

Minutes of Meeting

8:30 a.m., Thursday, January 27, 2011
Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Ste A
Santa Rosa, CA 95403

Audio recordings of board meetings are available at
www.waterboards.ca.gov/northcoast; go to the Board Info tab and click on Meetings.

iii. Pledge of Allegiance

Board Chair Geoffrey Hales led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: Geoffrey Hales, David Noren, William Massey, Heidi Harris,
and John Corbett

Board Members absent: Mike Dunker was not reappointed to the Board

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, Samantha
Olson, David Rice, Greg Nash, Drew Bayless,
Patti Corsie, Jean Lockett, Rebecca Fitzgerald,
Lisa Bernard, Charles Reed, Cathy Goodwin,
Mona Dougherty, Steve Butkus, Cherie Blatt and
Mark Neely.

iii. Election of Officers

Motion: John Corbett moved to re-elect Geoffrey Hales as Board Chair, William
Massey seconded the motion. Motion passed unanimously.

Motion: Heidi Harris moved to re-elect David Noren as Vice Chair. William Massey
seconded the motion. Motion passed unanimously.

iv. Board Member Ex Parte Communication Disclosure

William Massey reported that he had met with elected officials of the County, State and
Federal levels in the capacity of not only a Board Member, but also as a member of
local Community Groups regarding West County Sewers.

Chairman Geoffrey Hales reported that he met will Elk River land owner Christy Rigley
to discuss background information regarding her property, general questions regarding
the effects to her land over time, and to check in on the progress of the TMDL being
developed. He along with Vice Chair Noren and the Executive Officer (EO) Catherine
Kuhlman met for lunch with Gary Rynearson, of Green Diamond, to discuss the future
direction his company is taking and Industry wide streamlining of their permitting

process, they also met with the City of Arcata and various stakeholders to discuss their upcoming permit renewal.

Vice Chair Noren confirmed that he did in fact meet with the City of Arcata, stakeholders and Mr. Gary Rinerson of Green Diamond.

v. **State Board Liaison's, and Board Chair's Reports**

Ms. Doduc updated Board on the focus of the State Board Staff:

- Stormwater permits are amongst the highest priorities of the State Board for 2011, these 3 Stormwater permits will be brought before the State Board for consideration by the end of 2011, or by early 2012:
 1. The State Board recently released the draft CalTrans MS4 for review.
 2. By the end of January, the General Industrial Stormwater Draft Permit will be out for review.
 3. Mid February, the Phase II MS4 draft permit should be out for review.
- State Board Staff has released a draft toxicity policy A Board Workshop was held, comments and concerns were received about:
 1. To the respect of the methodology that Staff have proposed.
 2. The potential impact on small communities.
 3. Enforcement implication of potential false positive results from this new testing approach.

The State Staff are proposing at least two technical types of workshops to be held in the next few months to discuss and work out the details of this significant but very complicated policy.

- **Budget 2011-2012.** Governor Brown has released his proposed budget for 2011-2012 fiscal year. There will be approximately a 14% reduction in funding. The major part of that reduction is due to the one time Bond Allocation that we received for this current fiscal year. There are some smaller General Fund and Fee type reductions, but the significant portion of the approximate \$130 million dollar reduction is from the Bond program.

The Assembly Budget Sub-Committee had their first hearing yesterday, January 26, 2011. The Senate hearing will be held this morning, January 27, 2011. On the Assembly side, there are some changes proposed to the Budget as follows:

1. A funding shift of \$12.8 million dollars from the General Fund to Fees from the Waste Water Discharge Permit Fund and the Water Rights Fund. The shift was approved by the Assembly Budget Sub-Committee on January 26, 2011 by a vote of 3-2.
2. The request for \$1.6 million in General Funds for the State to continue to defend ourselves against the litigation filed by Pacific Lumber was not

- approved by the Assembly Sub-Committee. They held it open pending further review of information about case and its background.
3. A Budget change proposal for the State Board to have authority to expend the augmented Underground Storage Tank (UST) funds passed by last years Legislation and signed by Governor Schwarzenegger from July to December 2011. This item was not taken up by the Assembly Sub-Committee in yesterday's hearing. A hearing is intended to be scheduled on the UST Fund and the State Boards implementation of the recommendations of the audit that was held last year.

The Pacific Lumber and the UST Fund are the two remaining items that are still open for us on the Assembly side, and we will find out the results today in respect to the Senate side what their decisions will be. Board requested an update on the status of these 2 items via Catherine Kuhlman, E.O. Board informed that a draft of priorities for the NCRWQCB is being developed by Board Chair Hales, Vice Chair Noren and Catherine Kuhlman E.O. The WQCC will be held this year in the fall. Chairman Hales will get back to the Board on the exact date.

Catherine Kuhlman, E.O. informed the Board that two items will come off of the consent calendar and anyone wishing to speak on these two items will need to address the Board in the Public Forum due to lack of quorum.

1. Item #2-Public Hearing on Order R1-2011-0002, Waste Discharge Requirements, McKinleyville Community Services District. NPDES Permit No. CA0024490, WDID No. 1B820840HUM, Humboldt County.
2. Item #8-Public Hearing on Order R1-2011-0008, Administrative Civil Liability, settling Administrative Civil Liability Complaint No R1-2010-0011. Russian River County Sanitation District and Sonoma County Water Agency.

vi. Public Forum

Comments were taken from:

William Hay, Jr., Public

Nick Tibbetts, Public, Mining Industry

Brenda Adelman, Russian River Watershed Protection Committee

Norman Shopay, McKinleyville Community Services District

Pam Jeane, Russian River County Sanitation District/Sonoma County Water Agency

1. Approval of Meeting Minutes: October 28, 2010

Motion: William Massey moved to adopt the October 2010 Minutes. John Corbett seconded the motion passed.

Uncontested Items

Board Member John Corbett had left the room during the discussion of the McKinleyville Community Services District and returned after the discussion ended.

2. Public Hearing on Order R1-2011-0002, to consider adoption of Waste Discharge Requirements for **McKinleyville Community Services District**, NPDES Permit No. CA0024490, WDID No. 1B82084OHUM, Humboldt County.

Item 2 was removed from the agenda, due to a lack of quorum.

3. Public Hearing on Order No. R1-2011-0003, to consider modification of Waste Discharge Requirements for **City of Rio Dell Wastewater Treatment Plant**, Order No. R1-2006-0021, NPDES No. CA0022748, WDID No. 1B83134OHUM, Humboldt County
4. Public Hearing on Order No. R1-2011-0004, to consider adoption of Waste Discharge Requirements for **City of Fortuna Municipal Wastewater Treatment Plant**, NPDES No. CA0022730, WDID No. 1B83135OHUM, Humboldt County
5. Public Hearing on Order No. R1-2011-0005 to consider whether to affirm, reject, or modify an Order imposing Administrative Civil Liability, for violations of Water Reclamation Requirements, Order No. 88-52, **City of Santa Rosa Oakmont Wastewater Treatment Facility**, WDID No. 1B78209SON, Sonoma County
6. Public Hearing on Order R1-2011-0006, to consider modification of Waste Discharge Requirements Order No. R1-2007-0013, for **Town of Windsor Wastewater Treatment, Reclamation and Disposal Facility**, NPDES No. CA0023345, WDID No. 1B82037OSON, Sonoma County
7. Public Hearing on Order No. R1-2011-0007, Conditional Waiver of Waste Discharge Requirements for **Sonoma County Junior College District Shone Farm Reservoir and Frost Protection System**, 7450 Steve Olson Way, Forestville, California WDID NO. 1B10078RSON, Sonoma County
8. Public Hearing on Order No. R1-2011-0008 to consider whether to affirm, reject, or modify an Order imposing Administrative Civil Liability, settling Administrative Civil Liability Complaint No. R1-2010-0011, **Russian River County Sanitation District and Sonoma County Water Agency**, WDID No. 1B82045OSON, Sonoma County
9. Public Hearing on Order No. R1-2011-0011, (formerly R1-2010-0090) Settlement Agreement And Stipulation For Entry Of Administrative Civil Liability, for **Humboldt Redwood Company, LLC**, Humboldt County

Geoffrey Hales, Chair entertained a motion to approve the consent calendar without Items #2, McKinleyville Community Services District and Item #8 Russian River County Sanitation District and Sonoma County Water Agency

Motion: William Massey so moved the motion to approve the consent calendar.
John Corbett seconded the motion.
Motion passed unanimously.

Action Item

10. Samantha Olson, Staff Counsel, gave introduction for the Consideration of Resolution R1-2011-0022, delegating authority to the Chair to serve as the hearing officer for specific hearings, including enforcement cases, or otherwise designate another Board member to serve as the hearing officer for specific hearings, including enforcement cases.

Motion: William Massey moved to adopt Order No R1-2011-0022. John Corbett seconded the motion. Motion passed unanimously

Workshop

11. Mark Neely, Senior 401 and Non Point Source Timber Harvest Division Unit with the Regional Water Board, gave an introduction and conclusion to the **Milk Cow Dairy Workshop** presentation by Lisa Bernard, Core Regulatory Unit and Cherie Blatt, Southern Timber Unit, both with the Regional Water Board. A powerpoint presentation was given outlining the development and planning process and the extensive Public participation for the Region-wide future regulation through Permits and Waivers. After the presentation, the Board had questions regarding the fees and costs, continuing the outreach to the public, timeframe of enrollment, boundary issues of the Dairy belt of Regions 1, 2 and 5, Water Quality and Nutrient management issues.

Comments were taken from:

Dayna Ghirardelli, Clover Stornetta Farm
Stephanie Larson, University of California Cooperative Extension
Paul Martin, Western United Dairymen, Director of Environmental Services
Jovita Pajarillo, U.S. EPA
Deanne Meyer, UC Davis, UC Cooperative Extension

12. Item pulled from Agenda.

Information Items

13. **Update on Lower Russian River Core Regulatory and Total Maximum Daily Load Efforts:** Update given by Regional Board Staff, Rebecca Fitzgerald, Lisa Bernard, Charles Reed, Cathy Goodwin, Mona Dougherty and Steve Butkus

Comments were taken from:

Brenda Adelman, Russian River Watershed Protection Committee

14. **Update on Salmon Creek Watershed Habitat Rehabilitation**

Catherine Kuhlman, Executive Officer introduced Lisa Hulette, Executive Director, Gold Ridge Resource Conservation District, John Green, Lead Scientist, Gold Ridge Resource Conservation District, Liz Prunuske, Founding Principal,

Prunuske Chatham, Inc and Joe Pecharich, Fisheries Biologist, National Oceanic and Atmospheric Administration Restoration Center, Region 1. They gave an update and slide presentation on the rehabilitation of the Salmon Creek Watershed Habitat.

15. Executive Officer's Report

Ms. Kuhlman had no further points to cover outside the written EO's report. The high priority she noted is the TMDL Settlement.

16. Board Member Requests for Future Agenda Items

Vice Chair Noren requested more information to better understand the Toxicity testing policy. Ms. Kuhlman responded to his question. Vice Chair Noren also requested more information regarding the Graton and Occidental Permitting CDO and Enforcement. Ms. Kuhlman responded to his questions.

17. Other Items of Interest

No items to discuss

18. Closed Session

There were no reports from closed session.

There being no further business to come before the Regional Water Board, the meeting adjourned at 3:00p.m. The next Regional Water Board Meeting is scheduled for March 24, 2011, at the Trinity Public Utility Department, Community Room, 26 Ponderosa Lane, Weaverville, CA

Chairperson_____

Date_____