

State of California
Regional Water Quality Control Board
North Coast Region

ENFORCEMENT WORKSHOP

May 24, 2000

North Coast Regional Water Board Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

Chairman Bill Hoy opened the Enforcement Workshop at 1:00 p.m. on Wednesday, May 24, 2000. Bev Wasson led the Pledge of Allegiance. After introduction of the Board members and staff, Chairman Hoy turned the afternoon session over to Assistant Executive Officer Craig Johnson. Mr. Johnson stated the mission of the North Coast Regional Water Board is to protect water quality using progressive enforcement to ensure compliance with statutes and the Board's orders.

Bob Tancreto discussed the framework under which this enforcement goal is implemented. The tools used to measure compliance are the Porter-Cologne Water Quality Control Act, the Basin Plan, The Clean Water Act, the Endangered Species Act, Waste Discharge Requirements, National Pollutant Discharge Elimination System (NPDES) Permits, self-monitoring reports, compliance inspections, and complaints. These reference sources are but a few of the resources that document degraded beneficial uses and initiate local enforcement actions. Mr. Tancreto explained which types of violations fall within the minor, moderate and major enforcement classifications.

Susan Warner explained the importance of the State Water Board's External Program Review Committee and how its consistent implementation is addressed and operational in the nine Regional Water Boards.

Frank Reichmuth addressed the elements of progressive enforcement actions beginning with verbal or written information notices including Notices of Violation, Notices to Comply, 13267 Orders, Cleanup and Abatement Orders, 13308 Time Schedule Orders, Cease and Desist Orders, and the imposition of Administrative Civil Liabilities. He stated 13267(b) orders have been delegated to the Executive Officer. These orders are issued for such violations as threatened discharges of sediment, logging upstream, clogged drinking water supply downstream, or contamination of a municipal well, upgradient use of the same chemical. A 13267(b) order requires submittal of a technical or monitoring report and failure to comply can result in an administrative civil liability complaint issued by the Executive Officer.

Phil Wyels discussed implementation of the Migden law, Senate Bill 709, and mandatory minimum penalties that will be imposed on NPDES permit holders for failure to comply with permit requirements.

Nathan Quarles, Christine Wright-Shacklett, Tom Dunbar, Jan Goebel, and Tuck Vath presented specific examples of recent enforcement actions taken by the Regional Water Board.

Regional Water Board members and staff responded to the public's input and questions. The workshop adjourned at 4:53 p.m.

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MINUTES OF MEETING
May 25, 2000
North Coast Regional Water Board Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

The May 25, 2000 meeting of the California Regional Water Quality Control Board, North Coast Region was called to order at 8:30 a.m. by Chairman Bill Hoy. Jim Mitchell led the Pledge of Allegiance.

Introductions

Chair Hoy introduced the Board members present, State Water Board member John Brown, Executive Officer Lee Michlin and Legal Counsel Phil Wyels.

Board Members Present

Dan Crowley, Leslie Dahlhoff, Bill Massey, Jim Mitchell, Bev Wasson, and Bill Hoy

Staff Present

Lee Michlin, Craig Johnson, Frank Reichmuth, Bob Tancreto, Susan Warner, John Hannum, John Short, Tom Dunbar, Fred Blatt, Bob Klamt, Dave Evans, Paul Keiran, Al Wellman, Charles Reed, Terry Kinney, Gail Seymour, Janet Blake, Greg Nash, Drew Bayless, Jean Lockett, Jean Spath, and Phil Wyels

Minutes of Meeting

Bill Massey moved adoption of the April 26 and April 27, 2000 minutes as presented. Bev Wasson seconded the motion and it carried by a unanimous voice vote.

iv. Board Member Ex Parte Communication Disclosure

Phil Wyels discussed ex parte communication disclosure and stated Board members can call him in Sacramento prior to any scheduled Board meeting for guidance. The subject of ex parte communications will be calendared for discussion in September in Eureka.

Public Forum

Oral testimony was presented by Traci Thiele, Humboldt Watershed Council; Richard Gienger, Humboldt Watershed Council; and Joseph Brecher, Earth First Legal Defense Fund.

In response to Mr. Brecher's testimony, Lee Michlin reviewed the balance of the Board's 2000 meeting calendar. He stated the schedule would be as follows: June 21 would be a field trip and June 22 a regular meeting in Yreka; July would include a TMDL workshop and meeting in Willits; August would be a tour and workshop on gravel issues on August 23 with a regular Thursday meeting on August 24 in Santa Rosa; and September would be back in Eureka with a regularly-scheduled meeting. He stated the Board would decide whether July would become a two-day meeting held at a closed session during the lunch hour.

Consent Calendar

- 1. Pacific Gas and Electric Company Service Center, Santa Rosa, Sonoma County, Revision of Waste Discharge Requirements Order No. 91-65, WDID No. 1B91009RSON**
- 2. Sonoma County Water Agency, Healdsburg War Memorial Dam Fish Ladder, Sonoma County, New Waste Discharge Requirements, WDID No. 1B00034RSON**
- 3. Stonestreet Winery, Sonoma County, New Waste Discharge Requirements, WDID No. 1B98011RSON**

Jim Mitchell moved adoption of the Consent Calendar as presented. Bill Massey seconded the motion and it carried by a unanimous voice vote.

4. EXECUTIVE OFFICER'S REPORT

- a. City of Santa Rosa, Laguna Subregional Wastewater Collection, Treatment Conveyance, Reuse, and Disposal Facilities Update**

Paul Keiran stated two City of Santa Rosa NPDES permits were reviewed and adopted by the State Water Board on March 15, 2000. He introduced Assistant Santa Rosa City Manager Ed Brauner who would introduce his staff as they updated the Board on Santa Rosa issues.

Miles Ferris, Santa Rosa Director of Operations, Utilities Department, discussed the storage and operations curve and stated there are 90 agricultural dischargers on the reclamation system. Mr. Ferris stated the summer months are used for routine maintenance and that annual procedure has begun.

Dan Carlson, City of Santa Rosa Capital Projects Coordinator, discussed current and recently completed projects. He stated 108 million gallons of wastewater is treated daily at the plant with a 19.2 million gallons (mgd) as the current plant rating. With the completion of the Geysers

recharge project, an additional 2.0 mgd will be attained. Mr. Carlson stated the City continues to increase the reliability of their system and additional storage ponds will be utilized as necessary. In response to John Brown's question, Mr. Carlson discussed the heavy metals issue in sewage collection.

Virginia Porter, City of Santa Rosa Water Conservation Manager, updated the City's ongoing water conservation project through 2005. She said the "Go Low Flow Program" was very successful in reducing the daily wastewater flow into the system. The consumer rebate program has meant reduced utility charges for ratepayers.

Ed Brauner, Assistant Santa Rosa City Manager, provided a brief history of the City's efforts and accomplishments in the selection of a long-range project. The Geysers Recharge Project has 41 miles of pipeline, 4 pumping stations with a divided cost of \$130 million out of the City's funding base and \$45 million from private funds. When completed, the geysers project will be the largest steamfield in the world. Mr. Brauner reviewed project benefits as well as the construction schedule. The project should be fully operational by the end of 2002. Mr. Brauner responded to questions from the Board.

4.b. Update on Methyl-tertiary-Butyl Ether (MtBE) and Water Quality Issues

Susan Warner stated that MtBE is an oxygenate additive which was first introduced in the 1970s and subsequently added to gasoline in 1989. The Department of Health Services has a database providing private well locations within the county documenting the nearest source of MtBe contamination to the drinking water supply. The Department of Water Resources' (DWR) MtBE database references street addresses with a red dot illustrating a leaking underground tank and the blue dot identifying a drinking water well source. Tom Dunbar explained the seven-step decision-making system for immediately prioritizing staff resources by focusing on the timeframe that an MtBe plume might reach the nearest receptor. Areas that are most vulnerable to groundwater contamination include (a) areas designated as high degree of hydrogeologic susceptibility from DWR and U. S. Geologic references, (2) On near-surface fractured bedrock that is a source of water supply for the community, (3) an aquifer that is a source of water supply for a community, and (4) a distance within a 1,000 ft. radius of a drinking water well or surface water body used as a source of drinking water. In response to Board member questions, Tom Dunbar explained that MtBE is a recalcitrant chemical that does not biodegrade in groundwater.

4.c. Update on Roseland Action Plan, Santa Rosa

Tom Dunbar provided the geographical location of the McMinn Avenue Superfund site stating the area has a huge underlying volatile gasoline plume. Complaints of gasoline odors on well water in the Roseland area were first observed and reported in 1981. A local state of emergency was declared in 1984 and the area was designed as a State Superfund site with lead agency authority given to the Department of Toxic Substance Control. This authority was delegated to the Regional Water Quality Control Board (RWQCB) in 1995 and Sonoma County and the

RWQCB entered into a Roseland Plan of Action in 1999. Mr. Dunbar stated a program of outreach and education has resulted in most residents on Emmy Lou Court receiving Cleanup and Abatement Account funds for private water hookups to City and interim wellhead treatment. Educational workshops have been calendared annually at Roseland School and a Cleanup Coalition Committee meets twice a month to address ongoing issues and resident concerns.

7. State and Regional Water Board Communications

State Water Board Representative, John Brown, updated the Board members and public on the upcoming schedule of workshops and hearings regarding Bay-Delta issues, Salinas and Pajaro groundwater basin activities, and subsurface drainage issues in the San Joaquin basin. The State Water Board has extended the date for submittal of applications for the vacant Executive Director and Office of Chief Counsel Department Administrator positions until the end of June 2000.

4.d. Update on United States Forest Service Activities

Fred Blatt explained that Cleanup and Abatement Order No. 99-77 was issued to the U. S. Forest Service (USFS) for sediment discharges from a large road crossing reconstruction project over Dark Canyon Creek, tributary to the East Fort of the South Fork Trinity River. Regional Water Board staff re-inspected the site on March 1, 2000 and documented several locations of active sediment discharges from the project into the River that led to the issuance of Time Schedule Order No. R1-2000-21 on March 15. The USFS has been in compliance with the TSO since it was issued and substantial erosion control work onsite has been completed. The National Marine Fisheries Service has given the USFS approval to re-start construction work at the site after May 15. The TSO requires that final cleanup work be completed by August 1, 2000.

Frank Reichmuth discussed the April meeting he attended with the USFS and circulated photos that illustrated their compliance with the TSO. The USFS Supervisors say they are committed to protecting water quality and beneficial uses. They must demonstrate significant water quality improvements and concrete commitments by the June 22, 2000 Board meeting. Failure to do so could result in the Management Agency Agreement between the State Water Resources Control Board and USFS being recommended for rescission by the North Coast Regional Water Quality Control Board.

4.e. Update on State Revolving Fund/Small Community Clean Water Grant Program

Bob Tancreto recapped that 70 small community grants projects have been completed over the last twenty years using funds from the Small Community Grant Bond Program. The program gives small communities such as Etna and Willits an opportunity to obtain low interest loans to provide expansions and/or upgrades to their existing wastewater treatment facilities. Grant monies will be awarded to deserving communities beginning in September 2000 for construction work scheduled to begin in the next dry weather cycle.

4.f. Update on Kistler Vineyard Compliance

Christine Wright-Shacklett reported that Administrative Civil Liability No. R1-2000-12 was issued to Kistler Vineyards on February 18, 2000 for a late completion report for implementation of erosion control measures and falsification of technical documentation for their vineyard property in Sebastopol, California. Ms. Wright-Shacklett referenced Mr. Kistler's April 4 letter that provided additional information to augment the public record and clarify the misunderstanding between Messrs. Bixler and Erickson. This miscommunication led to the filing of the inaccurate Erosion Control and Mitigation Workplan Completion Report on October 25, 1999. Kistler Vineyards paid a fine of \$10,000 on April 24, 2000. Staff inspected the site on May 5, 2000 and a series of slides documented that all permanent erosion control measures have been installed. A monthly monitoring program has been initiated and Mr. Kistler's revegetation plan has been implemented.

Jay Behnke, Kistler Vineyard attorney, responded to questions and comments from Board members Wasson, Dahlhoff, and Hoy.

Stephen Kistler stated he has made a good faith effort to comply with the Board's orders.

There was a brief discussion among Board member Crowley, Jay Behmke and Phil Wyels regarding a better process for the 30-day comment period.

4.g. Permitting Status, Sonoma County Central Landfill Expansion Plan

Bob Tancreto briefly recapped the Sonoma County Central landfill tour that was held in September 22, 1999. He stated that, at a future meeting, the Board would have to address one of the most complex permits for the operation of the existing site and future expansion of that site.

Terri Kinney presented an overview of the Central Landfill describing it geographically and stating additional storage capacity was added in 1988. Ms. Kinney reviewed a brief chronology of events that have been completed since the preparation of their CEQA document in 1995. The County's Environmental Impact Report was approved in December 1998. She discussed EIR concerns that the Regional Water Board staff views as problematic with the existing Central Landfill unit and the new East Canyon Expansion proposal. Those areas include adequacy of the underdrain design, siting, gas management, leachate management, and slope stability elements. She stated adoption of the Central Landfill East Canyon Expansion Permit is tentatively scheduled to be heard at our August Board meeting in Santa Rosa.

Ken Wells, Sonoma County Department of Public Works, Recycle Market, Solid Waste Manager, distributed the Recycling Guide 2000 and a geographic photo illustrating the various Central Landfill activities. He discussed ongoing landfill activities and described the proposed operations that would expand the existing facility boundaries to 398.5 acres.

Susan Klassen, Sonoma County Department of Public Works, Refuse Operations, Engineering Division Manager, stated she is working on the East Canyon Expansion Project trying to secure

the necessary permits to begin the bidding process for construction of the addition. The County will continue to work with staff and will be ready for adoption of waste discharge requirements at the August Board meeting. Ms. Klassen responded to questions from Board members Dahlhoff and Mitchell.

Ernie Carpenter representing Sonoma Compost presented oral testimony.

Chairman Bill Hoy reported on the closed session that was held during the lunch hour. The July 27 Board meeting in Willits will be a one-day meeting. The September Board meeting in Eureka will be a two-day session, if necessary, to accommodate the public and additional agenda items. It will be scheduled for September 27 and September 28.

4.h. Other Items of Interest – Citizen Watershed Assessment and Monitoring for California

Revital Katznelson, Citizen Monitoring Team Coordinator for Regions 1, 2, and 3 discussed her planned watershed assessment and citizen monitoring activities. She is a State Water Board employee who is supported by State TMDL funding. Her work will include field trips, citizen monitoring guidance, data management tools, and training of Regional Water Board staff and citizen groups. Her priorities will be working with TMDLs, Watershed Assessments, analyzing stormwater quality, and tracking the effectiveness of nonpoint source management measures.

Richard Gienger, Humboldt Watershed Council and Craig Bell, representing Northern California Association of River Guides and Salmonid Restoration Federation presented oral testimony.

5. Garcia River Watershed TMDL Letter of Support

Dave Evans stated the Garcia River TMDL and Implementation Plan was adopted by the Regional Water Board in December 1998. The TMDL was presented to the State Water Board (SWB) on November 3, 1999 at a public workshop. However, the SWB has taken no further action to approve the Garcia River TMDL since that workshop. Mr. Evans and his staff have met with the University of California Cooperative Extension, local property owners, the California Farm Bureau Federation, the California Cattlemen's Association, and other interested parties. The Group Plan concept is acceptable to staff and is favored by the property owners representatives because it would mitigate some of the privacy concerns that have been expressed about submitting individual Ranch Plans. The Regional Water Board also encourages groups of dischargers with similar land management activities to develop collective watershed-based Erosion Control Plans and Site-Specific Management Plans were appropriate. Under terms of the TMDL, landowners that wish to participate in-groups will have three years from the date of approval of the TMDL to submit their group plans. Mr. Evans reviewed the proposed draft letter of support addressed to Chairman Art Baggett, SWB from Chairman Bill Hoy, RWB regarding adoption of the final Garcia River TMDL and Implementation Plan.

Oral testimony was presented Patrick Rutten, National Marine Fisheries Service; Mike Biaggi, Garcia Landowners Agricultural Group; Richard Gienger, Humboldt Watershed Council; Carolyn Richardson, California Farm Bureau Federation, Mendocino County; Vivian Bolin, Pacific Coast Federation of Fishermen's Association; Helen Libeu, timberland owner; Julie Verran, Gualala resident and Sierra Club member; Carol Caughey, Garcia Watershed Advisory Group; Craig Bell, Northern California Association of River Guides and Salmonid Restoration Federation; John Hooper, Point Arena resident; Lance Stornetta, Point Arena resident; Jay Halcomb, Russian River Residents Against Unsafe Logging; Joe Brecher, Earth First Legal Defense Fund; Russ Caughey, Garcia Watershed Advisory Group; Daniel Myers, Friends of the Navarro River; Roanne Withers, Noyo River Watershed Group; Alan Levine, Coast Action Group; and Peter Dobbins, Friends of the Garcia River.

Bev Wasson moved the draft letter be finalized in support of the Garcia River TMDL and Implementation Plan and hand carried to State Water Board Chairman Art Baggett. Leslie Dahlhoff seconded the motion and it carried by a unanimous voice vote.

Chairman Hoy adjourned the meeting at 3:55 p.m.

The next Regional Water Board meeting will be a two-day session in Yreka on Wednesday, June 21 (field trip) and Thursday, June 22, the regularly-scheduled meeting.

Executive Assistant Jean Spath recorded the minutes of the May 24 Enforcement Workshop and May 25 Board meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its June 22, 2000 meeting.

Approved by: _____, Chairman.