

N C R W Q C B

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OCT 7 - 2015

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October 3, 2015

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Attn: Mr. Charles Reed

North Coast Regional Water Quality Control Board

5550 Skyline Blvd., Ste A

Santa Rosa, CA 95403-1072

Re: Draft EIR (Environmental Impact Report) for the TMDL (Total Maximum Daily Load) study on the Russian River

Dear Mr. Reed:

This appears to be a masterful work at first glance. I have had the opportunity to scan and read most of the documentation, however, I may have missed certain information that may have appeared in the EIR and its supplements. So, here are my questions. All the questions fairly anticipate the County of Sonoma following the form of the Regional Boards TMDL study EIR to the purpose of devising and implementing appropriate codes and regulations for those activities within their purview, such as Option 1, Option 2, and Option 3 (LAMP [Local Area Management Plan] regulations).

A response is kindly anticipated as to each enumerated question (1 through 43) as well as to its subparts as identified by its alpha (a-z) qualifiers as they may appear:

Question 1. It is my information and belief that this "Amendment" to the Basin Plan, is in fact, a wholesale replacement of the current BASIN PLAN for the Russian River if the TMDL EIR proceeds through the various approval processes up to the Federal level EPA as the preferred alternative as agreed to by all the agencies of government from the state regional governments on up. The County of Sonoma or other local regulatory/authorizing of subordinate stature has no official say in the approval or denial process. Would this be a correct assumption?

Question 2. To confirm, is the 10 year flood plain OWTS (On-Site Wastewater Treatment System) distance requirement now to be eliminated under the BASIN PLAN when the TMDL study is adopted (at the meeting of September 22, 2015 at the Monte Rio School as I was told that this would be the case)?

Question 3. Does the Stream Hyporeic Zone include all those areas identified as either a) the floodway, b) the 10 year flood plain, and/or c) the 100 year flood plain (page 11 [Box B, Figure 12a, 12b, and 12c], of the USGS Circular 1139 appear to indicate that this is the case)?

Question 4. Regarding Question 3 above, if not, why not?

Question 5. Is the stream Hyporeic Zone mapped in the Lower Russian River area?

Question 6. Regarding Question 5 above, if not why not (the FEMA NFIP map has been available for decades)?

Question 7. How deep are monitoring wells to be dug?

Question 8. Are monitoring wells to be a) installed in contemplation of wet weather conditions (times of high water table occurrence), b) monitored at times of wet weather conditions (times of high water table occurrence)?.

Question 9. Are monitoring wells to be drilled to a) the point which reaches the water table, and/or b) to the point of reaching rock, or fractured rock?

Question 10. Regarding the cost of the three monitoring wells per parcel with OWTS, in one area of the EIR I believe I read \$200 or \$300 per well, in another I believe I read \$5,000 estimate. One property I am familiar with has one monitoring well- I believe greater than 20 feet, and it was placed some 15 years ago or so, at a cost of \$1,200 then. It was on perfectly level land with easy access for a drilling rig. The costs for monitoring wells appear to be on the low side, especially considering steep hillside lots on narrow roads. Would the Regional Board expand, review, revise, or clarify anticipated depths and costs for monitoring wells as a range of providers may vary for varying lot situations?

Question 11. On small lots - including those with homes - some as little as 25' wide, 40', or 60' wide, or larger, (and not uncommonly having a lot length of some 80 feet) when monitoring wells are placed, how is the local agency to plan for or implement regulations where such monitoring might pick up the non-compliant pollution occurrence from a neighboring property?

Question 12. Regarding Question 11 above, how is the property owner and/or the local agency to demonstrate that said pollution is not from their property (the property owner) or the property they regulate (in the case of the local agency)?

Question 13. Regarding an anticipated "LAMP" how many monitoring wells are to be dug on any particular parcel?

Question 14. If monitoring well could be fewer (under a LAMP) than the 3 mandated under Option 1, or if the depth and location requirements diverge in any way from Option 1, why would this not constitute a "license to pollute"?

Question 15. If the only location for a OTWS disposal area, or even an entire property is wholly within the stream Hypphoreic Zone, how can the Regional Board represent that they will not condemn such a property as was posed by a questioner (not using the word Hypphoeic Zone, but stating the property's close proximity to Dutch Bill Creek) at the September 22, 2015 meeting at the Monte Rio School TMDL EIR review meeting? [The questioner represented that the County of Sonoma septic department told her that such a property would be condemned].

Question 16. a) While the Regional Board may not be in the business of condemning such properties, why would the County of Sonoma be so similarly limited? b) Could they both not have different responses and responsibilities?

Question 17. Regarding Question 16 above. Would the Regional Board have the legal capacity to grant a waiver for such properties that would supercede any such adverse determination of the County of Sonoma, or other applicable local agency?

Question 18. Regarding Question 16 above. What would be the criteria for such a waiver, if such an instance would be at all possible?

Question 19. Have "LAMP" programs been developed and approved in other areas of the State of California, or another state?

Question 20. If such "LAMPS" exist, can you direct me to a) a regulatory website or documentation of a Regional Water Quality Control Board or equivalent, and b) an implementing County agency or local regulatory/ authorizing agency for approving OWTS for administrating such a LAMP [and their website or other documentation]?

Question 21. Have "LAMP" programs been adjudicated or otherwise challenged in Court, and/or have they been modified or limited by Court order?

Question 22. Are LAMP programs intended as a) financial limit of the State of California in light of the provisions of AB 885 intended financing provisions, b) a legal but scientific fiction intended for cover for the Regional Water Boards inability to bring the study area in question into compliance with the scientific standards identified in the TMDL study, or c) is any adoption of any LAMP program intended to be entirely compliant with the scientific mandates of the TMLD study?

Question 23. Do LAMP programs have the intended result of being a "license to pollute?"

Question 24. a) Under a LAMP, an example of say 80 homes and their disposal field areas lying completely in the hypphoreic zone vs. a group of said same homes 4 each sharing one disposal field, comprising 20 disposal field areas (equaling 80) have the same total loading factors when calculating for e-coli, enterococcus, and baceteriods? b) If the standard would be less for such sharing, would that not be a license to pollute?

Question 25. Regarding question 24 above, please answer a) and b) if the County of Sonoma or other local regulatory/authorizing agency for an OWTS under a LAMP would utilize a 10 year flood plain criteria even if not required by the Regional Board.

Question 26. Regarding question 24 above, please answer a) and b) if the County of Sonoma or other local regulatory/authorizing agency for an OWTS under a LAMP would utilize a 100 year flood plain criteria even if not required by the Regional Board.

Question 27. Regarding question 24 above, please indicate if the County of Sonoma or other local regulatory/authorizing agency for an OWTS would be prohibited from using either a 10 year flood plain, or 100 year flood plain standard for any such site criteria?

Question 28. The OWTS under the proposed TMDL indicates that the County or other local regulatory/authorizing agency for an OWTS under a LAMP process can use site criteria as they are accustomed. If reference to the flood plain is eliminated, slope gradient remains the same at 30%, what of their other criteria? Is regulation as to minimum lot size (I believe about 1.5 acres to 2 acres for a standard system for existing parcels with no well for domestic use), building setbacks, lot-line setbacks, distance to fractured rock, and any other criteria that they may have employed in the past eligible for continued application or alternatively, which items are prohibited from their consideration to grant a permit under a LAMP?

Question 29. a) Can a LAMP, not under the County, but another local regulatory/authorizing agency for OWTS permit processing invent its own criteria? b) If yes, what are the objective limits, or minimum standards that would apply?

Question 30. Currently, the County of Sonoma notes on permits for parcels and OWTS which are considered substandard to be "Repair Only" as written on the face of the permits. Lately, Repair only status, is I believe, modified possibly to a "best effort" for existing OWTS. Would this process be deleted or otherwise modified?

Question 31. a) Are currently unimproved parcels ineligible for a LAMP participation from the Regional Board perspective (Monte Rio and other communities need to rebuild much of what was lost by fire and other disasters and there is pent up demand for same)?

Question 32. At the September 22, 2015 meeting at the Monte Rio School, the statement was made by the Executive Officer to my question regarding the 10 year flood plain, that "no one knows where the 10 year flood plain is" is not a correct comment. Indeed, Engineers know, or should know, the County of Sonoma knows, or should know, where the 10 year flood plain applies to any given property upon survey coupled with the FEMA NFIP (National Flood Insurance Program) Maps and charts spelling out at various intervals as proceeding from the mouth of the Russian River from Jenner on up the various cross section elevations identifying the River bottom, the 10 year flood plain, and the 100 year flood plain – and I believe (I haven't looked at it lately) even the 500 year flood plain. If the Regional Board is not aware of these, please know that I am in possession of said documentation as are others. So if these standards have been extant for decades, why would the Board not implement a standard of the

identifying the Hypohoreic zone with property and lot parcel specificity as identified on a map that would be part of the TMDL draft EIR?

Question 33. Regarding Question 32 above. It appears that the Regional Board wants the County or other local regulatory/authorizing agency for OWTS under the LAMP process to present ambiguous standards back to the Regional Board which they may approve to affect a political purpose not based on the science of the TMDL. Is this statement patently refused?

Question 34. Does the draft EIR for the TMDL quantify a loading factor for any specific interval of the Russian River, which is then added to the remaining sections of the River (I take it that that is not how it is done)?

Question 35. What is the definition of High and Low Hill slope ranges?

Question 36. Can the Regional Board provide a map of the a) High Parcel Density/High Risk area [4.6 acres] identified as Site #2, b) High Parcel Density/Low Risk area identified as Site #4 [74 acres], c) Low Parcel Density/High Risk area identified as Site #7[82.6 acres], Low Parcel Density/High Risk area identified as Site #9 [16.4 acres], and Site #14(Area of Concern)[6.7 acres]?

Question 37. a) Regarding Site #14 of the OWTS study, where was the exact location of the original "take" point and the substitute "take" point? b) Can you put it in GPS coordinate points, or better yet, identify it on a map indicating on which side of the street the take was made?

Question 38. Regarding Question 37 above, doesn't the result in the millions possibly indicate one errant sewage waste disposal system as it seems to be so out of order with so few OWTS contributing in that potential area?

Question 39. Regarding Page 12-5 (Economic Considerations) the statement "\$5.7 million gallon equalization basin...costing \$1.5 million dollars... was never completed" do you not mean to delete the "\$" sign preceeding the 5.7 million gallon equalization basin...? Is the rest of the statement correct?

Question 40. Regarding the identification of communities by name. I note that the communities of Villa Grande and Duncans Mills are not identified in the documentation (each having its own postal zone) and Forest Hills (a part of the Forestville postal zone). Of course, Northwood and Rio Campo subdivisions are a part of Monte Rio {part of Monte Rio's Rio Campo does sport Guerneville mail service delivery} due to mail rounds originating from Old Monte Rio Road in the past} Is it appropriate that either of these communities for whatever reason not be named in the report especially in light of the 600 foot distance requirements from the main stem of the Russian River as they may appear in the documentation?

Question 41. Regarding Site #7, upon parcel search in the County database, the address number "9632" indicates a 9632 S. Main St. (it's news to me that there is a "South" Main St as Main street Monte Rio runs from the intersection of Bohemian Highway at the little bridge into Monte Rio southerly past the Firehouse and the old school (Now Creekside recreation center) until just past Tyrone Road and the Tyrone bridge where it hooks up again with Bohemian Hwy), this address sporting - singularly as I

can determine - the designation "South" yet being Assessor's Parcel Number 096-060-014 on Main Street. There are only 4 homes above or adjacent to the immediate take site. How on earth can this be labeled Low Parcel Density (that part can be OK) /but High Risk? Of all the areas of Monte Rio you have selected one of the least dense areas as to this site yet a determination of High Risk for the fewest number of possible OWTS. Are you counting the acreage uphill or downhill from the site? Again the map is critical. Remarkable!

Question 42. Regarding Site # 4, the address of 19375 Old Monte Rio Road indicates (Hwy 116 address actually) the location of Assessor's Parcel number 094-160-046. Again, I challenge that this site High Parcel Density (that part can be OK)/ but Low Risk? The area uphill is notorious for clay soil deposits near the surface and many a septic system have failed in that area over the years. Again is this study of the acreage uphill or downhill from the take site? Again the map is critical!

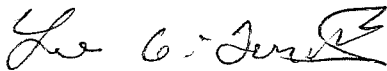
Question 43. An observation. On the one hand I suppose you proved the point in the take areas of Monte Rio as sufficient to include all of Monte Rio as deficient as to the TMDL study, yet why your study did not include take areas for example around Redwood Drive (the golf course area of Monte Rio having generally a low elevation and close proximity to the River) and a point below Monte Rio Park Subdivision (commonly known as Starrett Hill areas that are high density and known high risk) is beyond me. What is your answer to this critique?

I am a retired Realtor and intimately familiar with Monte Rio having lived here my entire life.

I declare and certify that I am a person of interest in the CEQA process for this TMDL draft Environmental Impact Report on the Russian River and request notification of your responses and further information to be made available to me at my above entitled address, including as appropriate under law for timely notification of future meetings and public processes.

These are my questions for the moment. Please accept my apologies if some of these questions are answered in the documentation already, and that I missed them. Thank you for your attention to my questions and I look forward to your responses.

Sincerely yours,



Lee O. Torr, IV

LOTIV:sm

cc: Supervisor Efren Carrillo
Matt St. John, Executive Officer, NCRWQCB

Office of the Governor, Edmund J. Brown, Jr.