

State of California  
Regional Water Quality Control Board  
North Coast Region

MINUTES OF MEETING  
July 27, 2000  
Willits Community Center  
111 East Commercial Street  
Willits, California

The July 27, 2000 meeting of the California Regional Water Quality Control Board, North Coast Region was called to order at 9:00 a.m. by Chair Bill Hoy. Bev Wasson lead the Pledge of Allegiance.

### **Introductions**

Chair Bill Hoy introduced Board members present, Executive Officer Lee Michlin and Legal Counsels Phil Wyels and Yuri Wan.

### **Board Members Present**

Bill Massey, Jim Mitchell, Leslie Dahlhoff, Bill Hoy, Bev Wasson, Dan Crowley, and Jason Liles. State Board member John Brown was also present at the meeting.

### **Staff Present**

Lee Michlin, Craig Johnson, Susan Warner, Bob Tancreto, Luis Rivera, Beth Lamb, Tuck Vath, Janice Goebel, Bob Klamt, Janet Blake, Kasey Ashley, Lori Foster, Terri Korell, Drew Bayless

### **Minutes of Meeting**

Jason Liles moved adoption of the June 22, 2000 minutes as presented. Bill Massey seconded the motion and it carried by a unanimous voice vote.

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

Phil Wyels discussed the new item of Board Member Ex Parte Communication Disclosure and asked Board to report any such communication at this time. The Board communicated that they had had no Ex Parte Communication.

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

Bill Hoy read the Procedural Changes Related to Regional Water Board Meetings. The Board wishes to limit oral presentations from all parties, with staff and the Dischargers being limited in general to 30 minutes maximum, each. and other testimony limited to 3 minutes per party depending on time constraints

Phil Wyels explained the new adjudicatory process that will be followed for some meetings. Adequate notice will be given for such matters and those interested will have an opportunity to request status as a designated party. Those designated as “parties” would get more time before the Board to provide testimony, and to cross examine others who would be providing testimony. To be designated as a party would require the submittal of a written request with testimony to the Board in advance of the meeting.

### **Public Forum**

Maria Brook, a Willits Residence who asked the Board to reconsider her request to have these meetings in the evening to accommodate attendance by those who work.

Items 1 and 2 were pulled off the July agenda.

### **3. Noranda Grey Eagle Mine Inc., Siskon Corporation, Grey Eagle Mine Reclamation Project, Siskiyou County, Initial Study, Negative Declaration and Revision of Waste Discharge Requirements, WDID 1A84142OSIS**

Luis Rivera explained the modification of Waste Discharge Requirements for Grey Eagle Mine. The requirements would allow for the addition of lime to the water treatment process, which has been ongoing since 1986 when the mine closed. The addition of the lime is to help solve the problem of acid mine drainage at its source instead of at the end of the process. This addition would not have a significant impact on the environment. No comments were received during the public comment period. Staff has been in communication with Noranda and they are satisfied with the proposed waste discharge requirements. No modifications have been made relative to the discharge from the treatment plant operated by Noranda at the foot of the tailings dam. Staff proposed that the Board approve the Resolution of the Negative Declaration and the Waste Discharge Requirements.

Bev Wasson moved adoption of Resolution No. R1-2000-049, to approve the Initial Study and Negative Declaration as proposed. Bill Massey seconded the motion and it carried by a unanimous voice vote.

Jason Liles moved adoption of Order No. R1-2000-050, Waste Discharge Requirements and Monitoring and Reporting Program as proposed. Bill Massey seconded the motion and it carried by a unanimous voice vote.

### **4. Approval of a Negative Declaration and New General Waste Discharge Requirements for the Addition of Oxygen Releasing Compounds to Groundwater.**

Kasey Ashley addressed the Board regarding the new General Waste Discharge Requirements for Oxygen Releasing Compounds to supply oxygen to the groundwater and stimulate microbial growth. The end result is enhancement of the remediation of contaminants in groundwater. Staff responded to the comments from the public presented at the June meeting, and there were no further comments by this or any other party. No changes were made to the Order since the last meeting.

Bill Massey moved adoption of Resolution No. R1-2000- 52, and Order No. R1-2000-53, General Waste Discharge Requirements for the Addition of Oxygen Releasing Compounds to Ground Water. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

**5. Willits Environmental Remediation Trust, Former Remco Facility, Mendocino County, New Waste Discharge Requirements, WDID No. 1B83011OMEN.**

Chairman Hoy opened the public meeting, and read the meeting procedure.

Janice Goebel gave an overview of site operational history, regulatory history, status of the investigation, comments received, and the proposed pilot tests at the former Remco Site. Ms. Goebel responded to various questions from the Board and the public. Rick Thomasser of Montgomery Watson, the consultant to the Willits Trust, also answered numerous questions from the Regional Water Board and the public.

Greg Byers, Willits Environmental Center, expressed his concern that the pilot study could cause further contamination and would like to see the extent of site contamination fully characterized. In addition, Mr. Byers would like to see laboratory data showing the reaction calcium sulfide might have on the site contaminants.

Donna Avila, Willits Citizens for Environmental Justice (WCEJ), expressed concern that after 50 years of chemicals being discharged on the Remco site, the pilot test to clean it all up is to put more chemicals in the ground. She stated that this could cause further contamination and no evacuation plan was in place if the pilot test created a hazardous situation. Ms. Avila would like to see the study done somewhere else prior to the testing at the Remco site. Ms Avila also commented that domestic wells nearby were being used by residents.

Pamela Arlich of WCEJ, explained that earthquake fault lines near the site could impact the pilot test and is concerned that no information regarding earthquake impacts is available for this pilot test. Ms. Arlich also noted that at other sites where this method was used it took more than one application of the polysulfide to get the desired results.

Hyman Rudoff, Ph.D., commented that this pilot test and the subsequent cleanup of the site does not help those who have been made ill by the contamination at the site and that have perhaps moved away. Dr. Rudoff stated that the cleanup should include examining historical health problems of those who used to live near the site as well as those who live there now.

Mary Masters, Technical Outreach Services for Communities, Representing Willits Environmental Center & WCEJ, stated that she would like to see more laboratory research on this method. Ms. Masters would like to see one injection point and 24-hour monitoring to be placed in the Waste Discharge Requirements, along with an independent party to help with the monitoring. If the laboratory testing is not done, then the pilot test area should be smaller.

Deanna Deaton, WCEJ, shared her frustration with the length of time it has taken to get cleanup started at the Remco site. Ms. Deaton is also concerned with adding chemicals to the already contaminated site and would like to have the opportunity to use a hand held monitoring device to assist in the monitoring of the pilot test.

Paul Stutrud, Sonoma State University Student, commented that a laboratory study should be conducted prior to conducting the pilot test.

Susan Warner proposed modifications to the Waste Discharge Requirements and the Monitoring and Reporting Program to address the comments received. Staff's proposed changes to the waste discharge requirements are as follows: 1) revision to Finding 16, 2) modification of Discharge Specifications B.3 and B.4, 3) addition of a new Discharge Specification B.5; and 4) requesting that the Regional Water Board direct staff to revise the Monitoring and Reporting Program to include: a) specify a fixed and continuous air monitoring program tied into an alarm to notify the Willits emergency response system, b) require 6 months of air monitoring, c) promptly report the air monitoring results for the first injection and include adequate air and water monitoring, d) develop a contingency plan if the alarm is triggered or waste discharge requirements are exceeded, and e) require hand held air monitoring and ensure results are promptly shared with the public. Susan Warner also proposed requiring the dischargers to place copies of the studies cited in the Response to Comments and during the meeting in the Willits library and submit chemical/stoichiometric equations for the anticipated chemical reactions.

Dan Crowley moved adoption of Resolution No. R1-2000-53, for Willits Environmental Remediation Former Remco Hydraulics Facility as proposed and Order No. R1-2000-54, Waste Discharge Requirements and Monitoring and Reporting Program as revised by staff. Board Member Massy seconded the motion, and it carried by unanimous voice vote.

## **6. OTHER BUSINESS**

### **a. Executive Officer Administrative Civil Liabilities**

Lee Michlin reported that there were no Executive Officer issued Administrative Civil Liability Complaints during the month since the last Regional Water Board Meeting on June 22, 2000.

### **c. Violation and Enforcement Report**

Craig Johnson explained the Violation and Enforcement Report as being a snap shot of activities in the office that could be categorized as violation or enforcement. The report is dynamic and only shows current violations. The Violation and Enforcement Report has been modified to respond to Board Members requests. Those changes include addresses for the facilities and a priority ranking of High, Medium or Low. Mr. Johnson further explained how staff came to their conclusions regarding the priority ranking. Board Member Dahlhoff was concerned that the violators might not be notified of their appearance on the Violation and Enforcement Report and further questioned if the report was on our Web Site. Mr. Johnson responded that there is some of the information available on the State Water Board's Internet Site, and that he would question State Water Board staff about the timing of complete inclusion on the State Water Board Internet Site.

7. **EXECUTIVE OFFICER'S REPORT**

a. **Introduction to Storm Water II – the New Storm Water Control Initiative**

Robert Tancreto gave a history of the Storm Water Program and how changes in the program might impact the Regional Water Boards. Mr. Tancreto explained that for municipal Storm Water purposes there would be General Permits for municipalities under 100,000 population and waivers for those under 10,000 population with a TMDL or equivalent. For construction activities there could be a General Permit for sites from 1-5 acres of development. Mr. Tancreto further explained that for industrial sites there were also program changes. Craig Johnson also updated the Board on the fiscal impact of the Storm Water Program by stating that the budget had been cut in ½ for the next fiscal year. Board Members Dahlhoff and Massy inquired as to how many PYs are used for storm water activities in our office. Mr. Tancreto stated that it was hard to tell with the new Storm Water Phase II Program having just started, that would require from 6 to 23 new municipality Storm Water Permits.

b. **Introduction to the “Policy for the Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California”**

Robert Klamt reported the history of the Inland Surface Water Plan and Enclosed Bays and Estuaries Plan from the adoption of the Plans by the State Water Resources Control Board in 1991 to 1994 when a court ruling invalidated the Plans. U.S. EPA assisted California in compliance with the federal Clean Water Act by developing the California Toxics Rule which the State Water Board agreed to implement by adopting a new state wide policy. The policy was adopted on March 2, 2000 by the State Water Board and on May 18, 2000 the California Toxics Rule was published in the Federal Register and became effective. Regional Water Board staff will be trained in implementation this summer, and new and revised permits will include provisions for implementation of the new policy.

c. **Clean Water Act 319(h) and 205 (j) Non Point Source Grant Project Priority List**

Janet Blake reported to the Board that staff had received several exceptional applications for both the 319 (h) and 205 (j) grants. Staff assisted the grant applicants with their proposals and ranked them before sending them on to the State Water Board. Final ranking of grant proposals at the State Water Board will occur in November.

d. **Update on Proposition 13, State Water Bond**

Janet Blake provided summary information on the 2000 Water Bond and the up-coming request for proposals (RFP) that will come out in October 2000 from the State Water Board, soliciting proposals for the coastal, non-point source, and watershed management sections of the Bond. About \$23 million will be awarded from the fall 2000 RFP. Subsequent RFPs will disburse funds over the next 5 to 7 years.

Lee Michlin reminded those in attendance that Proposition 13, 2000 Water Bond (Bond), authorized the State of California to fund \$1.97 billion in projects to support drinking water, water quality, flood protection and water reliability projects throughout the state. Of the \$1.97 billion the State Water Board will help allocate \$763.9 million to local projects throughout

California. Mr. Michlin believes that the State Water Board will move quickly and hold meetings to educate the public and help develop a list of potential projects to be included in this Bond allocation. In the North Coast Region there is \$1 million earmarked for the Russian River Watershed in Sonoma County. The Board directed staff to publish a list of watershed projects staff had solicited, but not technically reviewed.

**6. OTHER BUSINESS (Continued)**

**b. Review of Delegation to the Executive Officer of Issuance of Administrative Civil Liabilities (ACLC)**

Phil Wyels explained how reconsideration of this item was at the Board's request when the delegation was given to the Executive Officer 6 months ago. Mr. Wyels further explained that some violations had mandatory penalties so those ACLCs would not need to be presented to the Board unless the party who was in violation did not agree to pay the fine and requested instead a full Board decision. Board Member Massey inquired about the \$50,000 limit that was on the Executive Officer issued complaints. Mr. Wyels responded by stating that only Region 1 had a limit for Executive Officer issued complaints. Upon further discussion regarding the number of complaints the Executive Officer expected to issue, Board Member Liles stated that it may be best to remove the limit. Board Member Dahlhoff moved to remove the limit for Executive Officer issued Administrative Civil Liability Complaints. Board Member Massey seconded the motion. The motion carried with 5 ayes and 2 dissensions by Mr. Crowley and Mr. Hoy.

Mr. Michlin informed the Board that at the next August 2 meeting for the Board Chairs and budget committee there would be an item about how to make Board Meetings shorter. All of the other Regions have a different format for their Executive Officer's Report than the format used in Region One. The main difference is that the entire Executive Officer's Report is written and not discussed at the Board Meetings. Board Meetings in other Regions are left to those items that require Board actions. Any information items for the other Boards are presented as workshops rather than actual Board Meetings. Mr. Michlin asked the Board Members to give their ideas to him or to Ms. Wasson and they would take those suggestions to the meeting on August 2<sup>nd</sup> and discuss them with the other Regional Boards and State Board Executives. Ms. Dahlhoff agreed that shorter meetings were a good idea. Mr. Michlin will bring the Board up to date on this issue.

The August Regional Water Board meeting is scheduled for Friday, August 25, 2000 at the North Coast Regional Water Quality Control Board Office with a workshop on gravel on Thursday, August 24, 2000 from 1:00 p.m. to 5:00 p.m.. Chairman Hoy adjourned the meeting at 3:55 p.m.

Staff Services Analyst, Lori Foster recorded the minutes of the July 27, 2000 meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its next meeting.

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