

Minutes of Meeting

9:00 a.m., Thursday, March 15, 2012
River Lodge Conference Center
1800 Riverwalk Drive
Fortuna, CA 95540

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

i. **Pledge of Allegiance**

Board Member Heidi Harris led the Pledge of Allegiance.

ii. **Roll Call and Introductions**

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

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, David Leland, Matt St. John, Samantha Olson, Patti Corsie, Terri Korell, Holly Lundborg, Cherie Blatt, Lisa Bernard, Bryan McFadin, Adona White, Mark Alpert.

iii. **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.

iv. **State Board Liaison's, and Board Chair's Reports.** The State Board Liaison was not in attendance.

vi. **Public Forum**

Comments were taken from:

- Chuck Ciancio
- Craig Benson

1. Approval of Meeting Minutes: January 19, 2012

Motion: John Corbett moved to adopt the January 19, 2012 Minutes with an amendment to the Ex Parte Communication Disclosure. Geoffrey Hales seconded the motion, motion passed.

Uncontested Items

5. **Public Hearing** to consider a Resolution R1-2012-0035 requesting the State Water Resources Control Board to nominate several sites for the **Underground**

Storage Tank Cleanup Fund, Emergency, Abandoned, Recalcitrant (EAR)
Account, Fiscal Year 2012-13.

Motion: John Corbett moved to adopt, William Massey seconded the motion. Motion passed unanimously.

3. **Public Hearing** on Order No. R1-2012-0016, to consider adoption of Waste Discharge Requirements for **Graton Community Services District Wastewater, Reclamation and Disposal Facility**, WDID No. 1B84060OSON, NPDES No. CA0023639, Sonoma County.
4. **Public Hearing** on Order No. R1-2012-0015, to consider requiring the **Graton Community Services District Wastewater, Reclamation and Disposal Facility** to Cease And Desist From Discharging Or Threatening to Discharge Effluent In Violation of Waste Discharge Requirements , Order Nos. R1-2004-0038 and R1-2012-0016, WDID No. 1B84060OSON, NPDES No. CA0023639, Sonoma County.

Motion: Board Member William Massey recused himself from voting on Items 3 and 4. John Corbett moved to adopt, Geoffrey Hales seconded the motion. Motion passed unanimously

Information Item

2. **Public Hearing** on Order No. R1-2012-0018, to consider rescinding Cease and Desist Order No. R1-2008-0110 for the **City of Ferndale Wastewater Treatment Facility**, WDID No. 1B831360HUM, NPDES Permit No. CA0022721, Humboldt County. Jay Parish, City Manager of Ferndale introduced Doug Colbert, Chief Waste Water Operator, Stuart Titus, City Council/Vice Mayor, Jeff Farley, Mayor and John Maxwell, City Council. Doug Colbert gave a presentation on the new Ferndale Waste Water Treatment Facility that was completed in January 2012 with the Grand Opening to be held on April 17, 2012.

Motion: William Massey moved to adopt, John Corbett seconded the motion. Motion passed unanimously.

Workshop

8. **Workshop** on a five-year evaluation of progress implementing the Scott and Shasta TMDL Action Plans. Matt St. John, Chief of the Non-Point Division, gave an overview and then introduced David Leland, Division Chief, Watershed Protection Division who gave a presentation on the status, accomplishments, priorities and a preview of the next steps on the Shasta TMDL. Bryan McFadin, Senior WRCE, Watershed Protection Division gave a presentation on the status, accomplishments, priorities and a preview of the next steps on the on the Scott TMDL.

Comments were taken from:

- Chuck Ciancio- Public
- Daniel Myers- Redwood Chapter Sierra Club
- Marilyn Seward- Scott River Watershed Council

Action Item

7. **Public Hearing** on Order No. R1-2012-0030, to consider whether to affirm, reject, or modify an Order for the Short Term Renewal of Order No. R1-2006-0052, **Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed**, North Coast Region. Bryan McFadin, Senior WRCE, Watershed Protection Division outlined the need for the short term renewal of the Waiver. A public workshop will be held in August, 2012, with a focus on outreach and working with stakeholders prior to the adoption of the Waiver in October, 2012.

Motion: William Massey moved to adopt, Heidi Harris seconded the motion. Motion passed unanimously.

Workshops

9. **Workshop** on the Proposed Amendment to the Water Quality Control Plan for the North Coast Region to **Update Water Quality Objectives**. Holly Lundborg, Senior ES, Basin Planning Division gave an overview of the goal of the Basin Plan Amendment, Phase 1 and Phase 2 with the implementation schedule, development and proposed revisions to the Basin Plan Chapter 3 and Chapter 4.
10. **Workshop** on the development of the **Elk River TMDL**. Adona White, WRCE, Basin Planning Unit gave a presentation on the development of the TMDL, including the history, priorities and a preview of the next steps for the development of the Elk River TMDL.

Comments were taken from:

- Andy Westfall- Public/Land Owner
- Lane Russ- Chairman Elk River Landowners Group/Land Owner
- Daniel Myers- Redwood Chapter Sierra Club
- Gary Rynearson- Green Diamond Resource Co.
- Kristi Wrigley- Public/Land Owner

Information Items

12. Workplan for **Regulatory Program for Waste Discharges from Dairies and Concentrated Animal Feeding Operations in the North Coast Region**. Cherie Blatt, WRCE, Southern Timber Harvest Unit gave a presentation on the workplan, training, notice of intent, ongoing coordination with various agencies and dairy producers and representatives, other tasks for Regional Board staff and the next steps in training and assistance to be accomplished in 2012.

Comments were taken from:

- Melissa Lema- Western United Dairymen
- Denver Nelson- Dairyman/Public
- Dennis Leonardi- Farmer/Public

13. Schedule and Scope for the **Temperature Policy Basin Plan Amendment**. Bryan McFadin, Senior WRCE, Watershed Protection Division gave an update on the Board's request for the Amendment timeline including scoping, coordination with other agencies, stakeholder outreach, Regional Board updates, document revision, public comment period and workshop, Regional Board adoption hearing and State Water Board submittal.

Action Item

6. **Public Hearing** on Order No. R1-2012-0034, to consider Administrative Civil Liability in the matter of **California Department of Transportation, Confusion Hill Bypass Project**, Complaint No. R1-2009-0095, WDID No. 1B05153WNME. Chairman Noren passed the gavel to Vice-Chair Hales to continue on as the Chairman and Hearing Officer as he was, when this item was brought before the Board on June 23, 2011. Lisa Bernard, SEA, Advisory Staff gave an overview of the Order and the revisions made to the Order after the comment period ended. The Advisory team recommendations are to adopt the Order with the total liability of \$475,182 and encourage the Dischargers to work with the Executive Officer to develop an Environmental Project up to the total liability cost.

Julie Macedo, Sr. Staff Counsel, Office of Enforcement, Prosecution Staff, gave comments on the Order and the revised Order in the event this Order is appealed to the State Board. Julie Macedo advised the Board that in an Administrative Hearing, the evidence in the record can be used to support a finding even though the prosecution team has not focused on the evidence and made commentary on the reduction of staff costs. Doug Jensen, Legal Counsel for the California Department of Transportation, spoke to the Board and disputed the findings of liability and the costs assessed. Sean Hungerford, Legal Counsel for MCM spoke to the Board stating that the best management practices were used on the project and MCM disputes the amount of liability assessed for the violations.

Motion: William Massey moved to adopt, Heidi Harris seconded the motion. Geoffrey Hales called for a roll-call vote, and Samantha Olson, Staff Counsel concurred.

Corbett aye
 Noren aye
 Massey aye
 Harris aye
 Tynes aye
 Hales aye
 Motion passed unanimously

11. Executive Officer's Report. Catherine Kuhlman, Executive Officer, updated the Board on:
- The first series of Agricultural Advisory team meetings including the sub-basin meetings went well with good dialog among the participants. In April the second series will focus on the meaning of high and low risk.
 - The On-Site Waste Water Treatment Policy is scheduled to be released by the State Board any day now and we obtained a cut-out for the Russian River in the draft so our Basin Plan will be in effect for the Russian River Watershed until the Board adopts the TMDL. A Basin Plan Amendment will need to be written for the rest of the Region. This will probably affect the Triennial review schedule that the Board recently adopted. Once the State Board adopts the policy, we will be on an 18 month schedule and will need to have our Basin Plan Amendment completed at that time.
 - The Statewide Nitrate report has been released. Results show that our Region does not have the same problems as those in Kern and San Joaquin Counties.
 - Our email system is shifting to *Microsoft Outlook* and our office will get a complete remodel in the next few months so this will put a crimp in our ability to produce and keep to our deadlines.

14. Board Member Requests for Future Agenda Items. No requests were made.

15. Other Items of Interest. No other items discussed.

16. **Arrangements for Next Meeting and Adjournment**

9:00 a.m., Thursday, June 7, 2012
Willow Creek Community Services District
Camp Kimtu Cookhouse/Lodge
135 Willow Road
Willow Creek, CA

Meeting adjourned at 5:05 pm.

Chairperson _____

Date _____