

State of California
Regional Water Quality Control Board
North Coast Region

Minutes of Meeting

9:00 A.M., Thursday, June 15, 2023,
And 9:00 A.M., Friday, June 16, 2023
Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Thursday, June 15, 2023

Video recordings of Board meetings (since 2/2019) are available at:

[Prior Board Meeting Video recordings](https://cal-span.org/) (https://cal-span.org/)

Audio recordings of Board meetings (11/2018 and before) are available at:

[Prior Board Meeting Audio recordings](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/)
(https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/)

- i. **Land Acknowledgement:** Board Member Matsubu read the land acknowledgement.
- ii. **Pledge of Allegiance:** Board Member Matsubu led the Pledge of Allegiance.
- iii. **Roll Call and Introductions:**

Board Members present: Hector Bedolla, Greg Giusti, Alex Hart,
Bill Matsubu, Shaunna McCovey (via
Zoom)

Regional Water Boards staff present: Valerie Quinto, Bayley Toft-Dupuy,
Nathan Jacobsen, Claudia Villacorta,
Josh Curtis, Deidre Wilkerson, Sabrina
Cegielski, Jeremiah Puget, Katharine
Carter, Jonathan Warmerdam, Charles
Reed, Kason Grady, Brian Fuller,
Shannon Utley, Izaac Russo

- iv. **Board member Reports and Ex Parte Communication Disclosure:** Vice Chair Giusti shared that he had discussions with representatives of the lily bulb industry.

- v. **Public Forum:** Comments were received from the following members of the public:
 - Glenn McGourty, Mendocino County Board of Supervisors
 - Frost Pauli, MCFB, MWI, AUWA
 - Peter Johnson, Grape Growers
 - David Koball, Mendocino County Winegrape Growers
 - Zachary Robinson, Mendocino Vineyards
 - Michael Pecherer, self/vineyard owner

Chair Bedolla left the room during the above public comments as he has recused himself from matters relating to the vineyard order.

Executive Officer Valerie Quinto shared that a vineyard order workshop will be held at the August Board Meeting.

Specific comments can be reviewed on [Cal-Span's Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

1. Approval of Meeting Minutes: April 6, 2023

Motion: Board Member Hart moved to adopt April 6, 2023, Board meeting minutes; Board Member Matsubu seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

2. 2024 Board Meeting Schedule (*Valerie Quinto*)

Executive Officer Quinto confirmed that the default location for all meetings is Santa Rosa, and traditionally, two meetings are held at other locations in the region, which will be confirmed as soon as possible.

The 2024 Board Meeting Schedule is as follows:

- February 8-9, 2024
- April 4-5, 2024
- June 13-14, 2024
- August 15-16, 2024
- October 3-4, 2024
- December 5-6, 2024

Motion: Board Member Matsubu moved to adopt the 2024 Board Meeting Schedule; Vice Chair Giusti seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

Action Items

3. Public Hearing on Administrative Civil Liability Complaint No. R1-2023-0009 issued to Daniel Maldonado Suarez, Mendocino County Assessor’s Parcel Number (APN) 011-520-09-01 (*Brian Fuller*)

Chair Bedolla opened the hearing and reviewed the rules of the hearing for all parties. Claudia Villacorta, Assistant Executive Officer of the Regional Water Board, gave the Prosecution Team’s opening statement, and Jim Severdia, agent for Daniel Suarez, gave the Discharger’s opening statement. Brian Fuller, Engineering Geologist for the Regional Water Board, gave the Prosecution Team’s case presentation which included testimony from witnesses Ryan Babb of the Division of Water Rights and Ryan Bourque of the California Department of Fish and Wildlife. After the Prosecution Team’s presentation concluded, the Board and members of the Advisory Team asked clarifying questions, which the Prosecution Team addressed.

After cross-examining Prosecution witnesses, Mr. Severdia, gave the Discharger’s case presentation, which included testimony from Mr. Suarez. Heather Jidkov of the Prosecution Team cross-examined Mr. Suarez and asked Mr. Fuller clarifying questions. Board Members and members of the Advisory Team also asked Mr. Fuller clarifying questions. The Board asked Mr. Suarez additional clarifying questions. Closing arguments were made by Ms. Jidkov of the Prosecution Team

and Mr. Severdia for the Discharger. The hearing was recorded and transcribed; the recording and transcription provide a complete account of the hearing.

Chair Bedolla confirmed there was no public comment, and the Board deliberated in closed session from 2:00 p.m. – 3:35 p.m. The Board presented a proposal that included suspending a portion of the liability pending completion of corrective actions in compliance with the cleanup and abatement order. The Prosecution Team and Discharger agreed to discuss amongst themselves while the Board proceeded with agenda items 4 – 9 (see below). When both sides returned, they shared their thoughts on the Board’s proposal. The Board then went into closed session from 4:24 pm. – 6:12 p.m. The Board presented an amended order adjusting the penalty and suspending a portion of that penalty for the completion of actions required under the Cleanup and Abatement Order and an Enhanced Compliance Action. The Board authorized the Advisory Team and Executive Officer to make any necessary editorial changes to the amended order.

Motion: Board Member Hart moved to adopt Agenda Item 3 – Order No. 2023-0009 as amended; Board Member Matsubu seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

Uncontested Items

4. Public Hearing on Order No. R1-2023-0003 to consider for adoption of proposed Waste Discharge Requirements for Manila Community Services District WWTF (*Roy O’Connor*)
5. Public Hearing on Order No. R1-2023-0006 to consider adoption of proposed Waste Discharge Requirements for the Covelo Community Services District (Covelo CSD) Wastewater Treatment Facility, WDID No. 1B830090MEN, NPDES No. CA0023574 (*Sabrina Cegielski*)
6. Public Hearing on Order No. R1-2023-0010 to consider for adoption of proposed Waste Discharge Requirements for Sonoma County Annapolis Solid Waste Disposal Site (*Terri Cia*)

7. Public Hearing on Order No. R1-2023-0011 to consider for adoption of proposed Waste Discharge Requirements for Bodega Bay Public Utility District WWTP (*Ben Zabinsky*)
8. Public Hearing on Order No. R1-2023-0013 to consider for adoption of proposed Waste Discharge Requirements for Hopland Public Utility District WWTP (*Lynette Shipsey*)

Motion: Board Member Hart moved to adopt Agenda Item 4 – Order No. R1-2023-0003; Item 5 – Order No. R1-2023-0006; Item 6 – Order No. R1-2023-0010; Item 7 – Order No. R1-2023-0011; & Item 8 – Order No. R1-2023-0013; Vice Chair Giusti seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

Information Item

9. FY 23/24 Division Work Plans (Valerie Quinto, Executive Staff)

Executive Officer Quinto gave a presentation on the Fiscal Year 2023-24 Division Work Plans. The presentation included the Regional Board’s mission and vision, purpose of the work plans, office-wide initiatives, and division highlights. Ms. Quinto introduced Katharine Carter, the newly appointed Planning and Stewardship Division Supervisor. Board Members shared comments and questions, which staff addressed.

Comments were received from the following members of the public:

- Cedric Twight, Sierra Pacific Industries

Specific comments can be reviewed on [Cal-Span’s Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Meeting adjourned at 6:32 p.m.

Friday, June 16, 2023

- i. **Land Acknowledgement:** Board Member Hart read the land acknowledgement.
- ii. **Pledge of Allegiance:** Board Member Hart led the Pledge of Allegiance.
- iii. **Roll Call and Introductions:**

Board Members present: Hector Bedolla, Greg Giusti, Alex Hart, Bill Matsubu, Shaunna McCovey (via Zoom, departed the meeting at 1:20 p.m.)

Regional Water Boards staff present: Valerie Quinto, Bayley Toft-Dupuy, Nathan Jacobsen, Josh Curtis, Kason Grady, Jeremiah Puget, Jim Burke, Maggie Robinson, Izaac Russo, Dave Fowler, Zane Stromberg, Chad Johnson, Adona White, Claudia Villacorta (via zoom)

- iv. **State Water Board Liaison's and Executive Officer's Reports:** State Board Liaison and Vice Chair Dorene D'Adamo gave a comprehensive report that included an update on conservation efforts in the North Coast region during the drought emergency, a new reporting tool (SAFER Clearinghouse Drought and Conservation Reporting) launched in January, the approval of additional applications for diversions of high stream flows to groundwater recharge, state staff's recommendation to not adopt emergency regulations for minimum stream flows in the Scott and Shasta region, a joint petition received from the Karuk Tribe and others requesting establishment of permanent minimum flows on the Scott River, the US Supreme Court's recent decision that reduces the scope of the Clean Water Act and how it affects the Water Boards, and the process of reviewing the Annual Intended Use Plan for the Clean Water State Revolving Fund Program and the Drinking Water State Revolving Fund Program.

Vice Chair D'Adamo's report also included information about a May 18 workshop on the impact of nutrient discharges on inland and ocean waters and the potential actions to address nutrients, and she also discussed an information item from the June State Board Meeting on consideration of adding tribal beneficial uses to the Bay Delta Water Quality Control Plan.

Executive Officer Valerie Quinto introduced staff and highlighted the retirement of regional staff member Evelyn Reynolds.

- v. **Board Chair’s Report:** Chair Bedolla reported that it is important to him to visit water treatment plants throughout the region to become familiar with operators and issues. He highlighted the documentary “The Secret Science of Sewage.”
- vi. **Public Forum:** Comments were received from the following members of the public:
 - Judith Olney, Forest Recovery Mill Creek
 - Dee Swanhuysen, self/Sonoma County Resident

Staff responded to questions/comments.

Specific comments can be reviewed on [Cal-Span’s Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Action Items

- 10. Adoption of Draft Order No. R1-2023-0034, Waiver of Waste Discharge Requirements and General Water Quality Certification for Road Management and Activities Conducted Under the Five Counties Salmonid Conservation Program in the North Coast Region (*Maggie Robinson*)

Maggie Robinson, Engineering Geologist for the Southern Nonpoint Source & Forestry Unit, gave a presentation on this item which included a brief history of the 5C Program and waiver, progress made to date under the existing waiver, key elements of the 2023 waiver renewal, public comments, information on how it fits into the Regional Water Board’s TMDL implementation efforts, and next steps.

Comments were received from the following members of the public:

- Alan Levine, Coast Action Group

Ms. Robinson responded to Mr. Levine’s comments, as well as comments and questions from Board Members.

Specific comments can be reviewed on [Cal-Span’s Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Motion: Vice Chair Giusti moved to adopt Agenda Item 10 – Order No. 2023-0034; Board Member Matsubu seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey aye
- Matsubu aye
- Hart aye

Motion passed unanimously

11. Public Hearing on Administrative Civil Liability Complaint No. R1-2023-0026 issued to Ken Bareilles, Sonoma County, Assessor's Parcel Number (APN) 110-190-001-00 (*Izaak Russo*)

Chair Bedolla opened the hearing and reviewed the rules of the hearing for all parties. Josh Curtis, Assistant Executive Officer, gave the Prosecution Team's opening statement, and Ken Bareilles, representing the Discharger (himself), gave his opening statement. Senior Engineering Geologist James Burke and Engineering Geologist Izaak Russo, both of the Regional Water Board's Southern Nonpoint Source and Forestry Unit, gave the Prosecution Team's case presentation. The Board called Kimberly Sone of Cal Fire forward to answer questions. After the Prosecution Team's presentation concluded, members of the Board's Advisory Team asked clarifying questions, which the Prosecution Team addressed.

After cross-examining Prosecution witnesses, Mr. Bareilles, gave his case presentation, which included testimony from Kyle Smith. Board Members asked Mr. Smith questions as well. Christopher Law of the Prosecution Team cross-examined the Mr. Smith. Josh Curtis provided the Prosecution Team's rebuttal, followed by Mr. Bareilles's rebuttal. Board Members asked Mr. Bareilles clarifying questions.

Comments were received from the following members of the public:

- Alan Levine, Coast Action Group
- Quincey Imhoff, Friends of Felta Creek
- Lucinda Kotter, Friends of Felta Creek
- Kimberly Burr, Green Valley Creek
- Cherie Blatt, self/retired Water Resource Control Engineer for the Regional Water Board
- Don McEnhill, Russian Riverkeeper
- Larry Hanson, Forest Unlimited

Specific comments can be reviewed on [Cal-Span's Prior Board Meeting Video recordings](http://cal-span.org/) (<http://cal-span.org/>).

Mr. Bareilles responded to public comments. Christopher Law gave the closing argument for the Prosecution Team, followed by Mr. Bareilles's closing argument. The Board and members of the Advisory Team met in closed session to deliberate from 2:00 p.m. – 3:15 p.m. After reviewing evidence and testimony, the Board found an upward adjustment was warranted for violations. The hearing was recorded and transcribed; the recording and transcription provide a complete account of the hearing.

Motion: Vice Chair Giusti moved to adopt Agenda Item 11 – Order No. 2023-0026 with the penalty amount adjusted; Board Member Hart seconded the motion; Chair Bedolla initiated a roll-call vote:

- Bedolla aye
- Giusti aye
- McCovey absent (left the meeting at 1:20 p.m.)
- Matsubu aye
- Hart aye

Motion passed unanimously

Information Items

12. **Executive Officer’s Report:** Executive Officer Valerie Quinto highlighted articles in the written Executive Officer’s Report.
13. **Board Member Requests for Future Agenda Items and Other Items of Interest:** Chair Bedolla stated that he wants to continue tours of water treatment facilities and encouraged staff to visit more often. Chair Bedolla also requested a future update from the Climate Specialist.

Vice Chair Giusti requested an update on discussions around emergency timber salvage rules and their impact on water quality.

14. **Closed Session:** The Board met in closed session to discuss item numbers 3 and 11 as noted above.
15. **Arrangements for Next Meeting and Adjournment**

9:00 a.m., Thursday, August 3, 2023, and
 9:00 a.m., Friday, August 4, 2023
 5550 Skylane Blvd, Suite A
 Santa Rosa, CA 95403

Meeting adjourned at 3:24 p.m.