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Secretary for
Environmental
Protection

California Regional Water Quality Control Board

North Coast Region

William A. Hoy, Chairman



Gray Davis
Governor

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October 5, 2000

AGENDA

REGIONAL WATER BOARD MEETING

8:30 a.m., Friday, October 27, 2000

Regional Water Quality Control Board

Hearing Room

5550 Skylane Boulevard

Santa Rosa, California

** *Estimated times of consideration – Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.*

8:30 a.m.**

- i. Roll Call
- ii. Minutes of Past Meetings
- iii. Introduction of New Employees
- iv. Board Member Ex Parte Communication Disclosure - Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code Section 11430.50.
- v. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities. The Chair will determine the number of persons who wish to speak. The Chair requests that each person addressing the Board limit their presentation to three minutes. More lengthy items may be calendared for a future meeting.

1. **CONSENT CALENDAR WASTE DISCHARGE REQUIREMENTS**

Note: *The consent items are expected to be routine and noncontroversial. It is recommended that these items be adopted by the Board at the beginning of the meeting without discussion. If any interested party, Board Member, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately.*

- a. Stimson Lane Vineyards and Estates-Hopland and McDowell Valley Vineyards, Mendocino County, Revision of Waste Discharge Requirements, WDID No. 1B79056OMEN

Charles Reed

California Environmental Protection Agency



Recycled Paper

2. CORRECTIVE ACTION

- a. **PUBLIC HEARING** to Consider Adoption of an Administrative Civil Liability Order Pursuant to Senate Bill 709 to the City of Santa Rosa for Effluent Violations of its National Pollutant Discharge Elimination System Permits During 2000 (NPDES Permit No. CA0022764) *Paul Keiran*

Following the hearing, the Board may adjourn to a closed session to consider evidence received at the hearing and whether to initiate litigation. Authority: Government Code, Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i)

- b. **PUBLIC HEARING** to Consider Issuance of an Administrative Civil Liability Complaint to the City of Santa Rosa for Multiple Violations of its National Pollutant Discharge Elimination System Permit (NPDES Permit No. CA0022764) Over the Past Five Years *Paul Keiran*

Following the hearing, the Board may adjourn to a closed session to consider evidence received at the hearing and whether to initiate litigation. Authority: Government Code, Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i)

- c. **PUBLIC HEARING** to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability issued on September 1, 2000 to Kernit and Susan Rankin for failure to submit adequate technical reports relating to erosion control plans to prevent discharges to Icaria and Poncetta Creeks, tributaries to the Russian River, Sonoma County *Andrew Baker*

Following the hearing, the Board may adjourn to a closed session to consider evidence received at the hearing and whether to initiate litigation. Authority: Government Code, Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i)

3. OTHER BUSINESS

- a. City of Santa Rosa Update; Issues Relating to its Wastewater NPDES Permit *City of Santa Rosa*
- b. Executive Officer Administrative Civil Liabilities *Lee Michlin*
- c. Violation and Enforcement Report *Craig Johnson*
- d. State and Regional Water Board Communications *John Brown*
- e. Briefing by the Sonoma County Water Agency (SCWA) Regarding Corrective Actions at the Occidental Wastewater Treatment Facility *John Short*



- f. Resolution Accepting Humboldt County Health Department Declaration of Potential Pollution and Recommending that Garberville Sanitary District Wastewater Treatment Facility be placed on Small Community Grant Project Priority List *Tom Dunbar*
 - g. Update of Board of Forestry, Chris Rowney, Executive Officer *Frank Reichmuth*
 - h. Consideration of Regional Water Board Meeting Schedule for 2001 *Lee Michlin*
 - i. North Coast Winter Operations Preparation (Wastewater Treatment Facilities, Construction Sites, and Vineyard Conversions) *Bob Tancreto*
 - j. Budget Information for 2000/2001 – and Out Years *Lee Michlin
Craig Johnson*
4. **EXECUTIVE OFFICER'S REPORT**
- a. October *Written*
 - b. Leaking Underground Storage Tanks/Sewage Spills *Written*
 - c. Proposition 65 Notifications *Written*
 - d. Fiber Optic Cable Project Road Improvements, Garcia River Watershed *Dave Evans*

CLOSED SESSIONS

- 5. Closed Session. On October 27, 2000, the Regional Water Board will be meeting in closed session to discuss significant exposure to litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
- 6. Closed Session. On October 27, 2000, the Regional Water Board will be meeting in closed session to discuss whether to initiate litigation. [Authority: Government Code Section 11126(e)(2)(C)(i).]
- 7. Closed Session. On October 27, 2000, the Regional Water Board will be meeting in closed session to discuss ongoing litigation. [Authority: Government Code Section 11126(e)(2)(A).]
- 8. Closed Session. On October 27, 2000, the Regional Water Board will be meeting in closed session to discuss an employee evaluation. [Authority: Government Code Section 11126(a)(1).]

NOTES



Anyone requiring reasonable accommodation to participate in the meeting should contact Lynda Doherty, Associate Governmental Program Analyst, at (707) 576-2655 at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Unless otherwise specified in the public notice for a specific item, the Board wishes to limit oral presentations from all parties (dischargers, staff, government agencies, the public, etc.) to 0.5 hour maximum per party, but may limit testimony to 3 minutes per party, depending on time constraints. Interested persons should submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, twelve written copies of all comments, technical reports, and other material concerning this issue by 5:00 p.m. of October 10, 2000. This written material will be provided to the Regional Water Board Members along with the full agenda materials. In addition, persons submitting written comments and other materials should be present at the Regional Water Board Meeting and available for questions. The Board's general practice is to not accept new written materials on the day of the hearing. Comments at the above scheduled meeting should be limited to a summary of the previously submitted written materials, provided however, that upon a proper showing that information is available which was not available at the time the written materials were submitted, the Board may allow further submission of oral or written comments. If this showing is not made, the Board may refuse to accept written materials.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures may be obtained by accessing our web site at http://www.swrcb.ca.gov/water_laws/index.html.

The Regional Water Board processes requests for Water Quality Certification, pursuant to Section 401 of the Clean Water Act, to ensure that proposed federally permitted activities will comply with the Regional Water Board's water quality standards. A listing of requests, which are pending Regional Water Board staff action, may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may be obtained by accessing our web site at <http://www.swrcb.ca.gov/rwqcb1>.

The Regional Water Board provides routine public notices on proposed corrective actions and closure decisions related to cleanup on contaminated sites. These routine notices are published on our web site at <http://www.swrcb.ca.gov/rwqcb1> and a copy is maintained at our office for public review.

A quorum of the members of the Regional Water Board may recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Board files pertaining to the items on this agenda are hereby made a part of the record submitted to the Regional Water Board by staff for its consideration prior to action on the related items.

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit being considered by the Regional Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to any Regional Water Board Member. This requirement applies to contributions of \$250 or more made by the active supporter or opponent or his/her agent for use in federal, state or local elections within the last 12 months.

Also, all permit applicants and/or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES Permit pending before the Regional Water Board are prohibited from making a contribution of \$250 or more to any Board Member for three months following a Regional Water Board decision on the permit application.

Any person affected adversely by a decision of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the decision. The State Water Board must receive the petition within 30 days of the Regional Water Board's meeting at which the action was taken. Copies of the laws and regulations applicable to filing a petition will be provided upon request.

California Environmental Protection Agency



The next Regional Water Board meeting will be held on November 29, 2000 in Eureka, California.



California Regional Water Quality Control Board
North Coast Region

Board Members

William A. Hoy, Chair, Weed
Bev Wasson, Vice-Chair, Rio Nido
Daniel F. Crowley, Santa Rosa
Leslie A. Dahlhoff, Point Arena
Jason D. Liles, Healdsburg
William R. Massey, Forestville
James Mitchell, Santa Rosa

Staff

Lee A. Michlin, Executive Officer
Craig R. Johnson, Assistant Executive Officer, Ombudsman
Lynda Doherty, Associate Governmental Program Analyst
Jean Lockett, Secretary
Philip G. Wyels, Legal Counsel
Yuri Won, Legal Counsel

Watershed Protection Division

Robert L. Tancreto, Supervising Water Resource Control Engineer
John Short, Senior Water Resource Control Engineer (Lower Russian)
Thomas B. Dunbar, Senior Water Resource Control Engineer (Humboldt, Eel, Klamath)
William Winchester, Environmental Specialist IV (North Coast/Upper Russian)

Timber Harvest Division

Frank C. Reichmuth, Supervising Water Resource Control Engineer
Christine Wright-Shacklett, Senior Engineering Geologist (North Coast)
Nathan P. Quarles, Senior Water Resource Control Engineer (Humboldt, Eel)
Fred Blatt, Environmental Specialist IV (Klamath, Trinity)
Diane Henri, Senior Water Resource Control Engineer (Headwaters Unit)

Cleanup and Investigation Division

Susan A. Warner, Supervising Water Resource Control Engineer
Chris Igbinedion, Senior Water Resource Control Engineer (Santa Rosa)
Tuck Vath, Senior Engineering Geologist (Northern Watershed)
Luis Rivera, Senior Water Resource Control Engineer (Central Watershed)
Kathleen Daly, Regional Administrative Officer (Administration)

Watershed Management Division

Ranjit Gill, Supervising Environmental Program Manager I
Robert Klamt, Senior Land & Water Use Analyst (Watershed Assessment Unit)
David Evans, Senior Water Resource Control Engineer (Planning Unit)
David Leland, Senior Water Resource Control Engineer (TMDL Unit)



Bill of Rights for Environmental Permit Applicants

The California Environmental Protection Agency (Cal/EPA) endorses the following precepts that form the basis of a permit applicant's "Bill of Rights":

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government Code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and in some cases a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under lead agency. For site remediation, all applicable laws can be administered through a single lead agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

For further information you may contact the North Coast Regional Water Quality Control Board at (707)576-2220.



