

State of California
Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
January 26, 2001
Water Quality Control Board
North Coast Region
5550 Skylane Blvd, Suite A
Santa Rosa, CA

On January 26, 2001, a regularly scheduled meeting of the Regional Water Quality Control Board, North Coast Region, was called to order at 8:33 a.m. by Vice Chair Bev Wasson.

i. Roll Call and Introductions

Board Members Present: Jason Liles, William Massey, Bev Wasson, Daniel Crowley and Dina J. Moore.

Vice Chair, Bev Wasson welcomed our newest Board Member Dina J. Moore.

Board Members Absent: William Hoy was absent due to weather conditions.

Staff Members Present: Executive Officer, Lee Michlin; Division Chiefs Susan Warner, Bob Tancreto, Ranjit Gill and Frank Reichmuth; Legal Counsel, Yuri Won; Technical Staff, Damien O'Bid; Senior of Santa Rosa Cleanups, Mark Bartson, and Senior for Russian River Cleanups, John Short; Senior of North Coastal Nonpoint Source, Bill Winchester; Secretary, Jean Lockett; Office Assistant, Terry Barnes.

ii. Minutes of Past Meetings

Vice Chair Wasson presented the minutes of November 29, 2000, for adoption.

MOTION: William Massey moved adoption of the November 29, 2000, minutes as presented. Jason Liles seconded the motion. The motion passed unanimously.

iii. Ex Parte Communication

There were no ex parte disclosures.

iv. Introduction of New Employees

The Executive Officer Lee Michlin introduced new employees Margaret Robinson, Jonathan Warmerdam, David Kuszmar, Jill Sunahara, Carrie Lukacic, John Grant, Donald Song, Caryn Woodhouse, Lisa Cinti, Colleen Stone, Mark Bartson and Tim Walcox. Vice Chair Wasson welcomed them to the Regional Water Board staff.

v. Election of Officers

MOTION: Jason Liles moved that Daniel Crowley be elected Chair and William Massey be elected as Vice Chair. Dina Moore seconded the motion. The motion passed unanimously.

Bev Wasson turned the meeting over to the newly-elected Chair, Daniel Crowley.

vi. Public Forum

Duane DeWitt addressed the Board regarding the Southwest Santa Rosa area toxic sites. He requested toxic information on adjacent areas beyond the McMinn Avenue area.

A written statement was recorded as received from Tesa Cook. Her statement requested the Board to require Waste Discharge Requirements in Freshwater Creek. Bob Martel hand-delivered the statement and discussed some of the issues from the statement.

Mark Rentz gave the Board a copy of the U.S. District Court's January 22, 2001, decision on *Environmental Protection Information Center, et al., vs. Andrea Tuttle, et al.*

Agenda Item 1. General National Pollutant Discharge Elimination System Permit, Waste Discharge Requirements for Discharge of Extracted and Highly-Treated Groundwater to Surface Water Related to Cleanup of Groundwater Polluted with Petroleum Products and Volatile Organic Compounds in the North Coast Region, All Counties, Renewal of Waste Discharge Requirements, NPDES No. CAG911001

Damien O'Bid addressed the Board with a presentation giving background and updated information on Item 1.

MOTION: Board member Jason Liles moved to adopt Item 1 as proposed. Bev Wasson seconded the motion. The motion passed unanimously.

Agenda Item 2. College of the Redwoods, Wastewater Treatment Facility, Humboldt County, Modification of Waste Discharge Requirements (NPDES Permit No. CA0006700) for pH Effluent

Bob Tancreto addressed the Board stating that Item 2 comes before the Board for re-adoption to correct pH standards.

MOTION: Bev Wasson moved to adopt the proposed order, Jason Liles seconded the motion. The motion passed unanimously.

Agenda Item 3. Update on Progress in Investigation, Cleanup, and Abatement Activities at the West College Avenue/Clover Drive Tetrachloroethylene (PCE) Site

Susan Warner updated the Board on the approval of additional Cleanup and Abatement funds in the amount of \$795,000 for the West College/Clover Drive site. Residents of the site complimented the Regional Water Board and Susan Warner for the work done at the site. However, there were general concerns from the residents that the Department of Public Health and Environmental Health Division have not provided answers and have not been in contact with the residents. J.J. Krug spoke on behalf of the Environmental Health Division by saying that they have coordinated their efforts with the Regional Water Board and that a number of his staff have responded to some of the residents. Jason Liles suggested that the Environmental Health Department go door-to-door and offer more information about what is being done, what can be done and what cannot be done. Susan Warner reported that the next public meeting for the West College/Clover Drive site would be held in February 2001 at the Finley Center.

Several residents thanked the Regional Water Board for obtaining money from the Cleanup and Abatement Account.

Agenda Item 4. Update on Progress in Investigation, Cleanup and Abatement Activities at the McMinn Avenue Superfund Site

Susan Warner gave an overview of the areas of contamination. She stated that some areas are cleaned up and are no longer considered contaminated. Damien O'Bid discussed the plan of action for the McMinn Avenue Site. There are now 18 properties listed in the Roseland Plan of Action now connected to City water. The Regional Water Board staff recently issued Fact Sheet No. 9 for this site, as part of the ongoing public outreach. Mark Bartson discussed the present and future work to be done. He stated that there is work to be done on identifying responsible parties, identifying sources of MtBE and continue with the community involvement. Mr. Bartson said that the Roseland Plan of Action is working and it is effective.

The Board expressed its thanks and appreciation to Susan Warner for her work on this and other sites.

Agenda Item 5. Sonoma County Water Agency Airport Wastewater Treatment Facility Expansion Status

Debbie Webster with Sonoma County Water Agency Airport Wastewater Treatment Facility updated the Board on the Airport Larkfield-Wikiup Sanitation Zone Storage Curve. Mr. Cordell described three large improvement construction projects in process.

John Short stated that he has been working with the Sonoma County Water Agency on this expansion plan and he is very optimistic that they will meet their required completion date.

A short break was observed at 10:35 a.m. The Board meeting resumed at 10:56 a.m.

Agenda Item 6. Sonoma County Permit Resource Management Department (PRMD), Report on Monte Rio Sewering Project

Ted Walker, Project Manager of Sonoma County Permit Resource and Management addressed the Board by giving an overview of the Monte Rio Sewering problems and discussed specifics of

concern areas and their plans to resolve those problems. The plans are under design and should be completed by May 2001.

Bon Tancreto and John Short addressed the Board on the Monte Rio Project. They fully support the concept of Monte Rio's Sewering Project and are involved in the designing stages.

Agenda Item 7. Update from City of Santa Rosa Regarding Wastewater Treatment Facility Expansion Status

Santa Rosa Wastewater Treatment Facility Expansion is under its first phase of the Geysers Project. Ed Brauner reported to the Board that the winter months have been difficult. However, their expectations are that they will comply with the Board to have the project completed by the year 2002.

Agenda Item 8. Legislative Summary (New Laws in Effect January 1, 2001, including SB 2165)

Legal Counsel, Yuri Won, gave a brief overview of AB 885 and SB 2165.

Agenda Item 9. Update on Agricultural Chemical Use and Water Quality Use and Water Quality Relationships

Bill Winchester reported that the Regional Water Board staff are more involved in chemical monitoring in surface and ground water near vineyards. Vineyards in the North Coast Region of Sonoma County alone, mostly in the Russian River basin, cover 46,200 acres of land, and are expanding. Currently, Regional Water Board staff are expending about 1.5 full time staff efforts from our funded Nonpoint Source program responding to public complaints regarding erosion of soil from vineyards into surface waters, mostly from new vineyards under development. Staff have been working with the Agricultural Commissioner's offices in Mendocino and Sonoma Counties compiling information on pesticides used. Based on this information, staff is now in the process of developing a long-term monitoring workplan for pesticide sampling with the intent of beginning a long-term sampling database that will help answer the question of whether typical pesticide use on vineyards in the Russian River basin is effective in keeping these chemicals out of water.

Agenda Item 10. Executive Officer Administrative Civil Liabilities

Lee Michlin reported that he determined that the suspended administrative civil liability against Mr. Baghery was now due. Yuri Won explained that the Board issued the Administrative Civil Liability Order (ACL) in 1999 and gave the Executive Officer discretion to call suspended liability due upon Mr. Baghery's failure to comply with the ACL. Mr. Baghery has retained an attorney and has filed a petition with the State Board.

Agenda Item 11. Violation and Enforcement Report

Assistant Executive Officer Craig Johnson reported that the Violation and Enforcement Report stands as written.

Agenda Item 12. State and Regional Water Board Communications

Mr. John Brown had no communications to report.

Agenda Item 13. Budget Priorities/Timing

Craig Johnson gave an overview on budgets, workplans, budget distribution and budget tracking.

Agenda Item 14. Discussion of Agenda Flow Process and Deadlines

Lee Michlin reviewed the Agenda Items Flow Process and Deadlines for Region 1. He reviewed Timeliness, Due Process, Priorities, Deadline Schedules and other essential items. Dan Crowley suggested using subcommittee to work things out so that the Board meetings do not turn into two-day meetings. He also suggested that the subcommittees would discuss what could be done to space things out so that staff is not burdened. Yuri Won noted that the ACL section may allow the Board to have a hearing panel. She stated that she would also research the Cease and Desist Orders section to determine if it is possible for that section to have a hearing panel.

Agenda Items 15, 16, 17 & 18 - Written Items

Bev Wasson requested that written items be submitted with the nonsubstantive corrections noted.

Other Business

Lee Michlin announced that the Regional Water Board needs to have its adopted resolution for the Federal Clean Water Act section 303(d) listing to the State Board no later than the early part of this year.

12:30 p.m. a lunch break was observed. The meeting resumed at 2:05 p.m.

The Board meeting was called to order by Chair Crowley. Board member Bill Hoy joined the meeting via telephone.

Chair Crowley gave Jason Liles the floor. Jason Liles announced his resignation from the Regional Water Board effective January 26, 2001, 5:00 p.m. He stated that his letter of resignation had been sent to the Governor and he will send a copy to the Chair and the State Board. Jason gave his apology for such a short notice, but that he was too busy to be a Board Member. He said he would stay for the remainder of the Board meeting to listen.

The Chair acknowledged the work that Jason has done while on the Board and said that he will be sorely missed.

Agenda Item 20. Discussion Concerning Description of Pacific Lumber's Habitat Conservation Plan and Related Documents by Signatory Agencies (Issues of Water Quality Protection, Including Fisheries, will not be Discussed)

Chair Crowley stated for the record that Item 20 is a workshop and there will be no testimony regarding the hearing. Dan Crowley reiterated that Item 20 is not a hearing item. Craig Johnson, Acting Executive Office for this Pacific Lumber Company (PALCO) issue, announced that the Habitat Conservation Plan (HCP) agencies were invited to the meeting after they requested to be heard and that it should be understood that there would be no discussion of water quality issues.

Joe Blum of the National Fishery Service introduced staff and presenters.

Dean Lucke gave an overview of Sustained Yield Plans (SYPs).

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Phil Detrich, team leader Forest Habitat Conservation Planning, addressed the Board on Habitat Conservation Plans and Incidental Take Permits under the U. S. Endangered Species Act (ESA).

Yuri Won objected to the impending water quality discussions, based on a review of a hard copy of the agencies' power point presentations. Discussions took place regarding whether water quality issues would be covered. Chair Crowley determined that the water quality issues to be discussed were general in nature and not new information, and therefore allowed the agencies to proceed.

Mark Stopher, Habitat Conservation Program Manager California Department of Fish and Game (CDFG) reviewed CDFG's roles in the HCP.

Dean Lucke, California Department of Forestry, covered Specialized Timber Harvesting Plan Contents (THP).

John Clancy, National Marine Fisheries Services (NMFS), addressed the Board on watershed analysis goals and its components, implementation roles and potential prescription changes.

Phil Detrich covered PALCO HCP adaptive management provisions, Northern Spotted Owl, modification of prescriptions following watershed analysis, revision of aquatic monitoring and revision of reptile/amphibian module.

Mark Stopher gave a presentation on the agreement relating to enforcement of AB 1986, effectiveness monitoring, trend monitoring, and agency oversight.

Joe Blum with the National Marine Fishery Services, and on behalf of the signatory agencies, concluded the presentations by thanking the Board for listening to the presentations and stating that the HCP is based on sound science. The implementation of the HCP is at its early stages. He therefore respectfully suggested that the HCP be evaluated after a longer period of implementation.

Agenda Item 21. Schedule for the Noticed February Hearing(s) on Pacific Lumber Company's and Scotia Pacific Lumber Company's Timber Harvest and Related Activities in the North Fork Elk River, Stitz Creek, Bear Creek, Jordan Creek, and Freshwater Creek Watersheds

Chair Dan Crowley announced that the hearings for PALCO in February are vacated due to the Chair's schedule, Mr. Hoy's schedule, the resignation of Jason Liles and Dina Moore being a new Board Member. The Board meetings for PALCO will take place after appointment calendars are checked for all designated parties. Mr. Crowley stated that the Board subcommittee will publish its decision on the pre-hearing procedural motions.

Public Forum

Bill Hoy requested Public Forum. Bill Hoy thanked Jason Liles for his service on the Board.

A break was observed at 4:00 p.m.

At 4:10 p.m., the Board resumed in closed session for Items 22, 23, 24 & 25.

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There being no further business to come before this meeting body, the meeting adjourned at 4:30 p.m., until the next scheduled Board meeting on February 23, 2001.

The Secretary, E. Jean Lockett recorded the minutes of the January 26, 2001, meeting of the North Coast Water Quality Control Board, to be approved by the Board at its next meeting.

Approved by _____ Chairman