

California Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
September 25 and 26, 2002
Regional Water Board Meeting
5550 Skylane Blvd., Suite A
Santa Rosa, CA

Wednesday
September 25, 2002

The meeting was informally called to Order at 8:45 A.M., with the commencement of the tour for Item 1.

1. **Workshop Tour: Selected wastewater treatment facilities of City of Santa Rosa.**

Chairman Bill Massey, Vice-Chairman Dina Moore, Richard Grundy, John Corbett, and Bev Wasson, interested staff and citizens toured the City of Santa Rosa's wastewater treatment facility. Ed Brauner, Deputy City Manager for the City of Santa Rosa, led the tour which progressed in a city bus. Mr. Brauner and Dan Carlson gave a brief background on the sites that were scheduled for the tour. The first stop was a brief look at the Geyser Recharge Project pipeline. The tour continued to the Laguna Sub-regional Wastewater Treatment plant, where the Board and public toured some of the plant's treatment and disinfection systems. The tour ended with a visit to one of the plant's effluent storage ponds and a look at the biosolids recycling facility.

The bus returned to the Regional Water Board's office at 11:58 A.M.

The Board members recessed for lunch at 12 noon, and returned to the Regional office at 1:45 P.M. Chairman William Massey called the meeting to order at 1:56 P.M.

i. **Pledge of Allegiance**

Dina Moore led the Pledge of Allegiance

ii. **Roll Call**

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

Shawn Harmon was not in attendance.

Regional Water Board Staff: Executive Officer, Susan Warner; Assistant Executive Officer, Frank Reichmuth; Staff Counsel Sheryl Freeman and Erik Spiess; Interim Division Chief, Nathan Quarles; Administrative staff; Julie Sayre, Jean Lockett

Chairman Massey announced that the day's discussion would consider the Regional Water Board's goals.

Susan Warner recapped the August 8 and 9, 2002 Regional Water Board meeting held in Mendocino where the Board and staff discussed the Region's division programs and priorities but had little time to expand on strategic planning.

At the August 9th meeting, John Selvage introduced a decision making process designed to assist the Board in arriving at decisions with all Board member's full understanding. Mr. Selvage reintroduced the steps of the process for the purpose of the day's Strategic Planning and Priority setting discussion. After substantial discussion, the Board members agreed to use the decision making process, outlined by Mr. Selvage, for the day's discussion. Using the steps provided, the Board members defined Strategic Planning as:

A process for the Board to formulate a vision and organize our priorities within our discretionary and non-discretionary authority.

The Board observed a 5-minute break at 3:00.

Board members gave their personal goals and views of why the Board should conduct strategic planning and identify priorities and goals. A brainstorming session identified several concepts:

1. Complete a strategic assessment of the board functions and board relations and activities
2. Develop a set of strategic goals and priorities for the Board
3. Develop milestones creating a roadmap leading to strategic goals and priorities for the Board.
4. Develop a set of strategies for moving management and the Board towards success
5. Create greater communication, collaboration and teamwork between the Board and staff
6. Make timely, equitable, and just decisions.
7. Use existing consistent verbiage.
8. Lead by example
9. Use money and resources effectively
10. Make the Board effective and make service rewarding
11. Establish compliance-oriented policies that are a part of a collaborative incentive-based process

The Board suggested that the Executive Officer participate in the goal setting process at a managerial level to provide a bridge between the Board members and the staff. The Board directed the Executive Officer to choose three or four staff supervisors to participate in the process as well.

Board members agreed to the listed statements, and identified a team for further discussions, comprised of Board members, the Executive Officer, and other management staff designated by the Executive Officer. The Board then adapted the vision, mission, and values from the statewide Strategic Plan, as follows:

Vision: A sustainable North Coast Region made possible by clean water and water availability for both human uses and environmental resource protection.

Mission: To preserve, enhance and restore the quality of the North Coast Region's water resources and ensure efficient use for the benefit of the present and future generations.

Values: As we strive to realize our vision of the future, all our actions and efforts will be guided by a certain set of values, also enumerated in the statewide Strategic Plan, as modified by the Board's discussions:

Protection: We are responsible for the protection of the North Coast Region's water resources.

Service: We serve the public as a whole. Our job is to protect and enhance water for beneficial uses, and to ensure that pollution and misuse do not impair those uses, now and in the future.

Integrity: We continually strive to earn the trust and respect of those we serve, making an active commitment to truth, accuracy and fairness, including a commitment to environmental justice.

Leadership: California strives to be a national and international leader in innovative approaches to water resource protection. The Regional Board fosters and recognizes leadership actions to solve water quality problems.

Professionalism:

We are a professional organization committed to our mission and vision.

The Board added to the above list, setting out "**Sustainability**" as an added value with language to be developed at a future meeting.

The Chairman moved to adjourn the meeting at 5:30 P.M. The goal setting discussion will be scheduled for a future board meeting.

**Thursday
September 26, 2002**

Chairman Massey opened the Regional Water Board meeting at 8:05 A.M.

i. **Pledge of Allegiance**

Dina Moore led the Pledge of Allegiance

ii. **Roll Call**

Board Members present: Richard Grundy, John Corbett, Bev Wasson, Dina Moore, Shawn Harmon, John Selvage, and William Massey. The Board Chairman introduced the State Water Board liaison, Gary Carlton.

Regional Water Board staff present: Executive Officer, Susan Warner; Staff Counsel, Sheryl Freeman and Erik Spiess; Division Chief, Robert Tancreto, Luis Rivera, and

Nathan Quarles; Seniors, John Short, Tuck Vath, Mark Bartson, Tom Dunbar, and Holly Lundborg; Technical Staff: Andrew Jensen, Ben Kor, and Dean Prat; Administrative Staff, Greg Nash, Julie Sayre, and Jean Lockett

iii. Minutes

Minutes for the April 18 and 19, 2002 and May 16 and 17, 2002 Board meeting were presented for approval. Board member Grundy also asked the preparation of minutes be expedited.

A correction was noted by Bev Wasson, to clarify that the minutes should reflect her attendance on April 19, 2002, as she was present.

MOTION: Bev Wasson moved to accept the April 18 and 19, 2002 minutes with the noted changes. Dina Moore seconded the motion. Motion passed with the noted change.

Dina Moore made a correction to the May minutes on Page 2 indicating she had not stated that she did not own any property adjacent to PALCO, as the draft minutes indicated; the correct statement was that she did not own any property with Pacific Lumber Company.

MOTION: Bev Wasson moved to accept the May 16 and 17, 2002 minutes with the noted changes. Richard Grundy seconded the motion. Motion passed unanimously.

iv. Ex Parte Communication

Ms. Sheryl Freeman gave an explanation of the Ex Parte communications, indicating this item was an opportunity for Board members to disclose any Ex Parte conversations they had regarding any item(s) pending before the Board.

There were no ex parte communications disclosed.

v. Public Forum

Richard Ernst stated that he lived in Occidental and was going through a lot line adjustment. He indicated that the connection ban was a hardship, and requested the Regional Water Board to consider allowing the hookup.

John Corbett stated that he attended the monitoring study group workshop by the California Department of Forestry. The meeting was valuable and very positive.

CONSENT CALENDAR

3. *Order No. R1-2002-0058* **California Department of Transportation, Salmon Creek Bridge Repainting**, Mendocino County, New Waste Discharge Requirements, WDID No. 1B02060RMEN

4. *Order No. R1-2002-0086 Mendocino Forest Products Company, LLC*, Ukiah Sawmill Complex, Mendocino County, Renewal of Waste Discharge Requirements (NPDES Permit No. CA0005843) WDID No. 1B02060RMEN
5. *Order No. R1-2002-0087 Vintner's Inn Wastewater Treatment Facility*, Sonoma County, Revision of Waste Discharge Requirements Order No. 87-20, WDID No. 1B830450SON.

MOTION: John Corbett moved to adopt the consent calendar for Orders No R1-2002-0058, R1-2002-0086, and R1-2002-0087. Bev Wasson seconded the motion. Motion passed unanimously.

8. **Part II Update on the City of Santa Rosa's Long Range Plan for Wastewater Re-use and Disposal**

Bob Tancreto introduced Ed Brauner, Deputy City Manager of the City of Santa Rosa, who briefly updated the Board on the Geysers Pipeline Construction. Mr. Brauner displayed a graph to discuss the location and points the project had been completed. Mr. Brauner stated that he was not hopeful that the project would be completed before the construct season this year, because of the weather and the City's efforts to address erosion issues.

Mr. Brauner discussed the Incremental Recycled Water Program. He stated that the existing system meets capacity needs for population growth through 2008-2010. But after the date of 2020 the system will not have adequate capacity. Mr. Brauner discussed the evaluations of reuse options, irrigation, and the expansion of the Geyser project. He projected that a complete certified EIR will be available by September 2003.

Brenda Adelman requested a response on her submitted list of questions to the Regional Water Board staff. She questioned the need for the Geyser Project at this time.

v. **Public Forum (re-opened)**

Several members of the public had not arrived for the 8:00 Public Forum, and the Chairman re-opened the Public Forum:

Craig Bell stated that the fish kill in the Klamath requires emergency actions from the Regional Water Board. He requested that the Regional Water Board provide protection for the Coho Salmon.

Ms. Warner stated that the causes of the massive fish kill could be a combination of issues. Staff's investigation to determine the cause of the fish kill should give the Regional Water Board a better idea on the appropriate actions to take.

Duane De Witt voiced his concerns that the Roseland Creek doesn't flow as it did previously before the development in the area. He discussed the adopted Ordinance that stated the City of Santa Rosa will preserve Roseland Creek. Mr. De Witt said that

City has not taken any action towards preserving the creek. He requested that the Regional Water Board support his efforts in preserving the creek.

Bev Wasson suggested that Mr. De Witt contact the Sotoyome Resource Conservation District for funding to assist in the preservation of creeks.

7. Order No. R1-2002-0092 Public Hearing to consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability issued on July 31, 2002, to the **Hopland Public Utilities District** in the amount of \$45,000 for failure to submit monthly self-monitoring reports pursuant to Section 13267 (b) of the California Water Code.

Order No. R1-2002-0092 was removed from the agenda pending further discussion.

21. **Executive Officer Administrative Civil Liabilities**

There were no Administrative Civil Liability issued.

20. **Violation and Enforcement Report**

This item stands as written.

10. **Progress Report on Roseland Area, Santa Rosa, Groundwater Investigations**

Luis Rivera updated the Board on the progress of groundwater contamination in the Roseland area and presented sketches and photos depicting the area. Regional Water Board staff became involved in the McMinn Avenue site in 1981 when staff first received complaints of gasoline odors on private wells in the area. In 1995, the Regional Water Board became the lead agency overseeing the investigation and cleanup of soil and groundwater contamination in the area. Staff continues to coordinate efforts as necessary with the U. S. Environmental Protection Agency and the Department of Toxic Substances Control.

Mr. Rivera discussed and addressed the current issues and concerns of the County of Sonoma on behalf of the South Park County Sanitation District. He stated that the Plan of Action for HVOC Investigation and Mitigation in the Roseland Area outlined a specific set of work items to be accomplished by the County and the Regional Water Board. Regional Water Board staff agrees that the Roseland Area groundwater contamination remains a high priority for investigation and cleanup.

The Plan required the South Park County Sanitation District to:

- ◆ investigate and define the extent of the HVOC contamination plume;
- ◆ conduct soil gas/air sampling at Roseland school;
- ◆ provide alternative water supplies; and
- ◆ develop and implement an outreach plan to inform and assist residents.

The County of Sonoma is providing \$125,000 annually for five years to fund Regional Water Board staff oversight work. This work includes efforts to:

- ◆ Identify additional responsible parties;
- ◆ sample private wells;
- ◆ participate in public outreach and education activities, and
- ◆ conduct technical reviews of workplans.

The additional steps that the Regional Water Board staff will take as an ongoing work plan is:

- ◆ Issuance of updated Cleanup and Abatement Orders
- ◆ Issuance of 13267 Order addressing the HVOC source area at 700 and 761 Sebastopol Road
- ◆ Update the Regional Water Board's Roseland Area Workplan by February 1, 2003

Supervisor Mike Reilly indicated that to date the County had shouldered more than their fair share of the burden of taking this project on. The County entered into a voluntary MOU with the Regional Water Board, has proceeded with investigations, and asked other responsible parties to come forward to take their share for the completion of the investigation and for remediation. Over \$1M has been invested by the County to date, \$375K of that to the Regional Water Board for oversight costs. Two issues of most importance to the County are that the Regional Water Board make a strong statement that this be a priority for staff and that a timeline for completion of the remedial investigation for the Commingled Plume be established. Enforcement directives should be sent to all potentially responsible parties to complete all investigation activities within a timeline established by the Regional Water Board. The same level of effort should be required of other responsible parties as has been required of the County and District. District rate-payers have shouldered the burden of investigation to date, and corporations and responsible parties should pay for their fair share of the investigation and for their share of Regional Water Board staff oversight costs.

Supervisor Reilly indicated that another issue of some concern is that pursuant to the Plan of Action, the County has asked for an accounting of Regional Water Board oversight expenditures, and the County requests that the Regional Water Board ensure that the dollars that are received for oversight are spent specifically for that purpose and not for other purposes.

Mr. Selvage asked whether Mr. Reilly had any specific information that led him to believe that funds for administration are being used somewhere else.

Mr. Reilly responded that anecdotal information suggested that some funds were used by Regional Water Board staff to evaluate a development project that was proposed in the area.

Chairman Massey asked Supervisor Reilly clarification regarding his concerns for a timeline. Supervisor Reilly responded that that the County is looking for milestones indicating forward movement to bring other responsible parties to the table and to get concrete indications that the Board itself is serious in pursuing this issue.

Duane De Witt requested a copy of a letter addressed to Supervisor Mike Kern and signed by the Regional Water Board's Executive Officer. He stressed the necessity for the jurisdictional agencies to come together and address the Roseland issues.

Susan Warner referred to her letter to Supervisor Mike Kearns, stating that she concurs with some of the County's concerns. Although the Regional Water Board staff views the site as a priority, staff will take steps to demonstrate that it is a priority. She stated her serious concerns about the suggestion that the funds had been misused. She indicated that staff and County staff have had previous discussions regarding the allocation of the oversight funds for the McMinn project. She indicated that additional discussions might be necessary to ensure that we are all in agreement on the appropriate use of the funds.

John Selvage asked for the status of bringing the responsible parties into the McMinn cleanup efforts. Ms. Warner stated that it is important to involve all of the responsible parties in investigations where there are shared or overlapping plumes, or where one site can affect another.

Mr. Grundy asked what steps have the Regional Water Board taken to speed up the enforcement. Ms. Warner stated that many of the sites are in the cleanup mode and several of the sites have completed cleanup and have been closed. There are many others that need to have the appropriate investigation so that cleanup can start. Enforcement actions such as Cleanup and abatement Orders and other directives are mostly outdated. Staff's goal is to make those directives current.

The Board and staff discussed the efforts of locating the responsible parties.

MOTION: Richard Grundy moved to direct staff to return to the Board with a report on the McMinn Roseland sites as quickly as possible. John Selvage seconded the motion. Motion passed unanimously.

6. Order No. R1-2002-0089 Calpine Corporation, Fourmile Hill Geothermal Exploration Drilling Project

John Selvage recused himself from participation.

Tom Dunbar introduced the Report of Waste Discharge Requirement Order No. R1-2002-0089 proposed for adoption. The order proposed modifications in the name change by adding CPN Telephone Flat, Inc. (CPN), which is a wholly-owned subsidiary of Calpine Corporation. The proposed modifications would allow injection of geothermal fluids into existing concrete-cased exploration wells screened in the same formation as the Exploratory Project wells. Mr. Dunbar displayed maps to discuss the flow of water and geothermal fluid transportation. If adopted, the modifications would modify discharge specification B.2 and add discharge specification B.3 to require alarms. A modification for the monitoring program is to require sampling and analysis of geothermal fluids prior to transferring.

Mr. Massey asked about the construction materials of the pipeline, and Mr. Dunbar indicated it was 10-gauge steel.

Charlene Wardlow of Calpine explained the reasons for adding CPN to the Order.

There were public comments received that questioned the financial implications by adding CPN, concerns of the monitoring and reporting program coverage of pipeline leaks, and suggestions that the monitoring and reporting program require twice daily inspection. There were also suggestions indicating that restrictions should be placed on reinjection of fluids at the Telephone Flat.

Mr. Corbett asked if the Central Valley Regional Water Board feels comfortable having the North Coast Region address the CPN issue. Ms. Warner stated that Jim Pedri from the Central Valley Region was present and that it was her belief Mr. Pedri concurs with what the Board is doing.

MOTION: John Corbett moved to adopt Order R1-2002-0089. Richard Grundy seconded the motion. Motion passed unanimously.

11. Request by the **Sonoma County Water Agency** to Modify Administrative Civil Liability Order No. 97-126, Cease and Desist order no. R1-2001-47 and Time Schedule order No. R1-2001-48 for **Occidental County Sanitation District**

Chairman William Massey recused himself from this item.

John Short introduced Order No. 97-126; R1-2001-47; and R1-2001-48 for the Occidental CSD wastewater facility. Occidental County Sanitation District (District) and the Sonoma County Water Agency (Agency) submitted a letter dated May 31, 2002, to the Regional Water Board Executive Officer requesting an extension on the Time Schedule and Cease and Desist Orders. The Regional Water Board staff informed the District and Agency that any request for modification of an ACL Order must be directed to the State Water Board. At that point the District and Agency submitted a letter dated July 11, 2002, to the State Water Board requesting that the \$50,000 civil liability for ACL Order No. 97-126 not be imposed. The State Water Board requested that the Regional Water Board address this request by submitting a letter of recommendation.

Mr. Short gave details of the history and current status of the enforcement orders for the District and Agency.

The violation history includes effluent limitation violations, receiving water violations, exceedences of the 1- percent discharge limitation to Dutch Bill Creek. There were a total of 1500 days of violations.

Mike Thompson, with Occidental CSD, addressed the Board by requesting that the Board read the letter in their package that the Agency submitted. The number of violations has reduced 80 percent since 1997 to present. The District and the Agency are looking at a combination of loans and grants to fund the project. To acquire finance loan from an institution there must be a significant amount of grant money. There is a possibility that there may be funding from the Prop 40 program. The facility is allocated \$300,000 a year to operate. He requested that the deadlines be extended as requested.

Bev Wasson joined the Board meeting at 11:07.

Mike Reilly stated that the term “extraordinary” is what the Regional Water Board is asking a low-income community to accomplish. The Agency is committed to finding money for the project. He requested that the Board supports the District and Agency efforts to find those funds needed to complete the project.

Gary Helfrich, president of the Camp Meeker Recreation Park District, indicated that their goal is to merge with Occidental on this project. Money is a big issue and for the Regional Water Board staff to recommend seeking loans is unrealistic. The only way that the project will be completed is through grants.

Brenda Adelman, Russian River committee, stated that both of the EIR’s are joined. The new project of Camp Meeker/Occidental should be to do a community leachfield and concentrate on keeping the discharge out of the creek.

John Corbett indicated that he wanted to make a recommendation to the State Board to waive all but \$10,000 of the fine. Mr. Selvage seconded the motion. Mr. Grundy indicated that he did not wish to send a signal that forgave the fine outright. Mr. Harmon recommended that the ACL be delayed or postponed until a time schedule was accomplished.

The motion was discussed further. Ms. Warner suggested that action on the County's request be deferred pending completion of a new time schedule so that the time schedule in the cease and desist order and administrative civil liability could be addressed together. The Board could address the County's request at the same time they changed the schedule in the revised Cease and Desist Order this winter. Mr. Corbett withdrew his first motion, and Mr. Selvage withdrew his second of that motion.

MOTION: Mr. Corbett then moved to defer consideration of the County's request until the time schedule was developed. Mr. Selvage seconded the motion. Motion carried unanimously.

Mr. Massey re-joined the Board.

17. Update on Investigation and Other Activities – West College Avenue/Clover Drive PCE Groundwater Contamination

Mark Bartson presented an update to the Board on the West College Avenue/Clover Drive PCE contamination site. He reported on the Regional Water Board’s history of various steps taken to address the contamination to determine responsible parties, acquire funding for water connections, and provide and assist in public outreach to address the public’s concerns.

Furthermore, an enforcement letter was sent to responsible parties at 946 West College (Sonoma French) on September 12, 2002. Mr. Bartson discussed the actions taken on other responsible parties.

He noted that the Regional Water Board requested funding from the State Water Board to connect all homes to the City's water line. The State Water Board's Executive Director granted \$99,000 of \$300,000 that the Regional Water Board requested. This

leaves a shortfall that will require The City of Santa Rosa and County with the help of the Regional Water Board staff to seek additional funds.

The Board went into closed session and worked through the lunch hour from 12:22 to 1:20 p.m.

Board meeting was called to order at 1:25 p.m.

9. Update on Request for a Report of Waste Discharge for Del Rio Woods Summer Dam.

Andrew Jensen presented information to the Board on the Del Rio Woods Dam project. For several years the Del Rio Woods District has constructed a summer dam in Russian River near Del Rio Woods around June 20. The construction of the east berm of the dam causes blockage of the Russian River flow, and removal of the dam involves breaching of the berms. Mr. Jensen showed excerpts from a video filmed in 1999 that demonstrated the amount of sediment that entered into the river after the dam was disassembled. The impacts of the discharges from the dam construction and removal are to domestic water supplies, recreational uses downstream, and migration of aquatic organisms. In conclusion, Mr. Short stated that the turbidity that is released exceeds the Basin Plan Water Quality Objectives for turbidity.

Donald King, President of the Del Rio Recreation and Park District, stated that he disagreed with the Regional Water Board's staff report. He noted that the materials going in the river are natural materials, and the turbidity is so minor that it doesn't disrupt migration. He stated that in a meeting with Department of Fish and Game and Regional Water Board staff, an agreement had been made for Del Rio to remove gravel from the stream. Mr. King indicated that the Regional Water Board prematurely issued an order in January 2002, and that order did not give the District enough time to come up with a resolution for the original agreement. Mr. King stated that it appears that the District is being treated differently than others who use the river. Mr. King requested that the Board retract the waiver rescission issued in January 2002. Mr. King indicated that they had engaged a consultant, and also were working with Fred Euphrat who proposed installation of two 36-inch pipes to allow better removal of the dam with less turbidity. Mr. Selvage cautioned about being too sure that the pipes would alleviate the situation.

Chairman Massey asked what were the risks if the Regional Water Board allowed the turbidity to continue. Erik Spiess stated that the turbidity mentioned is related to the Basin Plan, and if allowed, the Regional Water Board would not be adhering to its Basin Plan and may be subject to a lawsuit.

John Selvage indicated that if the 36-inch pipes are installed, as previously mentioned, there is a significant chance of creating a great deal of sediment. Mr. Selvage suggested that the Regional Water Board staff keep that in mind.

Gordon Potter stated that his family has enjoyed the river during the summer months when the dam was installed. He suggested that the Board allow the dam to go in next year as a means of studying the turbidity problem and possibly come up with a solution.

Ralph Nelson requested that the Del Rio Woods dam be constructed in the year 2003. He suggested that staff or others monitor the dam as it is constructed.

Elizabeth Cosine stated that she lives in Santa Rosa but is often a visitor of Del Rio Woods River area. She suggested that people will keep the river clean if people are allowed to go to the river. She urged the Board to allow the dam to go up.

Doug Kerr indicated that the communication between the Regional Water Board Staff and Del Rio Woods has not been as good as it should be. He urged the Board to find a way to get the dam built next summer.

Tom Ashland stated that the building material used to install the dam is made from the beach it self. He asked that the Board continue to work with the District so that they can have the river.

Ray Lord stated that he would like to appeal to the Board to work with the community so that they can install the dam. He appealed to the Board to allow the dam to be constructed.

Don McEnhill stated that he met with Mr. King to try and work out solutions for the turbidity. He stated his concerns of the water quality issues and requested that the Board require future reporting, and impose fines if necessary. He suggested that appropriated plans for the construction of the dam should be submitted to the staff for approval.

Parker Maddox stated that the turbidity is extremely transitory and should be noted as such. The laws that are being interpreted are not taking the people of the community into account and the off set of benefits if the dam is installed. The benefits to the people out weighs the amount of turbidity. He stated to not allow the dam to be installed will have serious detrimental effects on the community.

Tracy Logan-Immordino, resident of Del Rio, stated that she is concerned with the turbidity in the river. She has asked to be included in the meetings when discussing the Del Rio Dam. She stated her concerns of the alcohol and the traffic during the summer months when the dam is up.

Sharon Marchetti stated that it was her understanding that before a permit is issued for the dam project, it would need to go through California Environmental Quality Act before it is reconstructed. The project is in its preliminary stages and should not be installed. There are accountability concerns. Ms. Marchetti requested that the Board direct staff to host a workshop directed at educating the community on summer dams and give the opportunity to review other dams that are in place.

Vladimir Krassovsky stated that he has been coming to the river for years. He said that he agrees with those supporting the dam, but wanted everyone to know that he saved a child's life from drowning this summer. He stated that the dam being installed is a safety issue.

Mr. Corbett indicated that he had concerns with the 36-inch culvert proposal. Mr. Massey indicated that the Board and staff would work with the Del Rio Woods representatives, but that we could not deviate from our basin plan. Ms. Moore told the public that the Board must consider equity, and that they are charged with protecting water quality.

The Board took a break at 2:51 P.M.

12. PUBLIC HEARING to consider adoption of a policy waiving waste discharge requirements for specific types of discharges and the approval of a negative declaration relating thereto.

Chairman Massey administered the oath to those expected to participate in the discussion.

Ben Kor, Regional Water Board staff, entered the staff report and files into the record. Mr. Kor noted a correction on page one of the Staff Report under the section of Background, page 1 "change CWC Section 13264 to CWC Section 13263".

Mr. Kor stated that the hearing today is in response to the requirement for review described in CWC Section 13269 as amended by SB 390. Ben Kor indicated that Senate Bill 390 amended Section 13269 in 1999 affecting all waivers. All existing waivers will expire January 1, 2003 unless they are renewed before that time. Staff has reviewed all of the categories of waivers and had the following recommendations:

- ◆ Proposed to eliminate and replace categorical waivers in Table A with individual or general waste discharge requirements.
- ◆ Proposed to amend and renew categorical waivers in Table B by adopting the draft Resolution No. R1-2002-0080.
- ◆ Proposed to establish new waiver categories for
 - 1) Pumped/Drained Water from Storage Tank Excavations,
 - 2) Soil Stabilizing Agents, and
 - 3) Winery Operations.

Mr. Kor indicated that staff is proposing a program for waiver tracking that includes applications for waivers, notices of issuance of waivers, compliance inspection documentation, and self monitoring reports submitted. He clarified that the waiver categories for (1) Test Pumpings of Fresh Water Wells, (2) Discharge from Flushing of Domestic Water Lines and Tanks, and (3) Discharge from Hydrostatic Test Lines were deleted from Table A and added to Table B (Proposed Amendments to Categorical Waivers Currently Authorized by Regional Water Board Resolution Nos. 87-113, 89-131, and 92-135). The existing waiver conditions for each of the above three categories were modified by adding a condition prohibiting the presence of residual chlorine. The Table B conditions for the waiver category of Flow-through Seawater Systems and Aquacultural Operations were amended by including the discharge of parasites and larvae as anticipated problems.

Richard Grundy submitted a list of waiver terms and language on which he requested more clarification.

There was extensive discussion on the clarity of the waiver, mechanics of the process, conditions, language, and other terms in the waiver.

Steven Elliot, representing Potter Valley Irrigation System, indicated that the Potter Valley Irrigation District has in place local rules and by-laws that control tail water run-off problems. If the District receives a written complaint the landowners are denied irrigation water until the problem is solved. He recommended that the Board not allow the existing waiver category for Irrigation Return Waters to expire.

Carre Brown, a Potter Valley rancher and user of water from the Potter Valley Irrigation District voiced her concerns that the waivers for the categories of Irrigation Return Waters and Pesticide Rinse Waters from Applicators would not be renewed before the deadline for their expiration in January 2003. She stated that it is difficult to provide a solution before understanding the problems and urged the Board to not allow the waivers to expire on January 1, 2003.

Ms Warner stated that she has reviewed the issues that Mr. Grundy identified earlier in the meeting and some of the issues are addressed in the proposed waivers, some are not needed, and others could be addressed later.

The discussion on this item was temporarily suspended to allow consideration of Item 19.

19. State and Regional Water Communications

Gary Carlton, State Water Board member, stated that the State Water Board will not make decisions on the waivers, but will offer assistance. Mr. Carlton discussed the Central Valley Region's challenges in writing waivers for their region. He suggested that the Central Valley Region, Environmental groups, and agricultural groups will at some point come together with information and discuss the waiver and the issues. The approach that is being discussed in the Central Valley Region is related to monitoring to determine the impacts of the drainage, and what, if any, best management practices should be considered and undertaken to deal with the drainage.

12 (continued) PUBLIC HEARING to consider adoption of a policy waiving waste discharge requirements for specific types of discharges and the approval of a negative declaration relating thereto.

MOTION: John Corbett moved to approve the waiver as amended by staff. Staff is to bring back the waiver in the form of a resolution to be considered for adoption by the Board at the next board meeting. John Selvage seconded the motion. Motion passed unanimously

MOTION: John Corbett moved to add the Irrigation Return Waters category to the list of waivers to be retained (Table B) until the State Water Board renders its decision. John Selvage withdrew his second and Shawn Harmon seconded. Motion passed with John Selvage opposing.

Sheryl Freeman provided language to give clarity for the anti-degradation findings.

Ms. Freeman suggested language be placed in the fourth whereas on the first page of the resolution after the words Basin Plan. She recommended insertion of the following, "and applicable State Board policies including but not limited to Resolution No. 68-16 the Anti-degradation Policy". The second suggestion on page 2 of the Resolution at the third whereas, was to remove the phrase "no significant adverse water quality impacts" and replace it with, "no significant adverse environmental impacts."

MOTION: John Corbett moved to continue the discussion of the Resolution to a future board meeting. Dina Moore seconded the motion. Motion passed unanimously.

Chairman Massey requested the Executive Officer's input on continuing the waiver discussion to a future Board meeting. Ms. Warner indicated that the deadline to notice the item for the October meeting might have passed. Therefore the item would be considered sometime in December.

Chairman Massey restated the motion: John Corbett moved to continue the discussion (including the discussion of the Irrigation Return Waters waiver category) to the October Board meeting, if possible. Ms. Moore seconded the motion.

MOTION: John Corbett agreed with the restated motion. Dina Moore seconded the motion to continue the waiver discussion to the October meeting. Motion passed unanimously.

Ben Kor asked if it was the Board's intent to take additional public comments at the October hearing. Chairman Massey stated that the discussion will be for Board members and staff only and no public comments will be taken.

13. PUBLIC HEARING to consider options related to waiving waste discharge requirements for timber operations in reference to SB 390

The Chairman administered the oath to all those who expected to participate in this item.

Ben Kor stated that the day's discussion was preliminary and in compliance with the provisions of California Water Code Section 13269. He stated that the purpose of the hearing was to review the existing categorical waiver of waste discharge requirements for timber harvesting issued by the Regional Water Board, and to solicit questions, comments, or alternative proposals for waiving waste discharge requirements for timber harvest operations. All comments received in reference to the waiver will be used by staff in their preparation of a proposed-updated description and waiver conditions for the Timber Harvesting waiver category. Mr. Kor indicated that consideration of adoption of the waiver is scheduled to be considered at a future board meeting.

Mr. Kor discussed three different waiver tracking and compliance programs. He indicated that applications for waivers, notices of issuance of waiver, compliance inspection documentation, and self-monitoring reports will be tracked.

Peter Ribar, stated the he supported the renewal of the present waiver and requested that the Board renew the waiver as the only viable option. CDF has adopted a number

of regulations that are set to protect water quality. To adopt a revised waiver will only cause confusion, will be costly, and will cause delays. He urged the Board to re-adopt the present waiver or include it in the subsequent package to be adopted.

Dan Fisher stated that the Board should understand that the farmland owners are personally involved in collecting water temperature data. Mr. Fisher suggested that the farmland owners also have concerns. He named various studies that were being done to show that the rules and the regulations of forest operations are such that they are not affecting the water quality.

Bernie Bush stated that the waivers are redundant if option 3 is incorporated in them. To delay the adoption of the waivers will be significant.

John Williams stated that he wanted to submit a different focus. He read a statement stating that it appears that the Regional Water Board staff is in conflict with the California Department of Forestry. He suggested that the agencies come together. Mr. Williams indicated that CDF has done a good job in protecting water quality

Dean Lucke representing the California Department of Forestry and Fire Protection (CDF) addressed the Board. He stated that CDF believes that the existing waivers of WDRs for timber harvesting activities under the Forest Practice Act and the Management Agency Agreement with CDF are adequate in their ability to benefit all parties and serve the citizens of California. He reviewed the timber harvesting plan review process and briefly discussed the policy changes made by the Board of Forestry and what those new rules address.

James Pedri, Assistant Executive Officer for the Central Valley Regional Water Board, stated that they have reviewed Region 1's waiver document and they concur with the contents. Mr. Pedri stated that the Central Valley Region is not staffed to review all of the timber harvest plans. He stated that a waiver option that would apply to all of the regions is needed, but the North Coast Region's effort is a great start.

Joe Blum with NOAA stated that the present waiver doesn't provide adequate coverage to provide for the protection of the listed salmonids. Staff has done a very fine job on page 7. Mr. Blum indicated that the Board has an obligation under the law and if it is going to assign or transfer some of its authority to another entity, he suggested that it also give guidance to that entity. He advocated that the agencies work together to help the fishery.

Tom Suk with the Lahontan Regional Water Board (Region 6) read a statement representing his Executive Officer's views on the water quality waiver. The letter stated that the region recognized the U S Forest Service and the Department of Forestry lead role in approving timber harvest permits and supports a streamlined federal government one stop-shopping for permits as long as the water quality standards are met along the way. However at the present time CDF's approval process has three inadequacies in the areas of timber harvest practices, team review process, and funding for regional water board staff in the process. The region has concerns about the information that CDF submitted to the Board. Mr. Suk gave a summary of the issues that the region has had with CDF addressing the water quality in their THPs. Some of those issues have not been addressed by CDF. He stated that for the reasons stated above, Region 6 does not believe that a blanket waiver is appropriate for federal timber sales.

Bev Wasson left the board meeting at 6:30 p.m.

Brian Staub stated that out of the three alternative waivers outlined in the staff report, option one is not desirable, alternative two does not address all of the points but if adopted it can work. The Forest Service supports alternative 3 as it applies to the Forest Service operations. The alternative addresses different agencies and different processes. He stated that he had concerns with conditions seven and eight, and significant concerns with condition nine. Mr. Staab relayed his concerns on each of the conditions and urged the Board to adopt a waiver before January 1, 2003.

Michael Hyatt, California Geological Survey, stated that the California Geological Survey does not advocate a position on any of the options related to the waste discharge requirements.

Peter Brandford, partner in a ranching business, stated that twenty-five years ago permits were not needed to protect the water quality. The increase in the landowners' cost will not protect water quality. Mr. Brandford urged the Board to renew the existing waiver and help the landowners.

Ken Miller read a letter that Alan Cook requested to be read to the Board. The letter stated that Mr. Cook was not in support of the waivers being renewed.

Ken Miller spoke on behalf of the Humboldt Watershed Council in support of a watershed-wide waste discharge requirements program. The THP by THP waste discharge reports does not work. The waste discharge requirement can facilitate cumulative watershed effect analyses and sediment analyses. Mr. Miller indicated that the mission should be water quality recovery.

Cynthia Elkins, Environmental Protection Information Center, urged the Board to take advantage of the opportunity and keep their options open. She suggested that the existing waiver should be terminated and the Board should begin requesting reports of waste discharge requirements before January 1, 2003.

Trisha Miller suggested that the waiver options fail to address all of the issues in the watersheds, and the waivers will create redundancy. She suggested that the Board issue permits after receiving detailed information from the dischargers.

Michael Lozeau, indicated that the Board does not have enough information to make a finding on the waiver. The only option is to rely on CDF. Mr. Lozeau stated that he supports Waste Discharge Requirements in place of the waivers.

Alan Levine offered a clarification on the difference between sediment and pollutants. He said that the Forest Practice rules do not protect water quality and that CDF views the Basin Plan differently than the Regional Water Board.

Jerry Pilbrick urged the Board to come and visit the lands during the rainy season to witness sediment discharge. It is the roads that discharge sediment during the rainy season. He suggested that it is the improper culvert installation that also causes sediment discharge. He urged the Board to keep the waivers as they are.

George Hollister stated that during numerous logging jobs, he has witnessed clean clear water discharge. He asked the Regional Water Board to come out and witness what happens on the land during the rainy season.

Helen Libeu stated that she is a non-industrial timber operator and at the moment there are no fees for a timber harvest plans. She noted that small operators often employ less competent and experienced LTOs and that they need to be watched more closely.

Dina Moore suggested a subcommittee be formed to work with staff on some of the waiver issues. Mr. Corbett agreed that a subcommittee would be valuable.

Motion: John Corbett moved to establish a subcommittee.
Richard Grundy seconded. Motion passed.
Unanimously. John Corbett and Dina Moore
volunteered to serve on the sub-committee.

There being no further business to come before this meeting body, the meeting adjourned at 7:55 P.M., until the next scheduled Board meeting on October 23, 2002.

The Secretary, E. Jean Lockett recorded the minutes of the September 24 and 25, 2002, Board meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board meeting.

Chairman William Massey

Date