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## North Coast Regional Water Quality Control Board

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### **Notice of Public Hearing and Settlement Hearing Procedure**

Proposed Settlement Agreement and Stipulation for Entry of Order  
Order No. R1- 2023-0049

Sonoma County Water Agency and Russian River County Sanitation District

December 13, 2023  
Remote and In-Person Meeting

#### **Background**

The North Coast Regional Water Quality Control Board (Regional Water Board) Prosecution Team entered into a settlement agreement and stipulated order with the Sonoma County Water Agency and Russian River County Sanitation District (District) to resolve penalties for violations of discharge prohibitions set forth in Regional Water Board Waste Discharge Requirements Order No. R1-2014-0002 and State Water Resources Control Board Order 2006-0003-DWQ.<sup>1</sup>

The violations stemmed from alleged discharges of 885,664 gallons of raw sewage diluted with rainwater into the Russian River for eight days in 2019. These alleged discharges violated the prohibitions in the above listed orders and the federal Clean Water Act section 301. (33 U.S.C. § 1311). Proposed Order No. R1-2023-0049 would resolve the alleged violations by imposing penalties of \$1,033,546. Of this total amount, \$147,001 would be payable to the State Water Resources Control Board's cleanup and abatement account. The remaining \$886,545 would be suspended upon completion of an Enhanced Compliance Action (ECA). The agreed upon ECA involves completion of the West County Water Quality and Recycled Water Supply Feasibility Project with Stakeholder Committee (ECA Project).

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<sup>1</sup> Order 2006-0003-DWQ was amended by Order No. WQ-2013-0058-EXEC  
HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

The ECA Project consists of conducting a high-level feasibility study to evaluate potential regional projects that could improve water quality, water supply reliability, Pathogen TMDL compliance, and climate change resiliency in the Russian River watershed. The primary deliverable is a final feasibility study report with data needed to make informed decisions on creating regional wastewater treatment and reuse systems, water recycling systems and pipelines, wastewater connection and consolidation opportunities for onsite wastewater treatment systems and increased climate change resiliency. In addition to the feasibility study, the ECA project includes a stakeholder program to inform and identify community support for potential regional solutions to wastewater challenges in west Sonoma County.

The Regional Water Board's Executive Officer is delegated the authority to approve Stipulated Administrative Civil Liability Orders. Due to the extensive public comment from interested persons received during the public review period for the Proposed Settlement Agreement, the Executive Officer has determined it is appropriate to bring this matter before the Board for its consideration. The Regional Water Board's Prosecution Team has also recommended that the Regional Water Board consider this proposed settlement at a public meeting. Following the public hearing, the Board may adopt the proposed settlement and stipulated order as presented or decline to adopt the settlement and order. If the Board declines to adopt the settlement and order it may provide direction to the parties.

### **Hearing Procedure**

The parties to this proceeding are: 1) the Prosecution Team, comprising staff from the Regional Water Board and Office of Enforcement, and 2) District staff and representatives. The Board will receive advice from the Advisory Team, which consists of the Executive Officer, Valerie Quinto, Counsel to the Board, Nathan Jacobsen, and Water Resource Control Engineer, Justin McSmith.

To maintain the Regional Water Board's impartiality, ex parte contacts are prohibited. (See, e.g., Gov. Code, § 11430.10 et seq.) Ex parte contacts are those communications that are directed at the Regional Water Board members or the Advisory Team members, regarding the pending matter, and which are not communicated in a manner open to all other persons. Communications regarding non-controversial procedural matters are not considered ex parte contacts, and are therefore not restricted under this Hearing Procedure.

To avoid ex parte contacts in pre-hearing communications, the parties should ensure that each party (at a minimum including counsel to the party) is copied on all correspondence directed to the Advisory Team.

The Board Chair and/or Advisory Team may elect to hold a pre-hearing conference prior to the hearing to resolve any procedural questions the parties have.

At the hearing, the Board is not inviting the submission of additional evidence from the parties. The parties will have the opportunity to present their arguments in support of the stipulated order and settlement agreement and address any questions that the Board members have. The following format will apply to the proceedings:

1. Opening Statement from the Prosecution Team (5 minutes)
2. Opening Statement from the District (parties may elect to make a joint opening statement) (5 minutes)
3. Argument from the Prosecution Team (20 minutes)
4. Argument from the District (20 minutes)  
(Parties may combine time and elect to make a joint presentation)
5. Comments from Interested Persons (5 minutes each unless otherwise determined by Board chair)
6. Board deliberation

The Board or Advisory Team members may ask questions of the parties at any time during the proceeding.

The time limit for oral testimony or comments is set by the Regional Water Board Chair and is subject to change. A timer will be used, and speakers are expected to honor time limits. Where speakers can be grouped by affiliation or interest, such groups are encouraged to select a spokesperson to avoid unnecessary or repetitive testimony.

### **Opportunity for Public Participation**

At the hearing, the Regional Water Board will consider comments submitted by members of the public that are interested in the pending matter (Interested Parties or Persons). The comments submitted during the public review period for the proposed settlement agreement are part of the record and need not be resubmitted. The Regional Water Board is not establishing an additional written comment period prior to the hearing.

Interested Persons will have the opportunity to present policy statements and argument on the proposed settlement agreement to the Regional Water Board members at the hearing. As outlined in the procedures above, such statements will generally be limited to **5 minutes** per Interested Person, though the Board may grant additional time upon request. Interested Persons do not need to submit written statements to speak at the hearing.

### **In person and Video and Teleconference Meeting**

This item is scheduled for December 13, 2023. In accordance with the Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.), an agenda for the Board meeting will be posted to the Board's website at least 10 days in advance of the meeting.

This meeting is scheduled to occur with both a physical meeting location and an option for the public to participate from a remote location. Please follow the Regional Water Board's website and agenda for this Board meeting for instructions on how to participate in this meeting remotely. Please follow the [Regional Water Board website](http://www.waterboards.ca.gov/northcoast) (www.waterboards.ca.gov/northcoast) for updates.

Live video and audio broadcasts of the public hearing will be available via the internet and can be accessed at [the CalEPA Public meeting live webcasts page](https://video.calepa.ca.gov) (https://video.calepa.ca.gov). The public hearing will be recorded.

### **Document Review**

The proposed settlement agreement and stipulated order and related documents, including any comments that are received on the proposed Order are part of the Regional Water Board's public file for this matter and may be inspected or copied at the Regional Water Board's office, 5550 Skylane Blvd, Suite A, Santa Rosa, CA. You may contact the Regional Water Board at 707-576-2220 to arrange for a file review. Additionally, copies of the file record can be obtained by contacting the Prosecution Team: Matthew Herman, [Matthew.Herman@waterboards.ca.gov](mailto:Matthew.Herman@waterboards.ca.gov)

The proposed Order and most associated documents will also be available on the Regional Water Board's website.

### **Accessibility**

Anyone requiring reasonable accommodation to participate in the public meeting should contact Deidre Wilkerson at 707-576-2220 at least five days prior to the scheduled meeting. The Regional Water Board hearing room is accessible. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

### **Questions**

Questions regarding this public notice and hearing procedures should be directed to Nathan Jacobsen, [Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov), or 916-341-5181.

Valerie Quinto

Executive Officer

November 21, 2023