

California Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
Regional Water Board Meeting Minutes
May 14 and 15, 2003
Regional Water Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Wednesday, May 14, 2003, Sonoma Room

Closed session: The Regional Water Board met in closed session to consider the appointment and/or employment of a public employee.

Thursday, May 15, 2003,

9:00 a.m.

Chairman William Massey called the Regional Water Quality Control Board regularly scheduled meeting to order at 9:05 a.m.

1. Pledge of Allegiance

John Giorgi led the pledge of allegiance

2. Roll Call and Introductions:

Board Members present were: Chairman William Massey, Vice Chairman Dina Moore, John Giorgi, Shawn Harmon, Gerald Cochran, John Corbett, and Richard Grundy

Board Members absent: Beverly Wasson

Regional Water Board staff: Executive Officer: Susan Warner; Assistant Executive Officer: Frank Reichmuth; Administrative Officer: Kathleen Daly; Interim Division Chief: Nathan Quarles; Seniors: Diana Henry, David Hope; Technical staff: Adona White, Holly Lundborg; Administrative Assistant: Terri Korell; Secretary: Jean Lockett; State Board Liaison: Gary Carlton; Legal Counsel: Sheryl Schaffner Freeman, Erik Spiess.

3. 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.

John Corbett stated that he attended the Humboldt Bay Municipal Water District sediment removal project ceremony.

6. Chairman's, Board Members', State Board Liaison's and Executive Officer's Reports

Chairman Massey stated that he attended a meeting that was called by EPA, California Department of Fish and Game, Fish and Wildlife Service and National Marine Fisheries to look at the possibility of amalgamating the regulatory and enforcement components of the Clean Water Act with the Endangered Species Act. Chairman Massey stated that he also attended the Association of California Water Agencies, and attended a citizen meeting of Monte Rio Sewage in the capacity as the President of the Mirabell Heights Citizen Advisory Group.

Gerald Cochran stated that he met with the Senate Rules Committee staff on April 24, 2003, to discuss issues that dealt with the North Coast Regional Water Board. He indicated that it was a very good meeting.

5. Minutes of Past Meetings

There were no minutes presented for adoption

4. Public Forum

Lorraine Dickey, a representative of the West College Neighborhood Association, thanked the Regional Water Board for their help in the West College area that is very close to final resolution. She expressed her appreciation to the Board for their help. Ms. Dickey suggested the need for a reasonable response plan for contaminated wells. She requested that the Regional Water Board get involved to make sure that notification of a contaminated well is received quickly.

Chairman Massey thanked Ms. Dickey for the Association's acknowledgment to the Regional Water Board staff for their work in the College/Clover site.

John Kuta, a representative of the Elphick/ Whitter Community that is located South of Sebastopol, indicated that the Regional Water Board staff tested for well contamination in the Elphick/Whitter community. Mr. Kuta stated that there are families in the community that can not afford the on going testing of their wells to determine if the level of contamination is rising. Mr. Kuta stated that the community relies upon the research and professionalism of the Board. He stated that he is seeking avenues for timely notification of contaminated wells. Mr. Kuta requested the Board's support.

Mr. Grundy directed staff to confer with Mr. Kuta on his issue and report back to the Board.

Frank stated that staff would be happy to meet with Mr. Kuta and go over any notification procedures.

Catherine Landus voiced her concern on behalf of Santa Rosa community members who are not advised that arsenic may be a naturally occurring contaminant in wells. She urged the Board to assist with a Response Plan that would inform the public well owners that arsenic is an occurring developed substance.

6. State Board Liaison

Gary Carlton stated that a new State Water Board member, Nancy Sutley, was appointed to the Board last week. Ms. Sutley had been serving as the Deputy Secretary for EPA and had served six years as a Special Assistant to the U. S. EPA Administrator and Senior Policy Advisor to the Region 9 EPA Administrator.

AB10X was adopted by the Senate. The Bill removes \$12 million in general fund revenue from the State Board's budget for implementation of the core regulatory program and provides that the Boards replace the revenue with new fees.

The State Board adopted the Phase II of the Storm Water Regulations that deal with small municipalities less than 100,000 population.

The State Board will be hearing petitions challenging timber harvest waivers that were adopted by Regional Water Boards 1, 5 and 6. The petitions will be combined and heard in August 2003.

The State Water Board and California Department of Forestry will meet on the Inter Agency Liaison Committee that will be preparatory for the June 4 meeting to discuss and update the MOU and possibly discuss the MAA and how the Inter Agency Task Force is proceeding with looking at monitoring activity and assessment of cumulative impacts.

CONSENT CALENDAR

Item 9 was removed from the consent calendar until further notice.

7. *Order No. R1-2003-0035* California Department of Transportation, Redwood **Creek Bridge Repainting**, Humboldt County, Recision of Waste Discharge Requirements, WDID No. 1B00080RHUM
8. *Order No. R1-2003-0033* **City of Crescent City Harbor District Spill Control**, Del Norte County, Recision of Waste Discharge Requirements, WDID No. 1A89048RDN
10. *Order No. R1-2003-0044* **Humboldt County Resort Improvement District No. 1, Shelter Cove Wastewater Treatment Facility**, Humboldt County, Renewal of NPDES Permit, WDID No. 1B84086OHUM
11. *Order No. R1-2003-0050* **Alma Tassi Family Trust Property**, Mendocino County, New Waste Discharge Requirements, WDID No. 1B02122RMEN
12. *Order No. R1-2003-0041*, **General Waste Discharge Requirements for Discharges Associated with Transportation Structure Repainting Activities**, All Counties

MOTION: John Corbett moved to adopt Items 7, 8, 10, 11, and 12 on the consent calendar. Gerald Cochran seconded the motion. Motion passed unanimously.

Remainder of the Agenda (Non-consent Items):

13. **PUBLIC HEARING:** *Resolution No. R1-2003-0052* on the proposed **Beneficial Use Basin Plan Amendment** and to Consider Adoption of the Amendment

Chairman Massey administered the oath for those expected to provide testimony in the hearing of the proposed Beneficial Use Amendment.

Chairman Massey stated that a fax was received by the Regional Water Board on May 14, 2003, at 7:02 p.m. that dealt with item 13 on the agenda. He noted how difficult it makes it for the Board

to fully consider commenters' viewpoints when they fail to submit their comments in a timely fashion.

Lauren Clyde stated that the intent of the presentation was to provide the Board with background information on the Beneficial Use Amendment.

Both California Water Code and Clean Water Act require an update of the Basin Plan at least every three years. Since the original Basin Plan was adopted in 1975, there has not been a comprehensive review and update of the Beneficial Use Chapter. Ms. Clyde emphasized that Basin Plans contain five chapters, but only Phase 1, Designation of Beneficial Uses, would be addressed in her presentation. Water Quality Planning involves the designation of beneficial uses to waterbodies. The Clean Water Act requires that States specify appropriate water uses to be achieved and protected for the protection and propagation of fish, shellfish, and wildlife and provide for recreation where attainable. Ms. Clyde covered the lengthy Basin Plan Amendment process and the day's public hearing process.

Slides were displayed to demonstrate the beneficial uses that are designated to general categories of waterbodies such as minor coastal streams, ocean waters, estuaries, bays, wetlands, and saturated and unsaturated groundwater. Ms. Clyde described the Native American cultural uses of water that support the cultural and/or traditional, rights of indigenous people such as subsistence fishing and shellfish gathering, basket weaving and jewelry material collection navigation to traditional ceremonial locations, and ceremonial uses. She explained that staff had addressed Richard Grundy's request for clarification of Antidegradation Policies by adding language in the Errata sheet #2 section #10.

Ms. Clyde stated that three comments were received in disagreement of the proposed addition of the WARM designation for the Laguna de Santa Rosa. Staff met with the parties and established that the commenters' main concern was that the warm beneficial use (WARM) would lessen the protection for the cold water species. Staff assured the parties that this would not occur. She displayed excerpts of Chapter three of the Basin Plan on page 3-1 to illustrate why this would not lessen protection for COLD. Dr. Ranjit Gill stated that he and his staff assured those who sent in comments with concerns by adding WARM designation to COLD designation, that the COLD designation would not be lowered for freshwater habitat and other fish. Because the two beneficial uses co-exist, the Regional Water Board staff must recognize both designations by law, and craft all regulatory actions to protect the most sensitive use.

Comments not discussed were more of a specific editorial nature and the revisions were noted in the errata sheet and the Response to Comments Report.

An additional comment received was, "Why wasn't the Laguna designated with the wetland beneficial uses Flood Peak Attenuation (FLD) and wetland Habitat (WET)?" Ms. Clyde stated that staff makes wetland beneficial use determinations on a case-by-case-basis, based on the available information. Staff has added the wetland beneficial uses to the general wetland categories (saline and freshwater) of the Beneficial Use Table, 2-1 and designated them as potential at this time. In the future, staff plans to obtain a contract to identify and delineate wetlands within the region and will update the designations as necessary at that time.

Another comment received stated, "a Use Attainability Analysis (UAA) for the proposed beneficial uses is necessary," in order to "to provide insight into how water quality objectives will be established to protect these uses and whether such protection is economically feasible." Staff disagrees with this comment. The Beneficial Uses that are proposed are existing uses in the region that have already been designated by other Regions and approved by the State Water Board and US EPA. Ms. Clyde displayed a slide that showed the process which leads to a Use Attainability Analysis.

Dr. Gill addressed each concern received from the Sonoma County Water Agency and California

Forestry Association and concluded that it is staff's belief that the comments made does not warrant changes in the Basin Plan Amendment as proposed.

Ken Norton representing the Hoopa Valley Tribe and other tribes in US EPA Region 9 stated that the tribes appreciated the opportunity to present to the Regional Water Board regarding the importance of including cultural beneficial uses. Mr. Norton stated that the aboriginal territories of the northern tribes are extensive. The federally recognized tribes have inherent right to self-government within their communities and on their lands. The Hoopa Valley Tribe have certified water quality standards in a Basin Plan that is supportive of cultural uses. Both the Yurok and Karuk are in the final stages of completing their Water Quality Control Plans that have water quality standards that are supportive of beneficial uses. Some of the cultural uses identified in the different basin plans are:

- ◆ Navigation use for the boat dance ceremonies for the Hoopa tribe.
- ◆ Subsistence fishing that is essential for all three tribes.
- ◆ Gathering riparian basket material that is essential to the people of the tribes, because it describes who they are. Good quality riparian basketry plant material requires natural flow regimes and the absence of pesticides, herbicides, and fertilizers because the process involves chewing.
- ◆ Emerging is a process when the people emerge from the sweathouse and bath in the streams and rivers.
- ◆ The use of salmon in ceremonies is essential to the tribes as a people.

Mr. Norton requested that the Regional Water Board recognize the increase of salmon consumption rate (up to 20 grams a day) for the tribes in California. In conclusion, Mr. Norton stated that to adopt the proposed cultural uses and subsistence fishing uses of the tribes into the Basin Plan strengthens the State-Tribal relations; promotes common goals and objectives; recognizes tribal sovereignty and assures traditional uses and beliefs are protected.

Bernie Bush, representing California Forestry Association (CFA), summarized the comments made by CFA in their letter submitted by Pillsbury Winthrop on May 14th. He stated that in CFA's view, the proposal before the Board today moves too far from the federal Clean Water Act's and the Porter-Cologne Act's objective for establishing beneficial uses such as protecting the chemical, physical, biological and other aspects of water quality.

Ruth Ann Schulte with Pacific Lumber Company stated if she was a board member she would want to know what was being adopted. Adoption of the document should be considered as a package.

Peter Ribar of Campbell Timberland Management stated some specific changes to language that he would like to see, specifically related to the proposed wetland beneficial uses. Mr. Ribar suggested that some of the language in the narrative section on wetlands was related to implementation and belongs in the Implementation Chapter of the Basin Plan.

The Board observed a break at 11:38 to 11: 50 a.m.

Dina Moore stated that the board could have benefited from a workshop on the Beneficial Use Amendment and that sometimes the workshops that staff hold up on the North Coast are poorly attended. She noted that public input at the workshops is invaluable to the staff and that it helps the Board to make good decisions as a "body."

There was some discussion by the Board leading to a conclusion that this hearing should be continued for further discussion and adoption at a later hearing.

John Giorgi inquired if at the continued hearing the Board can limit the additional comments to within the scope of those raised today. Legal counsel indicated that that is perfectly acceptable,

as today's hearing was properly noticed and the original noticed public comment period has passed. Next month's hearing will be a continuation of this hearing and the Board can extend the comment period for limited purposes. Chairman Massey asked for any objections to this approach and none were heard.

MOTION: Richard Grundy moved to have a clean draft of the document brought back to the board. John Corbett seconded the motion and added that the comment period should be closed 2 days in advance of the Staff Report release date to give staff adequate time to respond.

Dr. Gill requested a clarification of the motion so that he might define the scope of work to be completed for the next meeting. He heard the Board request a "clean" document (Amendment) incorporating the changes in the errata sheets as well as a revised version of the Response to Comments addressing all of the comments including those raised in the late-submitted written comments and at today's hearing.

FINAL MOTION The Board requested that June 12th be the deadline for all comments and that they be confined to the scope of the comments heard before and during the hearing today. Dina Moore and Shawn Harmon second the motion. Motion passed unanimously. Board member Cochran had not returned from break to vote on the item.

14. **PUBLIC HEARING:** *Order No. R1-2003-0046, City of Rio Dell Wastewater Treatment Facility, Cease and Desist Order, WDID No. 1B83134OHUM*

Chairman Massey administered the oath to those who expected to give testimony for this item.

Kirsten James, a Regional Water Board staff member, presented the Board with slides to show the geological setting of Rio Dell Wastewater Treatment Facility and the relative location of the failing lower percolation ponds on the gravel bar. The City of Rio Dell owns and operates waste treatment works that provide collection, sedimentation, biological treatment, disinfection, and dechlorination. The City serves about 3,100 residents. Slides were displayed to show sludge drying beds filled to capacity and effluent surfacing on the gravel bar below the lower percolation pond. The gravel bar and the Eel River in this vicinity are accessible to the public, and are heavily used by the public, for water contact and noncontact water recreation. Effluent seepage on the gravel bar and discharge into the Eel River pose a significant threat to public health.

Ms. James cited violations of the following specific provisions of the Waste Discharge Requirements (WDRs) for the waste treatment works:

A) Discharge Prohibitions 2, 3 and 5; D) Solids Disposal 1; and E) Provision 18

Ms. James stated that the City of Rio Dell has taken little to no action after numerous Regional Water Board requests. The City chose a short-term solution to cure violations by increasing the size of the percolation pond by 50 percent and by irrigating the treatment facility grounds with wastewater at a agronomic level. The Cease and Desist Order is a necessary enforcement action for the WWFT to achieve compliance with WDRs. A connection ban is a necessary action to decrease the likelihood of further violations of WDRs.

Increased waste flow will further hinder the discharger's ability to comply with Waste Discharge Requirements. Ms. James indicated that in accordance with the Porter Cologne Water Quality Control Act (Section 13301) and California Code of Regulations (Title 23, Section 2244), the

Cease and Desist Order includes a prohibition of new connections to the WWTP from new residential, commercial, industrial, and/or governmental development until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of waste discharge requirements. Structures with building permits already issued at the time of this public notice are excluded from this prohibition. Those structures that do not require a "building permit" or are exempted from the permitting process are exempt from this prohibition if construction has commenced.

Steve McKinley the senior engineer for the City of Rio Dell thanked the staff for working with the City over the years. Eli Naffah, City Manager of City of Rio Dell, also represented the City.

Mr. McKinley stated that a cease and desist order is not warranted to ensure discharge order compliance, because

- 1) recent proactive trend has resulted in dramatically improved performance;
- 2) 2003 effluent disposal strategy geared toward full compliance;
- 3) local sludge disposal site secured for 10 years;
- 4) long term effluent management study approach has broad focus to avoid fatal flaws, and
- 5) a moratorium will not provide a meaningful reduction in wastewater flow in "Rio Dell."

Mr. McKinley stated that the City Council, staff, and consultants are actively addressing the unique needs of the community. He discussed the steps completed that were required by the 13267 Order issued on February 21, 2003, and emphasized that it showed the intent of the City to continue to improve performance.

He displayed a map to show the WWTP and percolation ponds. He stated that the violations mentioned by Ms. James were violations for 2001 and prior. A drawing was displayed to demonstrate that the 2003 effluent disposal strategy was geared toward full compliance.

Eli Naffah, City Manager of Rio Dell, stated that a moratorium would not provide a meaningful reduction in wastewater flow in Rio Dell. The City of Rio Dell has a slow growth potential. The city has a targeted income group with over 51 percent of resident as, low and moderately low income. The growth in the sewer connection is minimal of approximately one half of one per cent per year. If the moratorium is imposed, it will halt the growth that the City needs. Mr. Naffah indicated that the City is projecting that they will be in compliance in 2007. He suggested that the City needs more funding and if the Board ban connections, the City will lose that revenue.

Chairman Massey asked if the moratorium is retained, at what point is it removed.

Robert Tancreto stated that the moratorium is to make sure that the situation doesn't get worse before it is improved, and it is a flexible item for the Board to choose and can be handled in several ways, however the Cease and Desist Order is separate.

The Board requested clarification on how the Board could be assured that the City will meet the requirements of the WDR without the Cease and Desist Order. Mr. McKinley stated that the City has been doing the right things and this is not the time to ask them to stop doing the right things or impose a moratorium.

Erik Spiess stated that the Cease and Desist Order is not a punitive measure, but is intended to rectify violations of waste discharge requirements. The Cease and Desist Order has in it a schedule with deadline to rectify the non-compliance.

Mr. Corbett asked Mr. McKinley what was the City of Rio Dell's infiltration and inflow ratio problem compared to other Cities, and how much does the City exceed its average flow during peak wet weather flows. Mr. McKinley stated that the peaking factor could be 2 or 3.

Mr. Corbett asked Mr. Naffah how could the Regional Water Board be assured that the current

progress continues with the Cease and Desist order and the hookup ban. Mr. Naffah stated that the City has not been in violation since 2000. If the City stops its progress, the Board could implement the sewer connection ban.

MOTION: Dina Moore stated that she would not impose a moratorium on the City but moved to adopt the cease and desist order to make sure that the deadlines are kept. John Corbett seconded the motion.

Tom Dunbar stated that a long-term sludge disposal site has been found and that they have signed a contract and the progress is because of the impending action. Although the city manager stated that they were in compliance last year, Mr. Dunbar stated that they were not in compliance last year and he would not expect them to continue to be in compliance.

There was extensive discussion on the amount of hookups that the Board would allow the City of Rio Dell.

Tom Dunbar suggested that the Board turn to page 5 of the proposed order, delete footnote #2, and on page 4 under task B, renumber footnote 3 to 2.

Chairman Massey asked if the maker of the motion would consider the City to put in 40 esd's over the next four years.

Frank Reichmuth suggested that the Board allow staff to revise the language in the Cease and Desist Order to recognize the number of hookups the City will be allowed, so that it would be as the Board would like.

The Board gave staff the lunch hour to re-write the order.

The Board broke for lunch at 1:00 p.m. for 45 minutes. The board meeting resumed at 1:50 p.m.

Tom Dunbar discussed the changes made in the Cease and Desist Order No. R1-2003-0046. Changes were made in the footnotes as discussed previously, and staff added the 40 dwelling units allowed for connection and that equals 18,000 gallons a day.

As part of their annual discharge report to the Regional Water Board, the City will identify the type of each connection and the equivalent flow units that were made during the preceding year. Mr. Dunbar indicated that he had provided Mr. Naffah, Rio Dell's City Manager, with a copy of the changes. Mr. Naffah has indicated that he concurs with the changes.

REVISED MOTION: Dina Moore moved to adopt the revised Cease and Desist order R1-2003-0046. John Corbett seconded the motion.

ROLL CALL:	Richard Grundy	Yes
	John Corbett	Yes
	Gerald Cochran	Yes
	Dina Moore	Yes
	William Massey	Yes
	Shawn Harmon	Yes
	John Giorgi	Yes

Motion passed unanimously.

17. **Report on 2003 Environmental Achievement Award for Margaret Perry of the Smith Ranch, Nan Deniston of the Parker Family Forest, and Wayne Miller of the Miller Ranch**

Frank Reichmuth made a presentation of the 2003 Environmental Achievement award for Margaret Perry of the Smith Ranch, Nan Dennison of the Parker Family Forest, and Wayne Miller of the Miller Ranch. He stated that US Environmental Protection Agency, Region IX, (USEPA) sought nominations for the 2003 Environmental Awards Program. Regional Water Board staff completed a nomination form for three small timberland owners located in the Ten Mile River watershed of Northern Mendocino County. The three families harvest timber on their lands under Non-industrial Timber Management Plans approved by the California Department of Forestry and Fire Protection.

Ms. Moore spoke on behalf of Board member Bev Wasson and stated Ms. Wasson wanted to relay how impressed she was with the Miller Ranch when she visited.

Margaret Miller and members of the family ranch thanked those who helped the family to achieve their success.

Ms. Moore stated that the model that the Parker's are giving is a very good thing. Ms. Parker stated that her family feels that education is the key to their success.

15. **PUBLIC HEARING: Order No. R1-2003-0049, City of Ferndale Wastewater Treatment Facility, Cease and Desist Order, WDID No. 1B83136OHUM**

Chairman Massey administered the oath to those who expected to give testimony for this item.

Ms. James introduced the administrative file into the record for the City of Ferndale Wastewater Treatment Facility (WWTF). A map was displayed to show the location of the WWTF and the discharge to Francis Creek. The City of Ferndale provides secondary treatment for approximately 1300 citizens of Ferndale.

The City of Ferndale is violating or threatening to violate the Waste Discharge Requirements (WDRs) (Order No. R1-2000-92) for the WWTF because of inability to comply with the discharge rate restrictions in the WDRs: A) Discharge Prohibitions 2 and 5.

Ms. James stated that the City of Ferndale explored alternatives to comply with the discharge rate limitation by focusing on two alternatives to resolve their problem. The City made some improvements and has reduced the number of coliform violations to eliminate the possibility of backflows from Francis Creek entering the chamber.

The current focus for the City of Ferndale is to: (1) explore Basin Plan exception to the waste discharge rate limitation, they estimated that they would need a 3:1 dilution opposed to the 100:1 required; and (2) explore moving effluent outfall to a new location, and if moved to Fulmor Road to Eel River they would attain a 300:1 dilution.

Agencies including CDFG, NOAA Fisheries, and USFWS were contacted by Regional Water Board staff. CDFG submitted a formal response recommending that more data be collected before allowing dilution reduction. The Cease and Desist Order requires the City to submit a detailed report outlining an alternative analysis for a proposed method for long-term compliance with Order No R1-2000-92, and a time schedule for completing specific project milestones by May 31, 2004. By January 1 and July 1 of each year, until compliance is achieved, the City is required to submit reports of progress on actions taken to achieve compliance, and by February

1, 2005, the City is required to achieve full compliance with order No. R1-2000-92.

Ms. James stated that the City of Ferndale WWTF has violated the WDRs for several years. Because Ferndale is not meeting the dilution requirement of 100:1, a Cease and Desist Order with Time Schedule is a necessary enforcement action for WWFT to achieve compliance with WDRs.

Ms. Moore stated that her understanding that there is no flow in Salt River and some people are calling it a lake. So by issuing the order will the Board request something of the City that they would not be able to do. Ms. James stated that it is her understanding that there is flow in the Salt River, but there is a significant decrease because of the landscape change and subsequent storms. She also indicated that the Army Corps is considering dredging the Salt River.

Scott Kelly, the City Engineer for the City of Ferndale, provided the Board with some clarification on the flow of Francis Creek/Salt River. He stated that the City has made a financial investment to resolve the problem. He stated that the Cease and Desist Order is a reasonable time schedule and that they could work with it. The City will pursue the studies as requested by the Regional Water Board and DFG. He suggested that the City had two alternatives. They can pursue the dilution reduction and continue the discharge to the Francis Creek/ Salt River, or pursue a new channel, a pipeline over a mile away on Furlmol Road. Mr. Kelly asked the Board that if studies are pursued to gather more data over the next year or if the studies or resolution of the problem cost tens of thousands of dollars, will the Board be amenable or receptive to granting the dilution reduction?

The Chairman requested clarification on the reduction ratio of 3:1. Mr. Tancreto stated that he was reluctant to make a recommendation on the 3:1 ratio without further information. He suggested that the staff could work with the City and California Department of Fish and Game and gather information to report to the Board at the June 2003 board meeting.

MOTION: John Corbett moved to adopt the CDO with the Errata sheet. Gerald Cochran seconded the motion. Motion passed unanimously.

16. **PUBLIC HEARING:** *Order No. R1-2003-0047 and Order No. R1-2003-048, City of Yreka, Department of Public Works, Wastewater Treatment Facility, Siskiyou County, Revision of Cease and Desist Order and Renewal of Waste Discharge Requirements, WDID No. 1A84073OSIS*

Chairman Massey administered the oath to those who expected to give testimony for this item.

Miguel Villicana introduced the administrative file into the record. He displayed a photo to point out the location of the Yreka Department of Public Works, WWTF. The City of Yreka owns and operates facilities for treatment and disposal of municipal waste (sewage), where wastewater is treated to secondary treatment standards using activated sludge processes. Before April 2000, sludge was disposed of at the Siskiyou County/City of Yreka Sanitary Landfill. Effluent was disposed in a series of four percolation ponds. Mr. Villicana stated that Regional Water Board's staff inspections of the County/City Landfill in 1997 and 1998, revealed sludge disposed with a moisture content exceeding limits prescribed in Solid Waste Disposal regulations, and violations of Basin Plan provisions. Cease and Desist Order No. 98-103 was adopted on September 24, 1998, requiring the City to discontinue unregulated discharges to Yreka Creek, and to discontinue sludge (exceeding moisture content standards) disposal to the landfill.

The City of Yreka has been proactive in dealing with the Cease and Desist Order. They have secured 179 acres of agricultural land to dispose of sludge, added thirty- (30) acres of subsurface disposal field; and have upgraded treatment components to enhance their effluent quality.

Mr. Villicana stated that staff is proposing to issue standard Waste Discharge Requirements for land disposal that reflects the City's upgraded system, and a Monitoring and Reporting Program that will help assess the effluent impacts to groundwater and surface water to determine if additional treatment is needed to protect the beneficial uses of water.

Steve Neal, Director of Public Works for the City of Yreka, stated that the City of Yreka is taking steps to be proactive and is working on a reduction program. Ms. Moore expressed her appreciation to Mr. Neal for his input.

MOTION: Dina Moore moved to rescind Cease and Desist Order No. 98-103 and adopt Order R1-2003-0047. John Giorgi seconded the motion. Motion passed unanimously.

25 Progress Report on Development of Priorities and Goals

Susan Warner participated in this discussion by telephone. The Division Chiefs: Luis Rivera, Bob Tancreto, Nathan Quarles, and Dr. Ranjit Gill; Senior staff John Short, Fred Blat, Bill Winchester, Dave Hope, and Tuck Vath were in attendance for this discussion.

Jack Selvage, a former Regional Water Board member for the North Coast Region, volunteered his time to assist the Regional Board with the development of the Board's priorities and goals. Mr. Selvage gave a brief history of previous meetings when the Board met to discuss goal setting. He conducted interviews with the Board members and upper management of the North Coast Region. A report of those interviews was written by Mr. Selvage and distributed to Board members and staff. Mr. Selvage shared what he felt was the commonality that both board members and upper management staff had in common when asked the four questions during individual interview that was conducted over a two or three week period. The questions asked were about mission, vision, values, and goals. Some of the questions asked were: 1) Do you know the mission, vision, values, and goals of the organization? 2) How did you learn them? 3) Do you understand them? 4) Do you support them and what would you change about them if you could?

Mr. Selvage stated that both Board and staff value informal discussions. He stated that the Board and senior staff should get together and discuss ways to accomplish the goals of the organization.

The Chairman asked for suggestions on ways that the Board and staff could start the process of addressing those questions that Mr. Selvage presented. Ms. Moore suggested that the new Executive Officer be given the task to address the next steps that the Board should take and come up with a structure. Ms. Moore stated that she believed that the first step is to address the question of "vision".

Mr. Selvage stressed the importance of the discussion among the Board members and staff and should consider omitting any presentations. Chairman Massey suggested that there be a series of sub-committees. One each to deal with visions, values, goals, and mission. It may be necessary for the sub-committees to be sequential in order to build on the other, but small committees may be necessary to accomplish the goal setting task. Mr. Corbett stated that he agrees that the new Executive Officer should be brought in on the process. He also suggested that, if planned and well disciplined, the Board might be able to accomplish the process in two days. Mr. Selvage agreed that it might be possible, but one of the key things that the Board

needed to keep in mind is that discussions are valueless unless assignments are made, a calendar is formed for a timeline when the assignments will be completed, and measurement and monitoring is established. The Board stated that it would be a great task for the sub-committee.

Mr. Corbett relayed his appreciation to Mr. Selvage and for his work.

The discussion concluded with Chairman Massey requesting to contact Mr. Selvage by telephone when he, Frank Reichmuth, and the new Executive Officer get together to discuss their plans to find a system to accomplish the task.

Shawn Harmon indicated that an outside facilitator that is neutral might be instrumental in the process. Mr. Reichmuth stated that the State Board has facilitators that may be available to Region 1 if enough time is allowed. Nathan Quarles suggest that the Board refer to the notes of a previous meeting in 2002 when Board members and staff listed their definition of the Board's goals, value, mission, and vision statements.

Dina Moore indicated that she would like to be on the sub-committee. Mr. Reichmuth suggested that the staff come up with a regional strategic plan and give the Board ideas on what staff is thinking in terms of goals for the region. Mr. Grundy volunteered to participate on the sub-committee to assist in the process.

Dina Moore referred back to item 17 to expressed her appreciation to Christine Wright-Shacklett on the Smith Ranch, the Parker Family Forest, and the Miller Ranch nominations for the 2003 Environmental Achievement award.

18. Implementation of the State Water Resources Control Board Water Quality Enforcement Policy: Calculation of Administrative Civil Liabilities, Supplemental Environmental Projects, and Mandatory Minimum Penalties

This presentation was continued from the March 26, 2003 board meeting because of time restraints. Bob Tancreto resumed his presentation of the State Water Resources Control Board Water Quality Enforcement Policy with the section concerning Mandatory Minimum Penalties (MMP) for serious violations. An MMP may be required when a discharger with an NPDES Permit has a specified exceedance of an effluent limitation. Mr. Tancreto indicated that MMP's are generally required when:

- ◆ An effluent limit for a group I pollutant is exceeded by 40 percent or more or a group II pollutant by 20 percent or more.
- ◆ Any effluent limit exceedance that occurs 4 or more times in a six-month period.
- ◆ Failure to file a report of waste discharge pursuant to Water Code section 13260.
- ◆ Filing an incomplete report of waste discharge pursuant to Water Code section 13260.
- ◆ Exceeding a toxicity discharge limitation where the permit does not contain pollutant-specific effluent limitations for toxic pollutants

Mr. Tancreto described the procedure used to determine ACL amounts. He addressed steps A through I as described in the Enforcement Policy. Mr. Tancreto stated that it was important to evaluate how the discharger dealt with the violations in determining the amount of penalty. For example, if a discharger avoided operational costs at the risk of a violation it would be important to account for the cost savings in assessing the penalty. The Executive Officer must also look at the discharger's ability to pay as well as other factors which are described in the Enforcement Policy.

Mr. Tancreto stated that funds received as a result of the penalties go into a cleanup and abatement account and this money helps address pollution problems where there is an imminent threat and no viable responsible party.

Funds may be used for specified cleanup and abatement activities such as ground water contamination. Emergency requests can be made up to \$100,000 approved by Chief of Division of Water Quality, and non-emergency requests and requests over \$100,000 are approved by State Water Resources Control Board. Special contracts can also be rapidly approved.

Mr. Tancreto concluded his presentation by stating that in the future, as the staff brings Administrative Civil Liabilities to the Board the assessment procedure will be outlined in more detail.

19. Introduction to Regional Board Database Tracking Systems: SWIM (System for Water Information Management), Geo Tracker and other electronic data systems

Stand as written

20. Executive Officer Administrative Civil Liabilities

Frank Reichmuth reported that there were two ACL's issued. Hopland Public Utility District received an ACL in the amount of \$45,000. Fairhaven Power Plant received an ACL for \$80,000.

21. Violation and Enforcement Report

Stand as written

22. Board Member Requests for Future Agenda Items

Dina Moore suggested that the goal setting get together might be held at the Hopland Field Station.

23. Monthly Report to the Board

Stand as written

24. Proposition 65 Notifications

Stand as written

26. Other Items of Interest

27. Arrangements for Next Meeting and Adjournment

June 26, 2003 – 9:00 a.m.
North Coast Regional Water Board Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

Closed Session items: 28, 29, 30, 31, 32, and 33

John Corbett moved to adjourn at 4:54 p.m.

There being no further business to come before the meeting body, the meeting adjourned at 4:54 p.m., until the next scheduled Board Meeting on June 26, 2003

The Secretary, E. Jean Lockett recorded the minutes of the May 15, 2003, meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board Meeting.

Chairman

Date