He suggested that any specification that should be enforceable would need to be in the body of the waste discharge requirements. However, staff had concluded that a liner definition was not needed in the waste discharge requirements, but should be part of the technical review of the report of waste discharge submitted by the applicant, and should be dealt with in the review of the report.

3. Update on Eureka Satellite Office

Kathleen Daly presented a status report on three options for establishing a satellite office in Eureka. She discussed the following options:

- I. An office space equipped with a computer, desk, and telephone for a staff person(s) to use while in the area. Department of Fish and Game in Fortuna has offered space for this purpose;

- II. two full time staff--a senior specialist and a full time clerical staff person--to occupy a office on a permanent basis, and
- III. permanent re-assignment of a staff of 37. Option III would require reorganization of the region.

The hiring freeze will affect option III until 2003, in terms of the Governor's Executive Order prohibiting re-organizations. Ms. Daly stated that she has submitted options I & III to the State Water Board for approval. Both options are dependent on adequate budget resources. Ms. Daly discussed the time frame, start up costs, and annual costs for each option. She discussed the pros and cons of each option.

Dina Moore stated that although we may have some challenges in opening and/or maintaining the satellite office, she suggested that we continue to work on our efforts.

Susan Warner stated that some of the challenges in having a satellite office would be to ensure consistency, avoid regulatory capture, and administer split programs.

Bill Massey asked about the cost for such an office. Ms. Warner referred to the costs in the staff report, and indicated that the time frame for achieving such resources could easily require two years of budgeting.

Jack Selvage asked what measure would be used to judge the success of the Eureka Office, and what would be the exit approach if it doesn't work. Susan Warner indicated that it was unlikely that there would be an exit step, since once an office is opened, expectations to keep it open are created and such offices are rarely closed. The strategy would be to fix any problems encountered. Ms. Warner also responded that the success of the office would be determined through the improvements in providing service to the area and in relationships with the community and regulated parties.

Mr. Corbett said that he had some concerns about moving 37 people to a Eureka office. He suggested that there be a study on where the need for a satellite office is best demonstrated. Mr. Massey stated that he also has concerns about relocating 37 staff people to the Eureka area.

The Board requested Ms. Warner to re-evaluate the options of the satellite office and make it smaller. The Board directed the Executive Officer to return with an option greater than two staff and less than 37, where the duties/roles of the staff were more explicit. Susan Warner stated that she and Kathleen Daly would return the matter to the Board this summer, and would also provide the Board information on office support in Redding.

4. Strategic Planning for the North Coast Region.

Ms. Warner gave an overview of options that the board may want to consider in implementing the Strategic Plan for the North Coast Region. She observed that at the last board meeting Art Baggett gave a presentation of the State Board Strategic Plan, which has a five-year-old planning cycle. Ms. Warner stated that staff in the region have been assigned to the 27 Strategic Planning initiatives in order to bring a sense of ownership of those initiatives and to assist in implementing the initiatives within the Region.

Jack Selvage stated his concerns were that a large number of the staff is young and have been here less than five years. He observed that a serious transition issue would come up within the next two to three years. He stated that it would be good to have a process for transition for those staff members who are retiring and to have replacements being groomed. Ms. Warner responded by saying that steps/training at the senior staff level were underway, as these 14 staff represented the next wave of likely managers. Susan Warner reminded the Board of the 18-month work plan included discussion of the importance of succession planning, however no formal plan to replace those in management had been developed, nor was completely possible given civil service rules.

Richard Grundy stated that the Board and staff should have dialog and determine how we can take possession of the initiatives and prioritize the 27 initiatives. Ms. Moore suggested a retreat meeting with the senior staff. Ms. Warner said that with the Board's direction she will follow-up on the meeting with management staff.

Mr. Selvage stated that the Board agreed that they wanted to be more involved/active in the strategic planning for the region.

John Corbett asked for clarification on the organizational structure of the Government departments from the Governor's office to the Regional Board. Ms. Warner briefly described the cabinet role of the Secretary of the California Environmental Protection Agency (Cal-EPA), and that an equivalent entity was the Resources Agency, within which was the California Department of Forestry and Fire Protection and the Department of Fish and Game, among others. Ms. Warner indicated that she would locate and provide an organization chart.

5. North Coast Regional Water Quality Control Board 18-month Workplan of Activities

Susan Warner presented information to update the Board on the *North Coast Regional Water Quality Control Board 18-month Workplan of Activities*. She stated that the workplan identifies the priorities for all programs, and also identifies work, that cannot be accomplished with the existing resources. The Plan is intended to be a dynamic document to be reviewed and updated periodically, provide an overview of the Region's priorities, and allow reassessment when priority shift and course changes are necessary. She indicated that the workplan was the first of its kind for this region.

Ms. Warner discussed the general way the regions have handled issues in the past to address program areas. She stated that she had attended a meeting in Sacramento the past Monday where the "Problem Solving" approach had been presented by Malcolm Sparrow, author of the *Regulatory Craft* book, which would be sent to all Board members. She indicated that the State Board would like for the regions to do move toward more of problem solving strategy with less of a program strategy, which involves, for example, counting how many orders are issued. This region has looked at the projects that will meet the requirements of the State Board, and was proposing a project to assess and correct pathogen contamination in the Russian River.

Mr. Grundy observed that this document contains a message that needs to be relayed to the outside world. He added that the document would benefit from an executive summary or an overview.

6. State and Regional Water Board Communications

Jack Selvage stated that he had sent an article to all of the Board members on *Why Invest In Rural America-and How?* He stated that he is concerned that economic issues may not be considered enough when making or considering an issue or items on the Boards agenda.

John Corbett moved to adjourn the meeting. Dina Moore seconded the motion. Meeting adjourned at 5:30 p.m. until Thursday, March 28, 2002, at 9:00 a.m.

Thursday, March 28, 2002

The Regional Water Board meeting was called to order by the Chair William Massey at 9:07 a.m.

iii. Pledge of Allegiance

Shawn Harmon led the pledge of allegiance.

iv. Roll Call and Introductions

Board Members Present: Chair Massey introduced the Board members: John Corbett, Richard Grundy, Dina Moore, Bev Wasson, Jack Selvage, and Shawn Harmon

Staff Present: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Attorneys Sheryl Freeman and Erik Spiess; Division Chiefs, Bob Tancreto, Nathan Quarles, and Luis Rivera; Seniors, Mark Bartson and Robert Klamt; technicians Mark Neely, Charles Reed, and Mona Dougherty; Administrative Officer, Kathleen Daly; Secretary, Jean Lockett; Office Tech, Cathleen Hudson

v. Minutes of Past Meetings

The October, December, January, and February minutes were presented for acceptance. The Board made minor revisions to the February minutes.

MOTION: Dina Moore moved to accept the modified minutes. John Selvage seconded the motion. The motion passed unanimously.

vi. Board Members Ex Parte Communication Disclosure

The Chair called for any ex parte communication disclosure from Board members. He asked Sheryl Freeman to give a brief overview/explanation of ex parte communication for Board members. Ms. Freeman stated that it was an opportunity for Board members to disclose any ex parte communications that they may have had regarding any item (s) on the agenda. The Chair called for such disclosures from the Board members, if any.

There were no ex parte communications disclosed.

vii. Public Forum

Duane Dewitt, a resident of the Roseland area in Santa Rosa, expressed concerns on the McMinn superfund site. He displayed a map showing the contamination in the McMinn area. He requested that the Regional Water Board find a solution to get the McMinn site de-listed as a superfund site.

Bruce St. John Moore, a resident of Monte Rio area, stated that the map used in showing flood hazard zones in Monte Rio area is incorrect. He distributed photos and a map that he felt photographically document the inaccuracy.

Brenda Adlemen, Russian River Watershed Protection Committee, stated that the Sonoma County Water Agency came out with a draft water policy statement that will be finalized in three months. An important item in the draft stated that wastewater should be recycled and as little as possible should be discharged. For various reasons the Sonoma County Board of Supervisors then certified an EIR for a 5 per cent increase in their discharge. She stated she didn't believe the staff had conducted an adequate analysis of an alternative site, and asked that a small study be done to avoid the discharge. The study would be to do a leachfield project instead of putting the tertiary water into Duchfield creek.

WASTE DISCHARGE REQUIREMENTS FOR DISCUSSION**7. Order No. R1-2002-0012 General Waste Discharge Requirements, for Discharge to Land by Winery Wastewater Treatment and Disposal Systems, and adoption of Resolution approving a Negative Declaration, All Counties in Region**

The Chair called for item 7, General Waste Discharge Requirements for discharges of winery waste to land and adoption of resolution approving a Negative Declaration for all counties in the region. Board member Shawn Harmon recused himself, stating that he owns an interest in a winery, and left the room during this item. Chair Massey administered the oath to those expected to give testimony in the matter.

Mark Neely discussed the general waste discharge requirements for discharges to land by a winery wastewater treatment and disposal system. The historical regulatory approach had been to issue waste discharge requirements when there was a wastewater pond at a winery, and to rely on Sonoma County to regulate subsurface systems. However, the Regional Water Board has regulated some of the larger subsurface systems. Ponds and subsurface treatments were discussed. He discussed the methods of wastewater treatment, and described the various sources of wastewater, such as bottle washing, mopping floors, and etc. Using general Waste Discharge Requirements (WDRs) is appropriate for classes of similar facilities. The benefits of the general WDRs are streamlined enrollment, providing a 4-to-6 week turn around time. The General WDRs would also provide for more regulatory consistency, as most wineries would share the same permit, and would also save staff time while providing more thorough coverage industry-wide. Mr. Neely observed that the pH requirements have been dropped from individual permits as these limits led to minor discharge

violations that did not have a water quality impact. He pointed out that dissolved oxygen limits were added for aerated ponds, and that increased monitoring requirements would be established for subsurface systems

Mr. Neely reviewed the Board's concerns that were discussed in the January Board meeting, and responded to the following issues:

- ◆ **Applicability based on production volumes**-- the Board wanted to determine if there was guidance on size of wineries where the general WDRs would apply, and had requested staff to review what other agencies were doing in terms of standards for describing a winery. Mr. Neely stated that he researched the size thresholds used by the federal Bureau of Alcohol and Tobacco, and Firearms and the County of Sonoma. Both agencies seem to have the same standards that less than 200 gallons for personal use was exempt from most winery requirements.
- ◆ **Industry outreach** – The board wanted to make sure that staff got the word out to the industry affected by the general WDRs. Mr. Neely indicated that notices were sent to six winemaker groups, consultants were contacted, staff made presentations, had prepared a fact sheet in a question and answer format, and worked with the media leading to a newspaper article in the Press Democrat. Mr. Neely indicated that the outreach would continue.
- ◆ **General WDRs revisions such as solid waste handling** – Mr. Neely reported that language was added for pomace such as seed, skins, or stems, etc. If these materials were not used for an agronomic purpose, then they are to be disposed in accordance to chapter 15 standards.
- ◆ **Impermeability standards for ponds** -- The board directed staff to review the liner thickness provision. Staff indicated this matter had been discussed on the prior day at the board meeting, and the resolution reported at that time was to use the report of waste discharge as the vehicle to obtain the needed sizing calculations based on threat to water quality.
- ◆ **Economic impact** -- Mr. Neely indicated that because subsurface system, will be receiving permits, operators will be required to pay annual fees of \$200 - \$300 depending on the threat to water quality and the complexity of the site.
- ◆ **Monitoring Change** – Mr. Neely stated that there would be some minor monitoring costs to some wineries.
- ◆ **Pond impermeability** -- Mr. Neeley observed that newer facilities should easily meet the standards and older facilities may need to collect some data, and the water board staff will work with them while data collection is underway. He gave a worst case example that can be costly for a winery would be a leaky pond, with high groundwater in the area. In such a case, we may then need to install monitoring wells and monitor or do a retrofit and install liner or clay layer. Water quality impacts would need to be addressed and this is how we would address it.
- ◆ **NOI-Notice of Intent** -- He stated he wanted to develop a form more tailored for the winery and that was easier to complete.

Mr. Neely concluded his presentation by recommending the Board adopt the Negative Declaration and General Waste Discharge Permit.

Jack Selvage pointed out what appeared to be a conflicting statement on Page 9, G 1-C section with section G 1-D of the order. Susan Warner stated that staff would work up clearer language and come back to this section.

Dina Moore requested a review of the general order in regards to the 120-day holding period prior to discharge. Susan Warner explained that filings for new wineries generally would go forward well within that time frame, and existing facilities would only need to file the Notice of Intent for coverage. Ms. Moore also referred to page 12, item 12 regarding inspection. She encouraged staff to let the discharger know when at all possible that we are coming to the facility for inspection.

Richard Grundy wanted clarification on the waiver and its time limits. Susan responded by stating that the SB 390 affects the waiver. She stated that all existing waivers will sunset on January 1, 2003, and waivers granted under SB 390 would have an expiration date of five years later.

Bob Tancreto gave the Board new language for page 9, G1-C and section G revising the provision that read: "The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration, and seasonal precipitation during the rainy season." Mr. Tancreto suggested that section be modified to read, "The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration and inflow into the collection system, and seasonal precipitation during the rainy season."

Bob Anderson said that he has read the General Waste Discharge Requirement and did not recommend any changes. But, he did suggest that page 5 of the discharge prohibitions, number 1, needed clearer language.

Dina Moore noted that the monitoring and reporting program on page 2 in the leachfield monitoring section, item 1 requires that "A summary of the visual monitoring shall be submitted to the Regional Water Board semi-annually, on or before June 15 and December 15 of every year", and compared that to item 5 on page 3 that says, "The discharger shall submit an annual report to the Regional Water Board by January 15 of each year." Ms. Moore requested that these requirements be made to better coincide with each other so that the discharger can file two reports on June 15 and one report on December 15 and not three reports at three separate times. Susan Warner stated that the change for the filing date would be made.

Susan Warner re-read the suggested change for page 9 section G 1-C requirements, which changes the language "The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration and inflow into the collection system, and seasonal precipitation during the rainy season" to instead say "The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration and inflow into the collection system, and seasonal precipitation during the rainy season."

MOTION: John Corbett moved to approve the Negative Declaration.
John Selvage seconded the motion. Motion passed

unanimously. John Corbett moved to adopt the General Waste Discharge Requirements as amended. Bev Wasson seconded the motion. Motion passed unanimously.

The Board observed a five-minute break.

8. Order No. R1-2002-0009 Monte Rio Community, Wastewater Treatment Facility Waste Discharge Requirements, Sonoma County, WDID No. 1B0121RSON

Chair Massey administered the Oath to those present to give testimony.

Mona Dougherty discussed the proposed waste discharge requirements for the Monte Rio Wastewater treatment facility. She stated that the Sonoma County Permit and Resource Management Department submitted the report of waste discharge that initiated the draft of the requirements in discussion. The facility will replace individual wastewater treatment systems. It was recently proposed that the Russian River be added to the 303(d) list for elevated bacteria levels in the Monte Rio area. The requirements will address the issue of substandard individual wastewater systems, which have the potential to impact water quality and public health. She summarized the primary concerns received from the discharger, Department of Health Services and the public as being: flooding, seismic threat to the collection system's integrity, and pollution associated with the operation of the facility. Ms. Dougherty addressed each concern by stating the requirements that staff has set for the discharger, such as the prohibitions on discharge to less than 2-feet of unsaturated soil with ground water level monitoring; emergency storage capacity for the collection system; and a sewer overflow prevention and a response plan. She summarized her presentation by saying that the facility will be located near Monte Rio and the Russian River.

Supervisor Mike Reilly, representing the 5th district of Sonoma County, stated that the county is in full agreement with all waste discharge requirements recommended by staff. He commended staff on responding to the comments, concerns and oppositions. He noted that many of those concerns were from those who lived outside of the area. He observed that nine local residents were appointed as the local advisory committee representing a cross section of the community. They attended more than 20 public meetings to go over every aspect of the project. Supervisor Reilly stated that the Monte Rio project is the first project of the state to receive a grant from the California Coastal Conservancy under its Anti-pollution Program for Coastal Rivers. He remarked that the biggest challenge in solving pollution problems in a small low income community such as Monte Rio was funding, and indicated that it would require a significant commitment of state and federal grants outside of the on going rate base to meet basic standards and be affordable to the community. He stated that the Board has before them a project that resolves public health problems in a manner that meets all Basin Plan requirements and that is eligible for waste discharge requirements.

Ted Walker, the project manager for Sonoma County Permit and Resources Management Department, presented a slide show covering the timeline and hillside area and the conditions of the septic systems. He stated that the community wanted to find a collection system that wouldn't make matters worse and that would remedy wastewater

problems. He covered the timeline, the study area of the project, sewage disposal conditions in hillside areas and alluvial areas. Mr. Walker observed that some people have stated that a need for the project has not been shown, and he disagreed.

Norm Hantsche, principal engineer with Questa Engineering, indicated that his firm was hired in 1997 to conduct the facility planning study for the Monte Rio Project, and gave an overview of the evolution of the project. Five different alternatives were considered for the project. He recognized that they have not picked up all the problems in Monte Rio area, but have proposed a project that has capacity for expansion as time goes on to add additional problem areas. They looked at the flooding issues and the collection systems analysis and the importance of the collection system design. They looked at several alternative sites such as the Guerneville treatment option, Sheridan treatment site, Mendocino Redwood site, and one site on a narrow ridge near Duncan Mills and another site off to the west. They concluded that the Sheridan Ranch site was the most appropriate site. The Sheridan Ranch site has good soil for leachfield system, for irrigation, or just about any sort of treatment system. Mr. Selvage asked why the SBR system was selected, and Mr. Hantsche responded regarding the seasonal fluctuations in flows. Mr. Grundy requested clarification on the favorability of a second site, and Mr. Hantsche responded. Mr. Corbett asked about capacity and Mr. Hantsche indicated that the system would accommodate immediate connection of 400 to 600 parcels, and capacity for about 600 more. Mr. Corbett also asked for clarification on the flooding issue, and Mr. Hantsche and Mr. Walker responded.

Rene de Monchy, a resident of the Monte Rio area, supports building a sewer system in Monte Rio. He stated that overall they have lost about a third of the houses in the area because houses can not be rebuilt. The area needs to be rebuilt back into a vibrant community and the businesses need to thrive. Affordable housing is very much needed in the community.

Mr. Gregory Haas, a small business owner of the down town area in Monte Rio, stated that he supports the Regional Water Board staff report and the hard work they have put in the report. He supports the Monte Rio sewer system and the protection of the Russian River.

Lee Torr, IV, a life long resident in Monte Rio, stated that he is well acquainted with the floods in the area. He commended the staff on an excellent report and their response to all the concerns.

Dr. Dan Whitcom, a resident of Duncan Mill, questions the need for the project. He stated that the Regional Water Board must rely on the best evidence that science can provide. He stated that he has seen very little science on this project. He has done testing himself and has detected very little nitrite. This Board should direct the need of the proposal on scientific information.

Wanda Homer, lives in Villa Grande and is a member for the advisory committee, stated that it is their turn to clean up their area. The community is impacted with residents and tourist and the old system is not working. She stated that this is a good project and that PRMD and Questa Engineering have done a great job.

John Bauer requested that a three and half page document be read and put to the public record. The Chair approved the document as Mr. Bauer's testimony opposing the Monte

Rio Wastewater Facility is submitted as testimony for the record. Mr. Bauer briefly summarized his submitted memo dated March 25, 2002, that was not in support of the Monte Rio project.

Brenda Adleman, Russian River Watershed Protection Committee, is concerned that by putting in the Monte Rio system, the Board may be trading one problem for another. She stated her concern that the worst problems in Monte Rio will not be handled. She is concerned that the monitoring described by staff will not deal with the problem, and requested that the Board address the serious problems before a permit is issued.

Bruce St. John, a business owner and resident in the Monte Rio area, stated that there were fundamental errors in the mapping that has been ignored. He stated that there are several errors that need resolving. He displayed several maps that he believed showed inappropriateness of the future site location.

Richard Grundy requested staff present a periodic status report on the project. He observed that there were a number of issues raised, and that it would be useful to the Board to know how the project is proceeding.

Mr. Corbett asked whether the waste discharge requirements, if adopted, would have built-in violations right away, and staff responded that such was not the case.

MOTION: John Corbett moved to adopt the Waste Discharge Requirements. Bev Wasson seconded the motion. The motion carried unanimously.

At 12:16, Chair Massey announced that the Board will observe a short break (3 minutes), and the meeting will resume in closed session.

Sheryl Freeman announced that an item had been added to the closed session due to a court-imposed deadline, regarding the Ned and Catherine Brown property located at 5291 West Dry Creek, Healdsburg [Authority: Government Code Section 11126.3(d)]

At 1:40 p.m. the lunch break and closed session concluded and, Chair Massey reopened the meeting to the public. Susan Warner announced that there was nothing to report from the closed session.

OTHER BUSINESS

10. Request for use of Cleanup and Abatement Account Funds for the West College at Clover Drive Groundwater Contamination

Luis Rivera introduced the item to consider a resolution from the Regional Water Board to be submitted to the State Board for funds from the Cleanup and Abatement Account in the amount \$300,000 for water connections in the West College Avenue/Clover Drive area of Santa Rosa. This would be the Regional Board's second request to the State Board for this project.

Mr. Rivera stated that in November 1999, well sampling by a resident detected Tetrachloroethene (PCE) at 37 ppb. A re-sampling in August 2000 revealed elevated

concentrations of PCE as much as up to 576 ppb in one domestic well. There are 175 homes threatened by the contamination. A total of 30 domestic wells have been contaminated with PCE. The emergency allocation of \$100,000 followed by an allocation of \$739,195 from the Cleanup and Abatement account allowed staff to begin investigation of the problem as well as to abate exposure through installation of filters at 30 of the parcels. The Regional Water Board staff has made the determination that the extent of contamination is unknown at this time. The Executive Officer has issued 13267 Orders to the landowner and operator of Sonoma French Dry Cleaners and a 13304 Cleanup and Abatement Order has been issued to the current and former landowners and operators at 946 West College; a 13267 Order was issued to landowner of 1007 West College Avenue.

Mr. Bartson recapped the funding provided by the State Board to date through the Cleanup and Abatement Account. He briefly covered the funds committed by Sonoma County and the City of Santa Rosa (City). The City and County have spent a total of \$600,000 on the new waterline in the neighborhood and they provided \$100,000 for connection of contaminated wells. They have recently allocated \$150,000 each for connections throughout the neighborhood. In the December of 2001 it was determined that there was a shortage of \$437,000 and now it was determined that there is a shortfall of \$600,000 because of the freezing of \$150,000 in the current State budget. The City and County have allocated an additional \$300,000 and requested the Regional Water Board's support in going to the State Board to request the additional \$300,000 to allow the entire neighborhood that is threatened by the contamination to connect to the waterline.

Supervisor Mike Reilly addressed the Board regarding the West College community by stating that he's very hopeful that in the very near future that we will one day look back at this episode as a case example of how the Regional Water Board and the local government cooperated to respond to a public health threat. A revised well Ordinance was presented to the Board of Supervisors that will offer the local residents options and a system that will protect the public health.

Michael Freidenburg, a member of the community committee, stated that what has happened in the West College/Clover Drive community is an environmental injustice and the victims should not have to pay. He stated that the residents are coming back to the Board to handle the last bit of pollution. He thanked the Board and staff for being in the forefront in this contamination issue.

Debbie Anderson stated that she is a member of the Board for Borden Villa homes. With the 22 apartment and 13 single-family homes, the question is no longer if Borden Villa homes will be contaminated, but when. She requested that the Board lend their support and help get the money they are requesting.

Lorraine Dickey, 1200 West College Avenue resident, thanked the staff, Regional Water Board, and Susan Warner for resolving their fears, getting them clean water and taking care of the contamination issue. Other agencies have worked close with the residents, too. The funding for hooking the residents up for safe clean drinking water is important. She asked that the Board support the funding request.

MOTION: John Corbett moved that the board approve Resolution No. R1-2002-0035. Richard Grundy seconded the motion. Motion passed unanimously.

CORRECTIVE ACTION

9. Order No. R1-2002-0025 PUBLIC HEARING, City of Fort Bragg Municipal Improvement District No. 1, Revision of Cease and Desist Order No. R1-2001-23

Chair Massey administered the Oath to all those present to testify in the hearing.

Charles Reed, staff engineer with the Regional Water Board, presented the staff's recommendation for a cease and desist order for the Fort Bragg treatment facility. Mr. Reed reviewed the major treatment processes of the facility. He also covered the three cease and desist orders No. 97-02, 98-126 and 2001-23. He indicated that Cease and Desist Order No. 2001-23 contained a time schedule, which was extended for the treatment plant modification to coincide with renewal of the permit that originally was to be considered in March of 2001. The permit was delayed due to a need to respond to significant comments received on the tentative permit. Staff plans to bring the permit back to the Board later in the year after comments have been addressed. Mr. Reed proposed that the time schedule be extended to the proposed dates to allow staff to address the concerns in the upcoming permit renewal.

Dave Goebel from the City of Fort Bragg, director of public works, wanted to follow-up on Charles Reed's presentation regarding the dates. Mr. Goebel said that the reason for some of the delays is due to legal issues and technical issues. Some of the delays were due to the design criteria for the sand filters currently under development. Funding is in place to construct the project and the CEQA process has been completed. He stated that if the cease and desist schedule is made parallel with the time schedule for issuing the NPDES in place, then the project can move forward.

MOTION: Bev Wasson moved to rescind the cease and desist order R1-2001-23 and adopt Cease and Desist order No. R1-2002-0025, John Selvage seconded the motion. The motion passed unanimously.

11. Consideration of Priorities for Use of the Emergency, Abandoned, Recalcitrant (EAR) Account for Underground Storage Tanks, Fiscal Year 02-03 Annual List.

Luis Rivera presented a resolution proposing a priority list for the Underground Storage Tank Cleanup Fund, Emergency, Abandoned, Recalcitrant (EAR) Account, for Fiscal Year 02-03. Mr. Rivera gave the Board information on Chapter 6.75 of the California Health and Safety Code. Every year the State Board opens up a nomination process and ask local implementing agencies--such as the fire department or county health agencies--and the Regional Water Board to nominate any eligible site that is a threat to public health, the environment, and to water quality. The eligible sites include those where the responsible party is unable to proceed with the cleanup of the site due to lack

of funds. The Humboldt County Health Department is a local implementing agency and has requested that the Regional Board staff nominate the Orick Presbyterian Church for an allocation of \$50,000 dollars to complete an initial investigation of a release of petroleum.

Dina Moore requested information on why the site was ineligible for the Underground Storage Tank Cleanup Fund. Luis Rivera responded that the property has transacted since the underground tank was removed, and the Church is ineligible. Mr. Grundy inquired as to who was the previous owner, and Luis Rivera responded. By consensus, the Board directed staff to pursue the original owner for responsibility.

MOTION: John Corbett moved to make it a priority to seek funding from the State Water Board for Orick Presbyterian Church. John Selvage seconded the motion with concerns and requested that a cover letter accompany the resolution requesting the State Water Board to recover funds from the discharger. Motion passed unanimously.

17. Adoption of a Resolution establishing a priority list for State Revolving Fund Loans for FY 2002-2003

Susan Warner began the presentation by stating that periodically the State Board will issue low interest loans from the State Revolving Fund. The process starts with a priority list issued by the Regional Water Board. The resolution today is a proposed priority list to the State Water Board for inclusion on the Statewide Priority list, which is updated every year.

Robert Tancreto discussed a few of the suggested recipients of the fund, such as: McKinleville Community Service District for upgrading the treatment facility to advance treatment. Mckinleyville has effluent difficulties with ammonia and is exploring ways to reduce toxicity in their discharge; Russian River County Sanitation District staff is in discussion about the projects they can pursue to meet the terms of existing enforcement actions. The City of Willits is in the process of devising the facility they need to comply with the Basin Plan waste discharge restrictions. Mr. Tancreto stated that staff's recommendation is that the list be adopted and forwarded to the State Board.

MOTION: John Corbett moved to adopt the Resolution No. R1-2002-0039. Richard Grundy seconded the motion. The motion carried unanimously.

15 Update on the North Coast Watershed Assessment Program

Robert Klamt gave an overview of the North Coast Watershed Assessment Program (NCWAP). The California Resources Agency spearheads the NCWAP effort, coordinating work among the Department of Forestry and Fire Protection, Department of Fish and Game, California Geological Survey, Department of Water Resources and Water Quality Board staff. The agencies work together to develop and analyze base line information on the watersheds, with the aim of identifying factors limiting salmon

production, guide watershed restoration programs, and encourage cooperative approaches. This information will assist addressing assessments like those required by the Forest Practice Rules, Clean Water Act, Porter-Cologne Act. Mr. Klamt said that prior to this program it was difficult to obtain graphically compiled information, but now one can go to the geological survey web site and download a draft geology map. In addition to geographic information being available, watershed assessment reports are also available on the web site. Mr. Klamt gave a review of the assessment report structure, which includes an executive summary, a detailed program introduction and overview, a watershed profile, and discussion of watersheds that are broken down into subbasins to deal with the assessment. Issues are identified through the assessment and a working hypothesis is formulated, then findings are reviewed to determine whether the hypothesis is supported by the facts, and where information gaps may exist. Mr. Klamt discussed the findings and recommendations of the Redwood Creek Watershed, Mattole River Watershed, and the Gualala River Watershed reports. He reviewed the 2002 schedule, stating that the final assessments are due to legislature on May 1, 2002. He stated that the schedule for new watershed is quite tentative, but plans are to look at the Middle Klamath River, Scott River, Shasta River, and Middle Fork Eel River.

Mark Rentz, with California Forest Association, commended the efforts of the North Coast Watershed Assessment Program. The association has supported this effort, recognizing the need to gather this information and develop a repository that all interested parties can draw from. Mr. Rentz cautioned on use of certain data to evaluate the hypotheses, and indicated the importance of determining the validity of the data, and how data can evolve over time. He stated that there was not much discussion of the role natural processes play in the way conditions change over time.

Richard Geiger commended those involved in the program and observed that, for this exercise to be effective, there needs to be improvement and the agencies should be explicit about the linkages between what can be done about the conditions in each watershed.

A break was observed at 3:27 p.m.

The Board reconvened at 3:44p.m.

22. Monthly Report to the Board

Susan Warner reported on directions she received from the Board at the February Board meeting regarding the Pacific Lumber Company matters, in response to the State Board remand order. Ms. Warner reported on progress in response to the Board's direction in February, including:

- 1) Proceed with TMDLs on the affected watersheds in an expedited fashion. Ms. Warner reported that a financial need document was being prepared and would be forwarded to the State Board in hopes of getting contract resources that would assist in this project. The scope of the work is being outlined by staff who reported that there could be some success in receiving resources from the State Board to support technical analysis during the expedited TMDL process
- 2) Move forward with requiring monitoring as appropriate. Ms. Warner reported that a meeting with Pacific Lumber is scheduled for Friday, March 29, 2002, and progress is being achieved. Pacific Lumber has been informed that efforts will be

made to resolve the monitoring issue in a cooperative way. If that is not successful, a 13267 Order will be issued.

3) Issue any technical report requirements deemed necessary under Water Code section 13267. Ms. Warner stated that she has not issued a 13267 Order as yet. She and staff are in discussion on the need for the order, based in part on the responsiveness of Pacific Lumber in the cooperative effort noted previously. Ms. Warner stated that she would keep the Board informed.

4) Pursue mediation. Ms. Warner has conferred with Mr. Massey, Mr. Grundy and Ms. Moore, who together advise and assist Ms. Warner in her efforts on mediation on the Pacific Lumber matter. The sub-committee is advising Ms. Warner on potential firms and individuals that could facilitate the mediation process. Ms. Warner said that she believed that the intent of the Board was to resolve this issue locally and those who would participate in the mediation process would be local stakeholders. Ms. Warner reported to the Board that a press release on the mediation will be released upon the approval of the State Board.

5) Provide a hearing at which the Board can take evidence to consider whether to direct Ms. Warner to request reports of waste discharge from Pacific Lumber. A hearing has been noticed for the April 18 and 19 Board meeting in Eureka.

Chair Massey said that one of the first things that the committee identified was that mediators and funds would be needed. The chair of the State Board agreed that they will put forth \$5,000 towards contracting a mediator. If those funds are exhausted, a contract will be necessary to continue any future actions that might require mediation.

Richard Grundy requested that Chair Massey reiterate his statement made in Eureka at the February meeting. Chair Massey stated that the desire of the Board is to have those who are going to be most affected by the decisions or solutions in mediation. It would be those people who would participate in the mediation process. He stated that Ms. Dina Moore would participate in the mediation process knowing that at some point she may have to recuse herself from the Board's decision making on this issue.

Mr. Grundy stated that the sub-committee decided that Ms. Susan Warner would participate in the mediation process with the participants in Eureka and report back to the Board.

Chair Massey stated that the Board would prefer that a decision is made by those whose lives are going to be affected by it, but the Board will make a decision if need be.

Ms. Warner stated that she would appear before the State Board on April 10 and give them a report.

Jack Selvage questioned if it has been determined if the Regional Water Board have the legal authority to request the report of waste discharge requirement. Sheryl Freeman stated that there is not a doubt that the Regional Water Board has the authority to request a report of waste discharge, as confirmed by recent precedential State Board decisions. She noted, however, that the issue is the subject of on going litigation filed by Pacific Lumber Company.

Richard Grundy requested that the record state that there is legal counsel from the state and that legal counsel would be part of the medication process with the understanding that there are certain restrictions for that legal counsel in future participation in this matter.

Susan Warner stated that Phil Wyels with Office of the Chief Council would participate as counsel in the mediation process.

Richard Geinger stated that he is inclined to support some sort of mediator solution. He requested to be a part of the mediation process. He stated that he did not want to see Regional Water Board responsibilities compromised, however. He urged the Executive Officer to issue a Cleanup and Abatement Order as the bare minimum.

Jim Branham, with Pacific Lumber Company, requested more time for their presentation at the April Board meeting. He stated that discussion with the Regional Water Board staff over the last three months have been constructive. The company has some concerns with mediating with those in the Elk River because of on going litigation. He voiced an interest in understanding the process of mediation and requested that discussions start soon.

Mr. Miller stated that he believes that the Elk River residents will not participate in the mediation because of litigation. He stated that he is looking forward to sitting down and meeting with Dina Moore. He referenced a review written by Dr. Reed of Redwood Sciences Laboratory that discusses the impacts on the watersheds. He urged the Board to issue the Waste Discharge Requirements.

12. Update on Implementation on SB390 (expiration of waivers)

Ben Kor gave the staff update on Senate Bill No. 390. The Bill has resulted into some legislative amendments to Water Code section 13269 that deals with the way the Water Board handles waivers. He discussed Division 7 of the Water Code and 13260(A)(1) of the Water Code, which states that anybody who discharges waste that would affect water quality has to submit a report of waste discharge to the Water Board. This requirement for the report of waste discharge can be waived pursuant to section 13269, if that waiver is not against the public interest. Senate Bill 390 requires the Board to review the terms of each type of waiver of waste discharge requirements and water quality certification that is included in the waiver polices and the Board is required to consider whether waste discharge requirements would be more appropriate than waivers in each instance, and where WDRs are not deemed more appropriate, renew those polices and individual waivers. The policies and waivers must be renewed by January 1, 2003; otherwise, they will automatically expire. The Board is also asked to issue general waste discharge requirements to on going dischargers or those waivers that have expired or to those whose waivers the board has terminated. The Board is also asked to initiate a waiver review and compliance program. The Board is asked to renew or terminate waivers every five-years. Mr. Kor stated that due to calendar time limit, funding, and requirements, the work to address the expiring waivers will not be completed by January 1, 2003.

Mr. Kor outlined the conceptual plan to address the Waivers by January 1, 2003, and comply with the amended Water code section 13269 is:

- 1) contact everyone who is subject to a waiver, received a waiver in the past, or who is interested in the subject of waivers;
- 2) announce public hearing and begin conducting them as soon as possible;
- 3) review waiver policies at the public hearings and reaffirm those waiver categories that the board believes is appropriate; and
- 4) schedule separate hearings to deal with significant issue item such as: timber harvest plans, possibly individual waste treatment and disposal systems, water discharge from animal feed operations, and deal with statewide issues, etc.

Mr. Kor concluded his presentation by saying that this was just a summary of the conceptual plan and what he is looking for today is some kind of consensus agreement that the plan is headed in the right direction. He said that he is looking for the Board's direction to start the process just described.

Richard Geinger asked why deadlines keep being missed. He said that it is the place of the Regional Water Board to try and sort some of these things out.

Mark Rentz, with California Forestry Association, stated his concerns that the Executive Officer just stated that their waiver is dead by January 1, 2003. He is very concerned that he will have to report to his agency that their wavier will be the first to expire. He encouraged the Board to reassess the expiration of the waivers.

Susan Warner stated that SB 390 was enacted by the legislature without funds. She indicated that waivers of timber harvest plans are expected to be contentious, but that staff is moving forward as quickly as possible to address the expiring waivers.

13. Progress Report on Activities to Implement the Triennial Review

Dave Evans discussed the progress of the priority list that the Board adopted as a part of the Triennial Review of the Basin Plan last August. The first public report was issued in May 1, 2001, and the second was issued on July 1, 2001. The public workshops where comments received were held in June 1, 2001. After it went through the process of the public reports and workshops, it was adopted by the Regional Water Board in August 2001. It was then sent to the State Board and Office of Administrative Law. He discussed the TMDL implementation Basin Plan Amendments. The Regional Water Board staff is working on the development of project scope, strategy, and development of the staff reports and amendments. This includes staff analysis, CEQA, economic analysis, and peer review. The process begins March 2002 and ends August 2003. The TMDL Implementation Plan schedule for hearing is 2003 for Ten Mile, Noyo, Albion, Big, and Elk Rivers and Freshwater Creek; and 2005 for Gualala, Navarro, and Mattole Rivers. He briefly covered the Russian River Basin Plan Amendments and the schedule.

14. Progress Report on the Basin Plan Amendment for Sediment Management

This item was rescheduled for the May 2002 board meeting.

16. Status Report on Implementation of Mandatory Minimum Penalties Enforcement Actions for Small Communities

Robert Tancreto updated the Board on the Mandatory Minimum Penalties for small communities. The Clean Water Act section 13385 for NPDES violations calls for a minimum fine of \$3000 for serious violations and a minimum of \$3000 for non-serious, repeated violations. The intent of enforcement is to bring facilities back into compliance. The North Coast has many small communities with limited means and waste treatment problems. Because fines can seriously reduce the ability for a small community to comply, the Legislation allows the Region Water Board to have some discretion in applying fines to solving problems. Consequently under the new water code amendments, in lieu of a fine, the Board can allow the community to do a compliance project. A compliance project must be the amount equivalent to the penalty. The violation must be corrected with in five years.

18. Discussion of Regional Board Training Program

Patty Gorup reported on the training program for the North Coast Regional Water Board staff. She informed the Board of the allocations and expenditures for this fiscal year that was updated through March 18, 2002. A list of training priorities for the year was given in various categories of training: health and safety, technical, team building, negotiating, computer, administrative, writing and speaking, priorities and time management training. She stated that the State Water Board has developed a series of classes, which comprise its core curricula for all of our employees. Ms. Gorup discussed the percent of training for the region and gave a summary of the procedures for employee training. She stated that the supervising staff will begin to conduct individual development plan (IDPs) and annual performance appraisals for all employees. The information will be used to prepare the region's annual training plan for FY 2002/2003.

21. Executive Officer Administrative Civil Liabilities

Susan Warner reported that one ACL was issued for the Vintage Green sub-division in the amount of \$3000.

Items 22, 23, 24, and 25: reports stand as written.

Items 26, 27, 28, 29, 30, 31, and 32 were closed session items

MOTION: John Corbett moved to adjourn the meeting at 5:40 p.m.
Jack Selvage seconded. Motion passed.

There being no further business to come before this meeting body, the meeting adjourned at 5:40 p.m., until the next scheduled Board meeting on April 18 and 19, 2002

The Secretary, E. Jean Lockett recorded the minutes of the March 27 and 28, 2002, meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board meeting.

_____ Chair

_____ Date