

California Water Quality Control Board
North Coast Region

MINUTES OF MEETING

1:30 P.M., September 19, 2006
9:00 a.m., September 20, 2006
Regional Water Board
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Board Meeting audio recordings are available at www.waterboards.ca.gov. Click on board meetings.

Tuesday, September 19, 2006

1:30 p.m.

The Chairman, William Massey, opened the meeting at 2:25 p.m.

i. **Pledge of Allegiance**

Gerald Cochran led the Pledge of Allegiance

ii. **Roll Call and Introductions**

Board Members present: Bob Anderson, John Corbett, Heidi Harris, Gerald Cochran, and William Massey

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Samantha Olson, Sheryl Schaffner, John Short, Charles Reed, Mona Dougherty, Jeremy Bricker, Cathleen Goodwin, David Leland, Linda Kryla, Holly Lundborg, Matt St. John, Greg Nash, Cathleen Hudson, and Jean Lockett

iii. **Board Member Ex Parte Communication Disclosure**

There were no reports of ex parte communication.

1. PUBLIC HEARING Order No. R1- 2006-0045, **Santa Rosa Subregional Water Reclamation System**, Renewal of National Pollutant Discharge Elimination System Permit No. CA0022764, WDID No. 1B83099OSON

Chairman Massey administered the oath to those who expected to testify.

John Short, Regional Water Board senior staff engineer, gave the opening statement for the Regional Water Board staff by providing a brief overview of the issues within the Santa Rosa Subregional Water Reclamation System NPDES Permit that was before the board for renewal. Mr. Short introduced Charles Reed as the Regional Water Board staff assigned to the Santa Rosa Sub-regional Water Reclamation System site, and who later gave a more detailed description of the NPDES Permit and the areas covered by the permit.

The City of Santa Rosa was represented by Richard Dowd, chairman of the Board for Public Utilities for the City of Santa Rosa. Mr. Dowd requested that the Board address three issues:

- 1) The monitoring program that requires new compliance requirements;

- 2) Sanitation sewer overflow regulations that are inconsistent with other regulations; and
- 3) Zero pound per year nutrient mass submission limit.

Mr. Dowd then introduced: Dr. Smith, City of Santa Rosa consultant; Miles Ferris, director of Santa Rosa Utilities; and Nicole Granquist, with the law firm of Downy Brand.

The meeting continued with the Regional Water Board staff and the City of Santa Rosa providing presentations to the Board and the opportunity for cross-examination.

Comments were taken from:

Don McEnhill, representing the Russian Riverkeeper
Fred Corson, representing Dry Creek Valley Association
Michael Lozeau, representing River Watch
Brenda Adelman, representing RRWPC
Darrin Jenkins, representing City of Rohnert Park
A.R. Down, representing O.W.L. Foundation
Donald Appleby, public interest
Alan Levine, representing Coast Action Group
Doug Eberhardt, representing Environmental Protection Agency
Christina Sloop, representing Laguna Foundation

After public comments were taken, the board meeting adjourned at 5:45 p.m. The Chair stated that the Santa Rosa Subregional item would be continued to Wednesday, September 20, 2006, at 9 a.m.

Wednesday, September 20, 2006

9:00 a.m.

Chairman Massey opened the board meeting at 9:16 a.m. on September 20, 2006.

iv. **Pledge of Allegiance**

Bob Anderson led the Pledge of Allegiance

v. **Roll Call and Introductions**

Board Members present:	Bob Anderson, John Corbett, Heidi Harris, Gerald Cochran, and William Massey
Regional Water Board staff:	Catherine Kuhlman, Luis Rivera, Samantha Olson, Sheryl Schaffner, John Short, Charles Reed, Mona Dougherty, Jeremy Bricker, Cathleen Goodwin, David Leland, Linda Kryla, Holly Lundborg, Matt St. John, Mark Neely, Adona White, Rebecca Fitzgerald, Drew Bayless, Cathleen Hudson, and Jean Lockett

vi. **Board Member Ex Parte Communication Disclosure**

There were no reports of ex parte communication.

vii. **Resolution No. R1-2006-0095 In Memoriam for Ronald Richard Allen**

Chairman Massey read the Resolution in memoriam for Environmental Scientist Ronald R. Allen, who for the last five years, worked in the Cleanup Unit of the Regional Water Board-North Coast Region. The Board signed and adopted the Resolution unanimously.

1. The Board continued the **PUBLIC HEARING Order No. R1- 2006-0045, Santa Rosa Subregional Water Reclamation System**, Renewal of National Pollutant Discharge Elimination System Permit No. CA0022764, WDID No. 1B83099OSON

The Chairman called for the closing remarks from the Regional Water Board staff and the City of Santa Rosa and closing remarks were made.

After detailed discussions with the Regional Water Board staff and those representing the City of Santa Rosa Subregional Water Reclamation System, the Board went into closed session for deliberation.

Chairman Massey opened the board meeting to the public after their deliberation in closed session.

MOTION: John Corbett moved to adopt the permit as recommended by staff with the understanding that the Board will have full amending authority. Heidi Harris seconded the motion. Motion passed unanimously.

MOTION: John Corbett moved that Santa Rosa may submit an alternative monitoring program for receiving water limits provided such a program is 1) acceptable to the Executive Officer; 2) that a preliminary site list is presented to the Regional Board Executive Officer within 180 days; 3) the alternative program can demonstrate compliance with the permit. The Executive Officer will inform Discharger whether the alternative monitoring program is acceptable, within 90 days. Santa Rosa shall have 90 additional days to implement the alternative existing monitoring if approved by the Executive Officer. Gerald Cochran seconded the motion. Motion passed unanimously.

MOTION: John Corbett moved to amend the previous motion: In the 180 days allowed for Santa Rosa to submit alternative monitoring program, Santa Rosa shall comply with the prior permit monitoring location requirements. Gerald Cochran seconded the motion. Motion passed unanimously.

MOTION: John Corbett moved that the Late Revisions identified on the handout by Regional Water Board staff be added to the Permit. This includes a reopener provision for the Discharger to complete a special study justifying alternative final numerical limitations for biostimulants. Gerald Cochran seconded the motion. Motion passed unanimously.

John Corbett directed staff to develop a 303(d) TMDL work plan within sixty-days that includes deadlines for the Laguna de Santa Rosa meeting all state and federal requirements, including: a) deadlines be established for each program element, b) measurable progress steps be established, and c) demonstrated compliance with all federal and state 303(d) TMDL requirements. The 303(d) TMDL process must be completed within 4-years save approval of the Regional Board or justification of why it can't be met. The planning program

should specify deadlines for completion of the technical component of the TMDL so that the City may use these data in its study for alternative final numerical limitations for biostimulants.

viii. **State Board Liaison's, Board Chair's, Board Members' and Executive Officer's Reports:**

State Board liaison was not available due to conflict in his schedule.

ix. **Public Forum**

Comments were accepted from:

Adrian Miller, representing PALCO

2. **Approval of Meeting Minutes:** August 2006

MOTION: Bob Anderson moved to adopt the August 2006 Minutes. John Corbett seconded the motion. Motion passed unanimously.

Consent Items

3. Order No. R1-2006-0073 Issuance of a Cease and Desist Order to the **Pacific Lumber Company** (PALCO) Wastewater Treatment Facility

4. Order No. R1-2006-0049, Ukiah WWTF **Ukiah Wastewater Treatment Plant**, Renewal of National Pollutant Discharge Elimination System Permit No.

MOTION: Bob Anderson moved to adopt orders numbers R1-2006-0073 and R1-2006-0049. John Corbett seconded the motion.

Roll Call vote for Order No. R1-2006-0073

Bob Anderson	Aye
John Corbett	Aye
William Massey	Aye
Heidi Harris	Aye
Gerald Cochran	Aye

Motion to adopt the Consent Calendar passed unanimously.

Status Reports

5. **Region-Wide Sediment Amendment**

Regional Water Board staff provided a status report to the Board on the proposed region-wide sediment amendment process. The PowerPoint presentation included summaries of: Regional characteristics necessitating regulation of sediment discharges, and Regional Water Board and State Water Board direction relative to sediment (non-point source) control.

- Limitations of the existing Basin Plan prohibition.
- Benefits to be obtained from a revised prohibition.
- General approach of prohibition.
- Proposed time frame for language development, outreach and Board deliberation.

Following Board discussion, staff was directed to meet individually with Board Members Bob Anderson and John Corbett to discuss amendment concept, approach and necessity.

6. **Status Update on the Sediment TMDL Implementation Policy**

Rebecca Fitzgerald presented an update on the TMDL Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region. The Policy is the Board's strategy to control sediment waste discharges and directs staff to undertake several tasks, including development of a workplan, a sediment control guidance document, a monitoring strategy, and the Desired Conditions Report. Ms. Fitzgerald briefly explained the history of the Policy, the implementation process of other sediment TMDLs, described each task, and gave an update on the status of each task. There were no public comments. Comments from Board Members focused primarily on the applicability of the Policy to all water bodies in the Region, distribution and use of the guidance document, how enforcement would work following compliance with the guidance document, and use of the Desired Conditions Report.

Action Item

7. Study session on the **Total Maximum Daily Loads (TMDLs) for Freshwater Creek and Elk River** with a section on legal mechanisms for permitting, compliance and enforcement TMDL Freshwater and Elk River Watersheds.

Adona White and Matt Buffleben gave an update to the Board on the status of the TMDLs in Elk River and Freshwater Creek. The TMDLs are slated for submission to the Board for approval in December 2007.

Mark Neely gave an update on the Watershed-wide WDRs for PALCO and Green Diamond in Elk and Freshwater. The enrollment of additional acreage under the "zero landslide discharge" plan is under consideration, with enrollments to occur soon.

Comments were taken from:

Philip Nicklas, public interest

Adrian Miller, representing PALCO

Jesse Noell, Elk River resident

Enforcement

Chairman Massey administered the oath to those who expected to testify in the items for:

**Mendocino County Water Works District No. 2,
Harwood Products, Inc
City of Ferndale
Fort Bragg Municipal Improvement District No. 1**

Bill Rodriguez, Regional Water Board staff, addressed the Board by stating that the four orders before the Board are all Administrative Civil Liability Orders that required a formal adoption of Time Schedules. Mr. Rodriguez stated that the Dischargers and Regional Water Board staff are in agreement that formal Time Schedules are needed for their Compliance Projects or Supplemental Environmental Projects. Mr. Rodriguez stated that there were representatives of the dischargers present for all four items and would answer any questions that the Board may have.

8. PUBLIC HEARING Order No. R1-2006-0078, to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability Issued on June 15, 2005, to **Mendocino County Water Works District No. 2**, Mendocino County, WDID No. 1B83118OMEN

9. PUBLIC HEARING Order No. R1-2006-0066, to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability Issued on March 29, 2005, to **Harwood Products, Inc.**, Mendocino County, WDID No. 1B83056OMEN
10. PUBLIC HEARING Order No. R1-2006-0077, to Consider Whether to Affirm, Reject, or Modify Complaints for Administrative Civil Liability Issued on August 29, 2005, and on May 12, 2006, to the **City of Ferndale**, Humboldt County, WDID No. 1B83136OHUM
11. PUBLIC HEARING Order No. R1-2006-0080, to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability Issued on September 12, 2005 to **Fort Bragg Municipal Improvement District No. 1**, Mendocino County, WDID No. 1B84083OMEN

MOTION: Gerald Cochran moved to adopt orders No. R1-2006-0078, R1-2006-0066, R1-2006-0077, and R1-2006-0080 with the noted amendments. Heidi Harris seconded the motion. Motion passed unanimously.

Information Items

12. Status on Strategic Planning

Catherine Kuhlman stated that at the next board meeting a brain storming session will be conducted to come up with a list of priority issues, rank the top three issues, and discuss those issues at subsequent meetings.

13. Executive Officer Administrative Civil Liabilities

There were no reports for this item.

14. Board Member Requests for Future Agenda Items

There will be a discussion on the fish disease on the Klamath River as requested.

15. Monthly Report to the Board

Submitted with no discussion.

16. Other Items of Interest

There being no further business to come before the Regional Water Board, the meeting adjourned at 3:25 p.m. The next Regional Water Board Meeting is scheduled for October 18, 2006, in Santa Rosa.

Chairperson _____

Date: _____