

## Reed, Charles@Waterboards

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**From:** Alan Levine <alevine@mcn.org>  
**Sent:** Tuesday, August 14, 2012 3:07 PM  
**To:** Reed, Charles@Waterboards; Leland, David@Waterboards; Dougherty, Mona@Waterboards; St.John, Matt@Waterboards  
**Cc:** Whitson.Amelia@epamail.epa.gov; rrkeeper@sonic.net; LSmall@srcity.org; Blatt, Cherie@Waterboards; Creager, Clayton@Waterboards; Kuszmar, David@Waterboards; Butkus, Steve@Waterboards; warrioreco@yahoo.com; SCWaterCoalition@yahoogroups.com  
**Subject:** CEQA - - Baretta Dairy Proposed Nutrient Offset - Legal Responsibility of the Regional Board to Comply with CEQA

**COAST ACTION GROUP P.O. BOX 215 POINT ARENA, CA 95468**

Mat St. John , Executive Officer  
Regional Water Quality Control Board, Region 1  
5550 Skylane Blvd  
Santa Rosa, CA 95403

August 14, 2012

Attention: Charles Reed

**Information Request:** Nutrient Offset Program – Laguna de Santa Rosa, Resolution No. R1-2008-0061 – Including proposed offset program for Beretta Dairy.

Dear Mr. St John:

Coast Action Group and Northern California River Watch are interested parties in this proposed action. CAG and NCRW have a long history of interest in water resource actions on the Russian River and Laguna de Santa Rosa. CAG and NCRW have participated in the Laguna impaired listing process, City of Santa Rosa Wastewater NPDES, flow issues, and, in general, water quality issues on the Russian River and the Laguna.

Coast Action Group and California River Watch have comments on file regarding the above noted project.

Coast Action Group has sent a request, via e-mail on 8/11/2012, Coast Action Group requests notice of Date and time of approval of the Nutrient Offset proposal. We have received no response.

Please supply notice of approval, time, and date, and information on where the notice was (is ) posted.

The language, below is included in the Resolution:

**“No CEQA documentation is required at this time (*meaning for the Resolution*). The program implements provisions of the NPDES permit, which are statutorily exempt from CEQA under Water Code section 13389. Individual proposals must comply with CEQA as explicitly provided for on page 3 of the Program. In the absence of specific proposals, any environmental analysis would be too remote and speculative to analyze. Moreover, because Regional Water Board staff maintains discretion to disapprove any proposal, the Program does not commit the Regional Water Board to any implementation. The**

**Regional Water Boards approval of the Offset Program is a decision to establish procedural rules on how an individual proposal might be approved, and is independent of any proposal that might be approved and have an environmental effect. (See Cal. Code Regs., tit. 14, 15061(b)(3).)**

Please respond with an explanation on how CEQA compliance was attained for this project. Please include notice of project review and environmental determination (Neg. Dec., EIR, or Exemption). We would like a copy of such notice and any findings related to the environmental determination.

The language, below is included in the Resolution:

**“The Nutrient Offset Program is designed to encourage the City to undertake nutrient reduction projects that improve habitat and ecosystem conditions, and to encourage the City to undertake nutrient reduction projects that reduce or eliminate non-point source or other discharges not currently subject to waste discharge requirements, waiver, or other permits. However, the Nutrient Offset Program prohibits the City from continuing to receive nutrient reduction credits for a project that later becomes subject to additional regulatory controls imposed by the Regional Water Board. The Offset Program shall in no way diminish the force and effect of any current or future controls on non-point source or other discharges imposed by the Regional Water Board. Non-point source or other discharges in violation of prohibitions or water quality standards remain subject to enforcement under the Water Code. “**

Please respond with explanation of how the Beretta Dairy project is consistent with the language included - above.

Responses can be sent via e-mail attachment.

Additionally, I am very sorry to state that I am very disappointed in the lack of response we have received to our requests.

Sincerely,

t Alan Levine for Coast Action Group and Northern California River Watch.

Alan Levine, .  
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