

Minutes of Meeting

8:30 A.M., Wednesday, August 14, 2019 &
8:30 A.M., Thursday, August 15, 2019
Regional Water Quality Control Board
David C. Joseph Room
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Video recordings of Board meetings (since 2/2019) are available at:
<http://cal-span.org/static/meetings-RWQCB-NC.php>.

Audio recordings of Board meetings (11/2018 and before) are available at:
https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/

WEDNESDAY AUGUST 14, 2019

i. **Pledge of Allegiance:** Board member Noren led the Pledge of Allegiance.

ii. **Roll Call and Introductions:**

Board Members present: Hector Bedolla, John Corbett, Kelli Gant, Gregory Giusti, David Noren, and Valerie Quinto.

Regional Water Board staff present: Patti Corsie, Josh Curtis, Nathan Jacobsen, Alydda Mangelsdorf, Charles Reed, Matt St. John, and Claudia Villacorta.

Action Item

1. **Public Hearing on Resolution No. R1-2019-0038 to consider adoption of an amendment to the Water Quality Control Plan for the North Coast Region to include the Action Plan for the Russian River Pathogen Total Maximum Daily Load (TMDL) and Prohibition against the Discharge of Fecal Waste Materials.**

Chairwoman Quinto asked if any Board member has had any communications regarding this item:

- Board member Giusti had a meeting in Ukiah with representatives from the County of Mendocino, City of Ukiah, and Mendocino Farm Bureau, getting their input on concerns or suggestions.
- Board member Noren met with the Lower Russian River groups and Santa Rosa Farm Bureau, regarding their concerns or suggestions.
- Chairwoman Quinto also attended the above meeting with Board member Noren.

Alydda Mangelsdorf, Environmental Program Manager, Planning and Stewardship Division, gave a presentation of the purpose and approach of the Pathogen TMDL, a brief history and timeline of the Pathogen TMDL Action Plan, with an overview of the multiple tools and studies used in the TMDL assessment, along with the Statewide Bacteria Objectives, consistent with the Data Re-Analysis. Charles Reed, Supervising Water Resource Control Engineer, Point Source Control & Groundwater Protection Division, gave an overview of the Fecal Waste Discharge Prohibition, the load and wasteload allocations, the summary of requirements for Onsite Wastewater Treatment Systems (OWTS) and the Advanced Protection Management Program (APMP) requirements. Mr. Reed summarized the responses to the public comments received for the Program of Implementation, the status of financial and technical assistance, and staff recommendation to adopt Resolution R1-2019-0038.

Comments were taken from:

- Devon Jones, Mendocino County Farm Bureau
- Lynda Hopkins, County of Sonoma Supervisor
- Alisha O'Loughlin, Public
- Mike Treinen, Public
- Vern Ball, Public
- Bill Arnone, City of Santa Rosa Board of Public Utilities
- Sean McNeil, City of Santa Rosa
- Colleen Hunt, Sonoma State University
- Andy Rodgers, Russian River Watershed Association
- Brenda Adelman, Russian River Watershed Protection Committee
- Rich Holmer, North Bay Association of Realtors/Farm Bureau
- Lisa Badenfort, North Bay Association of Realtors
- Tawney Tesconi, Sonoma County Farm Bureau
- Michael Tabib, Russian River Realty
- Kyla Brooke, Public
- Deborah Tavares, Public
- Bart Deamer, Public
- Sarah Yardley, Public
- Pam Rianda, Hacienda Homeowners Association
- Pat Abercrombie, Public
- Phil Grosse, Hacienda Improvement Association
- Bill Massey, Public

Based on Board member deliberations, staff proposed several revisions reflected in the following motions:

Motion: Board member Corbett moved to add an additional new Finding #19 to Resolution Number R1-2019-0038: "The Regional Water Board has directed staff to engage in a sustained coordinated effort with federal, state and local agencies to identify and secure funding to assist the public in complying with the program of implementation."; Board member Bedolla seconded the motion. Chairwoman Quinto initiated a roll-call vote:
Bedolla aye

Giusti aye
Quinto aye
Noren aye
Corbett aye
Gant aye

Motion passed unanimously

Motion: Board member Corbett moved to add an additional new Finding #15 to Resolution R1-2019-0038: "Full implementation of the TMDL Action Plan is designed to control fecal waste discharges for the attainment of bacteria water quality objectives to protect water contact recreation and is likely to have benefits to other downstream beneficial uses."; Board member Noren seconded the motion. Chairwoman Quinto initiated a roll-call vote:

Bedolla aye
Giusti aye
Quinto aye
Noren aye
Corbett aye
Gant aye

Motion passed unanimously

Board member Corbett noted that this finding is intended to support the protection of ocean resources and marine reserves.

Motion: Board member Corbett moved to adopt Order R1-2019-0038 as amended; Board member Bedolla seconded the motion. Chairwoman Quinto initiated a roll-call vote:

Bedolla aye
Giusti aye
Quinto aye
Noren aye
Corbett aye
Gant aye

Motion passed unanimously

Information Item

2. **Fiscal Year 2019/2020 Work Plans:** Matt St. John, Executive Officer, gave a presentation on FY 2019/2020 Work Plans. The Board asked clarifying questions. There were no changes to the Work Plans.

Thursday August 15, 2019

- iii. **Pledge of Allegiance:** Board member Noren led the Pledge of Allegiance.

iii. Roll Call and Introductions

Board Members present: Hector Bedolla, John Corbett, Kelli Gant, Gregory Giusti, David Noren, and Valerie Quinto.

Regional Water Board staff present: Cherie Blatt, Jim Burke, Patti Corsie, Clayton Creager, Josh Curtis, Nathan Jacobsen, Bryan McFadin, Matt St. John, and Claudia Villacorta.

v. Board Member Reports and Ex Parte Communication Disclosure: Board member Corbett announced his resignation from the Water Board due to health reasons. Board member Noren announced that his reappointment to the Water Board is in flux and this may be his last Board meeting.

vi. State Board Liaison's, and Executive Officer's Reports: Matt St. John, Executive Officer, announced that Stephen Bargsten, Senior Environmental Scientist, of the Non-Point Source & 401 Certification Unit has retired and that Gil Falcone, Senior Environmental Scientist, has been promoted to Supervisor of the Unit. Mr. St. John also announced that Jeremiah Puget, Senior Environmental Scientist, has been promoted to Supervisor of the Groundwater Permitting Unit.

vii. Public Forum:

Comments were taken from:

- Brenda Adelman, Russian River Watershed Protection Committee

3. Approval of Meeting Minutes: June 19 & 20, 2019

Motion: Board member Noren moved to adopt; Board member Corbett seconded the motion. Chairwoman Quinto initiated a roll-call vote:

Bedolla aye
Giusti aye
Quinto aye
Noren aye
Corbett aye
Gant aye

Motion passed unanimously

Action Item

4. Public Hearing on Order No. R1-2019-0001 to consider adoption of proposed General Waste Discharge Requirements for Dairies in the North Coast Region. Chairwoman Quinto asked if any Board member has had any communications regarding this item:

- Board member Noren attended a staff led Workshop on this item in May.
- Board member Bedolla also attended the above meeting with Board member Noren.

Cherie Blatt, Water Resource Control Engineer, Southern Non-Point Source & Surface Water Protection Division, gave a presentation on the proposed General Waste Discharge Requirements (GWDRs), the outcome, events, and the response to comments since the April 2019 hearing, with a review of the changes made to the GWDR Order and Monitoring and Reporting Program (MRP), with the staff recommendation to adopt Order Number R1-2019-0001 and the Mitigated Negative Declaration.

Comments were taken from:

- Deanne Meyer, UC Davis
- Felice Pace, North Group Redwood Chapter Sierra Club
- Kaitlyn Kalua, California Coastkeeper Alliance
- Don McEnhill, Russian Riverkeeper
- Paul Sousa, Western United Dairymen
- Domenic Carinalli, DL Carinalli Dairy
- Susan Bianchi, Bianchi Dairy

Following Board member deliberations staff met separately to prepare responses to the public comments and to draft recommended revisions to the Order. Mr. St. John, Cherie Blatt, Jonathan Warmerdam, Josh Curtis, and Jeremiah Puget provided oral responses and presented the following amendments to Order Number R1-2019-0001.

Amendments to Order R1-2019-0001 to the end of finding number 29:

“The Executive Officer may change the substance and format of the Monitoring and Reporting program. Any future substantive changes to the Monitoring and Reporting program will be subject to public notice and comment. Advancements in nutrient management planning, budgeting and assessment methodologies may serve to support future modifications to the MRP.”

Addition to Page 30 of Order R1-2019-0001 at the end of the second paragraph as well as page 1 of the NMP (Appendix 2) at the end of the first paragraph after section A to read:

“The Regional Water Board recognizes that the Nutrient Management Plan and nutrient budget analysis is affected by geographic location and farming systems (e.g. dryland vs irrigated agricultural systems). NMPs and nutrient budgets should be designed to reflect these differences.”

Revision to Finding 10 and footnote 1 on page 3 of Order R1-2019-0001 (edits shown in strike out/underline):

10. If any dairy cannot certify in the NOI or Annual Report that it meets the requirements of this Order, or if the Executive Officer determines that the dairy does not meet the Order requirements, then that dairy must submit a Report of Waste Discharge (Form 200) to the Regional Water Board for an individual permit. ~~Dischargers who discharge or propose to discharge pollutants to the waters of the United States are required to~~

~~obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit and are not required to seek coverage under this Order¹~~

~~1 40 CFR section 122.23 (d)(1) requires only facilities that discharge to waters of the United States to seek NPDES permit coverage. A facility proposes to discharge if, based on an objective assessment, it is designed, constructed, operated, or maintained such that a pollutant discharge will occur.~~

Addition to the end of Finding 11 of Order R1-2019-0001:

Medium Animal Feeding Operations (AFOs) (200-699 mature dairy cows) and small AFOs (less than 200 mature dairy cows) may be designated as CAFOs by the Regional Water Board if the dairy discharges wastes to waters of the United States. Such designated CAFOs would then be required to develop an NMP and apply for coverage under a NPDES permit. A CAFO means an AFO which is defined as a Large CAFO or Medium CAFO by 40 CFR §§ 122.23 (4) and (6), or that is designated as a CAFO by the United States Environmental Protection Agency (USEPA) or the Regional Water Board.

Motion: Board member Noren moved to adopt Order Number R1-2019-0001 with the appended CEQA document, change sheet, and amendments as noted; Board member Corbett seconded the motion. Chairwoman Quinto initiated a roll-call vote:

Bedolla aye
Giusti aye
Quinto aye
Noren aye
Corbett aye
Gant aye

Motion passed unanimously

Information Items

- 5. Updates on Klamath Basin Water Quality and Water Quality Certification for Dam Removal.** Clayton Creager, Environmental Program Manager, Watershed Stewardship Coordinator, gave an update on the Klamath Basin TMDLs, Klamath Watershed Stewardship Program, water quality improvement techniques, with a review of the initiatives and projects throughout the Klamath Basin. Parker Thaler, State Water Resources Control Board, gave an overview of the Lower Klamath Project, Water Quality Certification and CEQA processes and progress, with a review of the Draft Environmental Impact Report and the ongoing coordination and outreach with stakeholders. Mark Branson, Chief Executive Officer, Klamath River Renewal Corporation (KRRC), gave a presentation on the background and overview of the KRRC, the regulatory processes, and the next steps.

Comments were taken from:

- Felice Pace, North Group Redwood Chapter Sierra Club

6. Update on Governor Newsom's Executive Order N-10-19 to prepare a water resilience portfolio to meet California's water needs through the 21st century.

Dorene D'Adamo, State Water Board Liaison, gave a presentation on Governor Newsom's Executive Order N-10-19 that directs the California Natural Resources Agency, the California Environmental Protection Agency, the California Department of Food and Agriculture, in consultation with the Department of Finance, to prepare a water resilience portfolio that meets the needs of California's communities, economy, and environment through the 21st century. These agencies will reassess priorities contained within the 2016 California Water Action Plan, update projected climate change impacts to our water systems, identify key priorities for the administration's water portfolio moving forward, and identify how to improve integration across state agencies to implement these priorities, along with stakeholder and public engagement and input. The draft recommendations will be released in October 2019 for public comment, with the final report to Governor Newsom by the end of 2019.

Board members provided comments on North Coast region issues and initiatives that align with the foals of the Executive Order.

7. Update on Flow Objectives and Flow-Related Activities in the North Coast Region

Bryan McFadin, Senior Water Resource Control Engineer, Flow & Riparian Protection Specialist, Planning & Stewardship Division, gave a presentation on the Flow related initiatives that Reginal Board staff are working on, including streamflow monitoring, numeric flow objectives. David Hines, Coho Salmon Recovery Coordinator, California Department of Fish & Wildlife (CDFW), gave a presentation on the Coho Flow Initiative. Mr. McFadin reviewed various interagency coordination workgroups and advisory committees, with a focus on the California Environmental Flows Workgroup.

Comments were taken from:

- Kimberly Burr, Green Valley Creek resident
- Larry Hanson, North Coast Stream Flow Coalition

8. Executive Officer's Report: See written EO's Report.**9. Board Member Requests for Future Agenda Items:** Board member Corbett recommended that staff draft a resolution to form an Executive Committee that could serve functions of the Board in the event there is no quorum of the Board.**10. Other Items of Interest:** Board member Gant questioned whether October's Board meeting will be a 1 or 2-day meeting and whether Weaverville is the appropriate location given the planned agenda items. Matt St. John, noted that it will be a 1-day meeting and said he would work with Chair Quinto to decide the location of the meeting.**11. Closed Session:** The Board did not meet in closed session.

12. Arrangements for Next Meeting and Adjournment

8:30 a.m., Thursday October 17, 2019

North Coast Regional Water Quality Control Board

David C. Joseph Meeting Room

5550 Skylane Blvd., Suite A

Santa Rosa, CA 95403

Meeting adjourned at: 4:10 p.m.

Chairperson _____

Date _____