

State of California  
Regional Water Quality Control Board  
North Coast Region

MINUTES OF MEETING  
October 27, 2000  
North Coast Regional Water Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California

On October 27, 2000, Chairman William Hoy called the meeting of the California Regional Water Quality Control Board, North Coast Region to order at 8:30 a.m. James Mitchell led the Pledge of Allegiance.

#### **i. Introductions**

Chairman Hoy introduced the Board members present, Executive Officer Lee Michlin, legal counsels Phil Wyels and Yuri Won, and support staff.

#### **Board Members Present**

Jason Liles, James Mitchell, Bev Wasson, Leslie Dahlhoff, and William R. Massey. He noted that Daniel Crowley would be arriving late.

#### **Staff Present**

Kathleen Daly, Jean Lockett, Lynda Doherty, Susan Warner, Frank Reichmuth, Luis Rivera, Stephen Bargsten, Tom Dunbar, Bill Winchester, Ranjit Gill, Diana Henriouille, Damien O'Bid, Janet Blake, David Leland, Charles Reed, Drew Bayless, Robert Tancreto, Jo Bentz, John Short, Dave Fowler, Paul Keiran, Craig Johnson, and Bryan McFadin.

The Executive Officer Lee Michlin introduced new employees Tom Williams, Will Arcand, Donna Colvin, and Janet Mahoney. Chairman Hoy welcomed all of them to the Regional Board staff.

#### **ii. Minutes of Past Meetings**

Jason Liles moved approval of the September 22, 2000, Board meeting Minutes. William Massey seconded and the motion carried by unanimous vote.

#### **iii. Board Member Ex Parte Communication Disclosure**

There were no ex parte disclosures.

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

No items were discussed.

#### **v. Public Forum**

Bob Martell, Executive Director of the Humboldt Water Council, stated that he objects to the January 2001 Pacific Lumber Company hearing where it is expected that there will be testimony by the signatory agencies to the Habitat Conservation Plan (HCP). He referred to his letter and stated that he wishes for an opportunity to cross-examine the testimony.

Norma Sellers stated that she is an eleven year resident at the College Avenue/Clover Drive area. She expressed concern about the contaminated groundwater and believes she should have been notified sooner. She stated that there is a health emergency in that area.

In response to Chairman Hoy's question, Susan Warner stated that the staff is currently using cleanup and abatement funds to test the wells. She stated that there would be a full report given to the Board in January.

Tim McFarlin stated that he is concerned about the lack of notification.

Dewey Burson stated that he appreciates the public forum that the Board offers. He also suggested that the city provide water to the people who have contaminated wells. He further asked for funding from the state for city water. He asked for a detailed study and requested that the area be cleaned up.

Michael Friedenbergl stated that the residents are frightened and angry. He asked the Board to take the lead. He requested the Board work with city and county agencies.

Susan Warner discussed the options of well head treatment, and will research the availability of water trucks assisting the homeowners whose wells are contaminated. She stated that the cleanup and abatement fund has a \$100,000 emergency cap and that staff is requesting the full amount so full assistance can be given to the residents in this area. She discussed that special filters will need to be purchased for some of the contaminated wells.

In response to Chairman Hoy, Phil Wyels gave a brief description of the cleanup and abatement account and how the request process works.

Chairman Hoy asked if the area should be declared a disaster area. Susan Warner stated that there are a maximum of 114 parcels affected which could in turn affect 200 or more persons. She indicated that there are three parcels that are highly contaminated that could hook up to city water. She further stated that there is a meeting scheduled with the city to discuss above-ground water lines.

Susan Warner stated that there is a workshop scheduled for November 9 to discuss this matter with the area residents. She stated that Board staff is in the area every day notifying residents and continues to test wells.

Vicci Compton stated that she believes there are at least 300 people that are affected by these contaminated wells and is very concerned.

Faye Burson stated that she wants the area to be declared a health emergency.

Barbara Galiaz stated that she is very concerned about her health and the health of her daughter. She stated in 1992 she was diagnosed with a tumor in her pituitary gland.

Chairman Hoy directed staff to give this matter high priority.

In response to Jason Liles, Susan Warner stated that the city and county agencies have been cooperative with working with Board staff.

Bev Wasson asked if the staff could pursue temporary housing for people with contaminated wells.

Chairman Hoy discussed the Office of Emergency Services. Jason Liles suggested that staff contact Senator Chesbro's office.

### **3.d. State and Regional Water Board Communications**

Janet Blake stated that the Watershed Managers had a telephone conference with the State Water Board staff regarding Proposition 13. She discussed the three RFPs that were released the first week of November (the Watershed Protection Program, the Nonpoint Source Pollution Control Program, and the Coastal Nonpoint Source Control Program), the 90-day response to the RFP, and the time line of 12 months from the date of the RFP for it to work. She stated it was a similar process to CWA 319/205.

#### **1.a. Stimson Lane Vineyards and Estates-Hopland and McDowell Valley Vineyards, Mendocino County, Revision of Waste Discharge Requirements, W DID No. 1B79056OMEN (Consent Calendar)**

Bev Wasson moved and Jason Liles seconded the motion to adopt the waste discharge requirements. The motion was unanimously carried.

#### **2.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 discussed the City of Santa Rosa's violations of its permit in the last five years.

Miles Ferris, Director of Utilities for the City of Santa Rosa, stated that he agreed with staff's finding in this matter and discussed the problems associated with the violations.

The Board discussed issues relating to whether the ACL would set a precedent; the citizen's lawsuit filed against the city; and whether the city would agree to an SEP.

At 10:25 a.m., Chairman Hoy recessed the meeting to closed session. At 10:40 a.m., the meeting reconvened.

Rene Chouteau, City Attorney of the City of Santa Rosa, stated that because of the potential appearance of bias, he believes Bev Wasson should abstain because she is affiliated with the association that sued the city regarding the pipeline to the Geysers project.

Phil Wyels discussed the standards that the Board should consider regarding whether it believes Bev Wasson has a bias against the City of Santa Rosa.

Chairman Hoy took an informal poll and it was unanimously decided that Bev Wasson could act on this matter.

Chairman Hoy communicated the Board's decision to issue an Administrative Civil Liability Complaint in the amount of \$79,000 and to explore and further define a SEP for the city to undertake in lieu of paying one-third of the \$79,000 administrative liability.

**2.a. 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).

The Board took testimony from staff, the city and the public on this item.

William Massey moved to adopt the \$21,000 Administrative Civil Liability Order. Jason Liles seconded and the motion was unanimously adopted.

**3.a. City of Santa Rosa Update; Issues Relating to its Wastewater NPDES Permit**

Ed Brauner, with the City of Santa Rosa, appeared before the Board to give an update on the Geysers project as it relates to its wastewater treatment system.

**2.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**

Chairman Hoy noted receipt of the fine amount and waiver of a public meeting and stated that the matter would not be heard.

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

Lee Michlin discussed the \$21,000 ACLC to the City of Santa Rosa and he also noted that the \$50,000 fine in the Rankin matter was resolved. He stated that all the monies have been received from Acme Auto Wrecker's.

**3.c. Violation and Enforcement Report**

Craig Johnson discussed the State Water Resource Control Board's draft Enforcement Policy. He noted that the draft has not yet been distributed to the public but believed it would be released the following week, if not sooner.

Chairman Hoy suggested that this draft should be discussed again to communicate this Region's comments on the draft and for it to be placed on the agenda for the November Board meeting.

**3.e. Briefing by the Sonoma County Water Agency (SCWA) Regarding Corrective Actions at the Occidental Wastewater Treatment Facility.**

Lee Michlin stated that this item has been removed from the agenda and will not be discussed.

**3.f. Resolution Accepting Humboldt County 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 presented this matter and recommended the Board adopt the Resolution.

Bev Wasson moved to adopt the Resolution. James Mitchell seconded and the motion unanimously carried.

**3.g. Update of Board of Forestry**

Frank Reichmuth introduced Chris Rowney, Executive Officer of the Board of Forestry and Fire Protection, and he updated the Board on developments at the Board of Forestry.

**3.h. Consideration of Regional Water Board Meeting Schedule for 2001**

Lee Michlin proposed the new 2001 schedule for the Board meetings to the Board. He noted that the meetings are scheduled for the fourth Friday of each month.

At 12:05 p.m., Chairman Hoy recessed the meeting for lunch. At 1:30 p.m., the meeting reconvened.

**3.i. North Coast Winter Operations Preparation (Wastewater Treatment Facilities, Construction Sites, and Vineyard Conversions)**

Bob Tancreto stated that most facilities are in good condition. He discussed the staff's outreach effort in this area. He stated that there have been five workshops for the construction community and two workshops for municipal inspectors. He stated that staff is also going to prepare a press release regarding erosion and storm water runoff.

**Update on Contaminated Drinking Wells on West College Avenue at Clover Drive**

Susan Warner stated that there will be an updated mailing prepared which will be mailed the following Monday. She stated that a request has been made to the State Board for the additional amount for cleanup and abatement funds. Jo Bentz reported on contacts with the Red Cross and Emergency Services. She stated that there would be a Regional Board Resolution requesting cleanup and abatement account funds to investigate and abate the groundwater contamination on and about West College Avenue at Clover Drive on the November agenda.

Bev Wasson discussed the possibility of using school facilities for showers.

### **3.j. Budget Information for 2000/2001 – and Out Years**

Lee Michlin and Craig Johnson summarized the budget for fiscal year 2000-2001. Craig Johnson discussed the priority system that was used in establishing the budget. He discussed the major programs and the uniform cost factors that were included in the budget. He also discussed budget change proposals, constraints, political pressures and timing. The budget change proposals for 2002-2003 are due in late winter.

### **4.a.b.c. Executive Officer's Report, Monthly Report to the Board, Leaking Underground Storage Tanks/Sewage Spills, and Proposition 65 Notifications**

There was no discussion on these items. They were submitted as written.

### **4.d. Fiber Optic Cable Project Road Improvements, Garcia River Watershed**

Dave Evans discussed this project and stated that the TMDL for sediment was adopted by the State Board on September 21, 2000, and is currently with the Office of Administrative Law. He discussed the road improvements to Hollow Tree Road and the South Fork of the Garcia River area. Mr. Evans introduced Bryan McFadin. Mr. McFadin stated that approximately 20 miles of road have been improved, upgraded, and stormproofed.

Chris Surfleet, with Mendocino Redwoods Company, was introduced to the Board and he discussed the grants for which he has applied. He stated that this has been a successful project.

### **3.d. State and Regional Water Board Communications**

Craig Johnson introduced Steve Blum who is the attorney representing the Regional Board in the Pacific Lumber Company matter. Mr. Johnson discussed procedures applicable to the Pacific Lumber Company enforcement matter scheduled for the February 2001 Board meeting. Mr. Johnson also discussed a potential for a January workshop, during which the Board would hear from the public agency signatories to the Habitat Conservation Plan on issues other than water quality.

The Board discussed the time factors of the proposed January workshop and discussed when would be the best time to hear the matter. The board requested that staff contact the agencies regarding the scope of testimony in January, and will consider this matter again in November.

At 3:50 p.m., Chairman Hoy recessed the meeting and opened closed session discussions.

At 4:22 p.m., Chairman Hoy adjourned the meeting.

Associate Governmental Program Analyst Lynda Doherty recorded the minutes of the October 27, 2000, meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its next meeting.

Approved by \_\_\_\_\_, William Hoy, Chairman