

State of California  
Regional Water Quality Control Board  
North Coast Region

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

The August 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 William Hoy. Vice-Chair Bev Wasson led the Pledge of Allegiance.

**i. Introductions**

Chairman Hoy introduced the Board members present, Executive Officer Lee Michlin, State Board liaison, John Brown, and legal counsels Phil Wyels and Yuri Won.

**Board Members Present**

Jason Liles, James Mitchell, Bev Wasson, William R. Massey and Leslie Dahlhoff.

**Staff Present**

Stephen Bargston, Dave Evans, John Short, Michele Fortner, Andrew Jensen, Wendy Bartham, Chris Igbinedion, Tom Dunbar, Kathleen Daly, Drew Bayless, Bob Tancreto, Terri Kinney, and Lynda Doherty

**ii. Minutes of Meeting**

Jason Liles moved adoption of the July 27, 2000 minutes as presented. William Massey seconded the motion and it carried by a unanimous vote.

**iii. Introduction of New Employees**

Executive Officer Michlin introduced new staff members, Lynda Doherty, Wendy Bartham, Michelle Fortner, and Andrew Jensen, who were present at the Board meeting.

**iv. Board Member Ex Parte Communication Disclosure**

There were no ex parte disclosures.

## **v. Procedural Changes Related to Regional Water Board Meetings**

Chairman Hoy discussed procedural changes that the Board has enacted relating to meetings. The changes are found in bold in the Notes section on page 4 of the agenda.

Mr. Hans Herb addressed the Board and suggested that the Board should expand the public comment time and not stifle the public who wish to speak.

Chairman Hoy thanked Mr. Herb for his comments and letters.

The Board also heard comments from Kurt Veale and John Brown regarding the public comment period.

Jason Liles stated that his concern is that people should make more efficient use of the time before the Board. He mentioned that on occasion speakers discuss historical background matters that are not particularly relevant to the issue of concern.

Mr. Chris Frye addressed the Board and commended staff members for their work. He suggested to the Board that a fund should be available for the clean up of above ground tanks. He stated that a meeting with Assemblyperson Virginia-Strom Martin has been set up in order to discuss this issue.

Ms. Brenda Adelman addressed the Board and stated that it is difficult to address problems in three minutes because of the complexity of the issues. She encouraged the Board to be flexible with the time allotment during the public comment period.

Executive Officer Lee Michlin stated that if someone needs additional time to make their presentation, they may contact him directly and he will schedule the item on a future agenda.

## **vi. Public Forum**

Mr. Dan Carlson, representing the City of Santa Rosa, addressed the Board and discussed the Geysers pipeline project. He stated that he will be presenting a bimonthly update and that the project will be bid during winter. He further stated that funding is in place to pay for the entire project. He noted that he expects the discharge levels will comply with the permit.

Mr. Scott Steinbaugh and Mr. Miles Ferris, with the City of Santa Rosa, presented overhead slides on storage dynamics. The presentation also included facts regarding actual versus proposed costs of electricity rate increases.

Ms. Cynthia Elkins, with the Environmental Protection Information Center, addressed the Board and discussed California Department of Forestry's (CDF) recent approval of a timber harvest plan in the Bear Creek watershed. She gave a brief history regarding the habitat of Bear Creek and discussed a landslide that occurred in this Coho stream. She presented a picture that was taken in the fall of 1997 from the CDF files. She discussed the recommendations that the Board staff had included in the Timber Harvest Plan (THP) Review. She strongly disagreed with CDF's approval of this THP without regard to water quality issues. She read from a CDF document, which stated that the Basin

Plan only contains goals and are not the criteria for evaluating timber harvest plans. She asked the Board to revisit the MAA.

In response to Ms. Elkin's comments, Frank Reichmuth assured the Board that the agency would bring this issue up with CDF. He noted that various enforcement actions against PALCO have been noticed for the November Board meeting.

Mr. Hoy directed staff to prepare a comment letter to CDF and distribute the draft to Chairman Hoy and Vice-Chair Wasson. Bev Wasson directed staff to contact CDF to ensure that they did not make a mistake.

## **Consent Calendar**

**1.a. Garberville Sanitary District**, Humboldt County, Update of Waste Discharge Requirements, WDID No. 1B83120OHUM.

Legal Counsel Yuri Won suggested that section (C) be re-lettered to section (D) and a new section (C) on receiving water limitations added.

**1.b. Crescent City Harbor District Maintenance Dredging**, Del Norte County, Update of Waste Discharge Requirements, WDID No. 1A76119ODN

Jim Mitchell moved adoption of the consent calendar, including the amendment to the first item. Bev Wasson seconded the motion and the motion carried by a unanimous vote.

**2.a. Louisiana-Pacific Corporation, Samoa Pulp Mill**, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0005894, WDID No. 1B77005OHUM

Tom Dunbar addressed the Board and stated that the outfall is functioning very well. He stated that the proposed permit contains some provisions from the Ocean Plan. He also discussed the issue with the storm water runoff. He advised the Board to ignore the errata sheet and that Finding No. 12 language should remain as originally written.

Leslie Dahlhoff inquired about the allowable amounts of discharge into the ocean. Mr. Dunbar responded and stated that b3 metals come from the Ocean Plan based on what is acceptable in for aquatic life protection.

In response to Ms. Dahlhoff's questions regarding whether the Board could reduce the numbers, Legal Counsel Phil Wyels responded in the affirmative.

Tony Yapel, with the Louisiana-Pacific Samoa Pulp Mill, stated that the Mill is certified as chlorine free. He stated that he applied for a permit in February of 1999 and that he does not have any problems with the conditions in the permit.

Chairman Hoy requested the Board tour the facility. Mr. Yapel stated he would handle the arrangements to set up the tour prior to the Eureka/Arcata Board meeting in September.

William Massey moved to adopt the renewal of the waste discharge requirements, as amended. Jason Liles seconded the motion and the motion was carried by unanimous vote.

**2.b. Sonoma County Department of Public Works, Central Solid Waste Disposal Site Expansion**, Sonoma County, Revision of Waste Discharge Requirements, Water Quality Certification, No. WDID No. 1B80149OSON and 1B99011RSON

Terri Kinney addressed the Board and referred to the Sonoma County Central Landfill handout. She discussed the permit for the landfill expansion and the comments received from the public. She also discussed the two errata sheets.

Leslie Dahlhoff discussed the quarry situation and Jason Liles inquired about compliance and time schedule issues.

Ken Wells, with Sonoma County, introduced his staff. He also stated that the Sierra Club and the League of Women Voters have sent in support letters.

Mr. Dunn, Geosyntec Consultants, thanked the Board, staff, and in particular commended Dace Evans and Terri Kinney for their diligent work on this matter. Mr. Dunn presented overheads pertaining to engineered alternative lining system.

Mr. Dunn and Leslie Dahlhoff discussed geosynthetic clay (GCL).

James Mitchell inquired whether the areas would be isolated. He also inquired about the frequency of monitoring.

Jason Liles complimented staff for the work on this matter.

James Mitchell moved that the permit be adopted. William Massey seconded the motion and it carried by unanimous vote.

**3.e. Groundwater Quality Protection Programs**

Susan Warner and Robert Tancreto addressed the Board and discussed the groundwater protection programs implemented by Regional Board staff. These programs include prevention programs, such as with waste discharge requirements, and restoration programs as with the various cleanups related to leaking tanks, and similar facilities. Ms. Warner also discussed solvent contamination and MTBE issues, and noted that there is an Underground Storage Tank Cleanup Fund for leaking underground tanks, but no similar fund exists for aboveground tank cleanups.

Jason Liles discussed this issue with State Board liaison John Brown and Mr. Brown concurred with the idea of funding for aboveground tanks.

**3.f. Executive Officer Administrative Civil Liabilities**

Mr. Michlin addressed the Board and stated that there were no complaints issued.

### **3.g. VIOLATION AND ENFORCEMENT REPORT**

Mr. Johnson addressed the Board and stated that a new SWRCB draft enforcement policy will be issued in a month or so. He recommended that this policy be discussed at the October Board meeting. He also notified the Board of a WQCC meeting on November 3, 2000.

### **3.h. STATE AND REGIONAL WATER BOARD COMMUNICATIONS**

State liaison John Brown brought the Board up-to-date on State Board actions. William Massey inquired about the *Mojave* decision.

Chairman Hoy stated that Governor Davis has established a committee to address drought conditions and the CalFed project. The committee will report its findings in January 2001. He informed the Board that he would be attending a meeting on September 30 in Sacramento regarding these issues.

Mr. Johnson stated that Board staff would be in Sacramento at a State Board workshop on September 6, 2000, for the Garcia River TMDL.

Mr. Michlin introduced Dave Evans and Mr. Evans discussed the Garcia River and the Fiber Optic AT&T project.

At 11:30 a.m., Chairman Hoy adjourned the public session part of the meeting and announced they would begin discussion of closed session items.

At 2:05 p.m., Chairman Hoy reconvened the Board Meeting and re-opened the public hearing.

### **3. a. Request by Acme Auto Wreckers for reconsideration of 1997 Administrative Civil Liability Complaint No. 97-33**

Ms. Warner introduced the request by Acme Auto Wreckers for reconsideration of ACL Complaint No. 97-33. Stephen Bargsten presented slides to the Board briefly summarizing the history, and reflecting the status of payments. Michael Marquis (owner) discussed the Acme Auto Wreckers' proposal for a Supplemental Environmental Project in lieu of paying the final \$20,000 owed from the ACL. Mr. Marquis stated that if the proposal were accepted, Acme would set \$20,000 aside and that money would be used in the community for clean-up efforts and tree planting, etc. He stated that there has been a letter sent by agency staff that corrected a previous letter regarding non-compliance, and he indicated that Acme has been in compliance.

William Massey inquired whether a trust could be initiated so that the funds would be directed and controlled by an independent party and there would be documentation as to how the funds were spent.

Shelly Turner-Erdei addressed the Board and stated that she lives in Roseland and does not believe an SEP is sufficient.

Don Moser addressed the Board and stated that he believed Acme has paid more than enough.

Kenneth Keeling, Jack Gleason and Sharon Marchetti made other comments regarding this subject.

Legal counsel Philip Wyels addressed the Board and stated that the Board does not have the authority to amend an Administrative Civil Liability Complaint. Ms. Warner noted that in the past when fines have been imposed, the agency recovers from the Cleanup and Abatement Account up to 50-percent of the assessed amount to cover staff costs.

The Board discussed various issues pertaining to the proposal made by Acme. William Massey indicated he would recommend an escrow account. Leslie Dahlhoff stated that the project would need to be defined. Chairman Hoy stated that he believed the fine should remain. James Mitchell stated that if the Board took no action that would be the result.

James Mitchell moved that the Board takes no action and that the fine stands. William Massey seconded the motion and it carried by unanimous vote.

### **3.c. Glassy-Winged Sharpshooter**

John Westoby, Sonoma County Agricultural Commissioner, addressed the Board and presented overheads regarding the Glassy-Winged Sharpshooter and the bacteria that causes Pierce's disease.

Several people commented regarding the spraying of pesticides and expressed their strong concerns of chemicals being sprayed in their neighborhoods and the potential health hazards as well as the threat of polluting the environment if spraying were to occur. Commentors included Tara Treasurefield, Ann Maurice, and Rita DeSouza.

Chairman Hoy thanked the commentors and suggested that the County consider a public workshop regarding this issue.

### **3.d. North Coast Water Rights Issues**

Stephen Herrera, with the State Water Resources Control Board (SWRCB), discussed water rights and pending applications. He discussed environmental issues and issues regarding compliance with CEQA. He also discussed the recent *Mojave* decision and what type of impacts the decision may have. He discussed Water Code Section 1052 as well as SWRCB's enforcement practices.

Matt Mullan, Assistant Town Manager for the Town of Windsor, addressed the Board and discussed water supply issues. He also discussed reclamation ponds and the Syar/Healdsburg issues.

### **3.b. Extension of Basin Plan/Review/Revision contract with Sonoma County Water Agency to include support for salmon recovery planning**

Robert Tancreto addressed the Board and discussed the staff report and tentative resolution authorizing the Executive Officer to re-negotiate the contract with the Sonoma County Water Agency related to endangered species issues and the basin plan.

William Massey moved to adopt the proposed resolution authorizing the Executive Officer to re-negotiate the contract to extend its term and scope. Jason Liles seconded the motion, which carried by a unanimous vote.

### **Discussion Items**

Chairman Hoy introduced Drew Bayless, the staff person responsible for operating the presentation equipment so expertly.

#### **4.a. Introduction and Overview to Storm Water.**

John Short addressed the board and discussed the upcoming erosion and sediment control workshops that are scheduled for the first two weeks in September in the North Coast Region. He further stated that staff is working with the City of Santa Rosa regarding updating its permit.

Chairman Hoy requested that the Overview of Storm Water be placed on a future agenda earlier in the day in order to have the necessary time to present the matter.

Jason Liles suggested that staff prepare and send mailers to cities regarding the new law that will be coming into effect in the near future.

Mr. Michlin brought the Board up-to-date regarding Regions 4 and 8 storm water efforts.

#### **4.b. Budget Status**

Craig Johnson discussed the new figures and positions pertaining to the North Coast Regional Water Quality Control Board.

#### **4.c. Proposed Written Executive Officer's Report**

Lee Michlin discussed the new format for the Executive Officer's report and the itemized list that he intends to include in the report. Jason Liles stated that the format looked fine and that he would prefer to see more data initially and then determine which items are not necessary to include in future reports. He also noted that he did not feel it would be necessary to devote a lot of staff time towards getting the data for the report.

Chairman Hoy adjourned the meeting into closed session at 4:20 p.m. The meeting reconvened at 4:50 p.m. and there were no further deliberations. The meeting adjourned at 4:50 p.m.

Associate Governmental Program Analyst Lynda Doherty recorded the minutes of the August 25, 2000, meeting of the North Coast Water Quality Control Board, approved by the Board at its next meeting.

Approved by \_\_\_\_\_, Chairman





