

California Regional Water Quality Control Board
North Coast Region

Meeting Minutes for
August 23, 2001
Regional Board Meeting
Regional Water Board Hearing
Room
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 94503

On August 23, 2001, at 9:02 a.m., the Regional Water Quality Control Board-North Coast Region meeting was called to order by Chair Daniel Crowley.

i. Pledge of Allegiance

Bev Wasson lead the Pledge of Allegiance

ii. Roll Call

Board Members Present: William Massey, Dina J. Moore, Bev Wasson, William Hoy, and Daniel Crowley

Regional Water Board Staff Present: Executive Officer, Susan Warner; Assistant Executive Officer, Craig Johnson; Division Chiefs, Robert Tancreto, Ranjit Gill, and Frank Reichmuth; Seniors, Christine Wright-Shacklett, Fred Blatt, Mark Bartson, Luis Rivera, John Short, Tom Dunbar, and Nathan Quarles; Technical Staff, Bernadette Reed, Al Wellman, Mark Neely, Cody Walker, Scott Gergus, Janet Black, Charles Reed, and Colleen Stone.

iii. Minutes of Past Meetings

Minutes for the July 16, 25, and 26, 2001 Board meetings were presented for adoption.

ACTION: Bill Massey moved to adopt the minutes of the July 16, 25, and 26, 2001 Board meetings. Bev Wasson seconded the motion. Motion passed unanimously.

iv. Board Member Ex Parte Communication Disclosure

There were no ex parte communication disclosed

v. Public Forum

Michael Friedenborg, a property owner in the West College Avenue area, addressed the Board with his concerns on Sonoma County's groundwater Ordinance that is in the process of being revised. He stated that the revisions of the Ordinance would affect investigations in groundwater contamination, such as the investigation conducted in the West College Avenue site by the Regional Water Board staff. He also stated that the Ordinance would have an effect on other agencies conducting investigations for ground water contamination. The Ordinance will give the County the power to condemn and take over wells when they are over the maximum contamination level. Mr. Friedenborg

requested the Regional Water Board to look into other counties throughout the state to see how they are handling groundwater ordinances, so that the Regional Water Board can have input into Sonoma County's Ordinance.

Susan Warner stated that the Regional Water Board staff has been interacting with the County on the draft of the Ordinance. The Regional Water Board staff has expressed concerns in the past regarding the provision over the abandonment of wells that are over the maximum contamination level because of the chilling effect it could have on sampling of wells as part of contamination investigations. Further, alternative water supply measures, such as filters, can be put into place that can allow continued use of the well. She stated that staff will bring the Board a status report at the October board meeting.

WASTE DISCHARGE REQUIREMENTS ON THE CONSENT CALENDAR

1. **Murrish and Associates**, Old Woolen Mill Site, Humboldt County, New Waste Discharge Requirements for Onsite Soil Reuse, WDID No. 1B00166RHUM

ACTION: Bill Massey moved to adopt the Consent Calendar. Bev Wasson seconded the motion. The motion passed with a unanimous vote.

WASTE DISCHARGE REQUIREMENTS FOR DISCUSSION

2. **Geysers Power Company**, LLC, Geysers Distribution Pipeline System and Injection Project, The Geysers, Sonoma County, Renewal of Waste Discharge Requirements WDID No. 1B86002RSON was removed from the agenda until further notice

CORRECTIVE ACTION

3. **PUBLIC HEARING** to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability Issued on July 5, 2001, to **Panattoni Development** in the amount of \$7,850 for failure to timely file a Notice of Intent with the State Water Resource Control Board and failed to apply for and obtain a NPDES permit for construction activities pursuant to section 13376 of the California Water Code

Chair Crowley administered the Oath to those participating in the Public Hearing for Panattoni Development. John Short addressed the Board by giving background on Panattoni's violations and the financial amount of the Administrative Civil Liability (ACL) issued to Panattoni. He reviewed the comments received from Panattoni and the Regional Water Board staff's response to those comments. Mr. Short stated that the ACL Order was not sent to Panattoni in a timely manner due to a mix up in the mailout of the Order. Mr. Short also stated that there are new facts regarding the Order that just came to the staff's attention yesterday. However Mr. Short recommend adoption of the proposed order.

Chair Crowley gave John Short and Panattoni's representative time to discuss the information submitted to the Regional Board staff during the Board meeting. Chair Crowley, also, asked if Panattoni reviewed the ACL they received by email. Mr. Dennis Chilton acknowledged receipt of the Order by email.

Dennis Chilton, Project Manager of Panattoni Construction, stated that the lack of filing a Notice of Intent was Panattoni's error. On November 27, 2000, Panattoni submitted a late application for a Notice of Intent (NOI), and on December 1, 2000, they were notified that they were in violation for lack of an NOI. Mr. Chilton stated that they responded quickly to the violations, and have addressed all erosion control measures. He reviewed the history of the NOI and Waste Discharge ID numbers issued. He stated that Panattoni reviewed the Order that was emailed to them the day before the board meeting. He addressed items 12, 13, 14a, 14c, and 14e in the Order. Although the Water Board was not notified because of an administrative error in his office, Panattoni had BMPs in place. Mr. Chilton stated that the company believes in compliance and he requested that the Board modify the Order to a \$1500 fine.

ACTION: Chair directed staff to modify the Order to state that Panattoni received the Order by email prior to the Board meeting. Bev Wasson moved to modify the liability amount for the Panattoni Construction complaint to be \$3000 and to adopt the ACL with the Chair's modification. Bill Hoy seconded the motion. The motion was unanimously adopted

4. **PUBLIC HEARING** to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability Issued on July 6, 2001, to Forsythe Pacific (**Mayacama Golf Club**) for violations of the General Permit, Water Quality Order No. 99-08-DWQ in an amount equal to \$12,000 pursuant to section 13376 of the California Water Code

This item was removed from the agenda.

PLANNING ISSUES

5. **PUBLIC HEARING** on the Triennial Review of the North Coast Regional Water Quality Control Board's Basin Plan and Consideration of Priority List Adoption
Chair Crowley read the hearing notice for the record.

Dr. Ranjit Gill, addressed the Board by giving a brief review of the work accomplished by the Water Board staff and the Board's sub-committee. He introduced Lauren Clyde, whose presentation summarized the Triennial Review process and the day's hearing process. She stated that the Regional Water Board is responsible for reviewing and identifying portions of the Basin Plan that may be in need of modifications or additions. The Porter Cologne and the Clean Water Act require a review of the Basin Plan every three years, to keep pace with changes and regulations, new technology, policies and

physical changes within the region. She reviewed the prioritization of Basin Planning issues for 2001 Basin Plan Review. She briefly discussed the proposed seven (7) highest-ranking issues, which are to be addressed during the next three years.

The hearing was opened to the public for comments on the Triennial Review.

Miles Ferris with the city of Santa Rosa, stated that the City's comments were submitted in writing. He also stated that he thought the list was fair and indicated that the City would like to help address some of the priorities.

Brenda Adleman congratulated Susan on her appointment as the Executive Officer. She also expressed concern that the city of Santa Rosa may be increasing their discharge (via The Geyser Pipeline). She voiced her concerns on adding the warm water fishery designation as a beneficial use to the Laguna. She agreed with anything on the list that would help define the problems in the Laguna. She also stated her concerns on the mixing zone issues.

Lauren Clyde reviewed the comments received after the Triennial Review comment period deadline. She stated the concerns/comments and addressed all concerns.

ACTION: Bill Massey moved to adopt the Triennial Review of the Basin Plan and the proposed Priority List. Bev Wasson seconded the motion. The motion passed with five voice votes.

Break observed at 10:42 a.m.

OTHER BUSINESS

6. Timber Harvest Division Regulatory Coordination

Frank Reichmuth gave a review of the Regional Board's authority in the Timber Harvest plan review process. He presented background on the interagency review teams that were formed in 1976 in response to the need for CEQA compliance. He discussed the California Department of Forestry and Board of Forestry authority, responsibility and resources to direct land use on THP's. He also discussed the goals of the Management Agency Agreement.

Mr. Reichmuth summarized the recommendations for achieving changes in regulatory process, and identified three areas in particular: report to the Board areas of dispute which could not be resolved through periodic meetings between management staff and the California Department of Forestry management; the Regional Water Board could direct the Executive Officer to request a meeting of the liaison committee for developing a better dispute resolution process; and the Board could seek legislative changes to the Forest Practice Acts.

The Board could direct staff to report back on progress on a quarterly basis.

7. Update on City of Santa Rosa Wastewater Improvements

John Short introduced the Deputy City Manager of the City of Santa Rosa, Ed Brauner, who gave an update on The Geysers' Recycled Water Project. He stated that the project is underway and reported that about 25 per cent of the pipe was in the ground and the first contract had been completed. He stated that the City is considering nighttime work to minimize the impact on traffic, and suggested that the grape harvest season was going to be a significant challenge. The pump station contract has been awarded for the four pump stations that are being built. There are three additional contracts that will start next year and are scheduled to be completed within the contraction season. The project is expected to be completed at the end of 2002.

Brenda Adelman addressed the Board stating her concerns of the City of Santa Rosa asking the Board for Basin Plan revisions and the CEQA implications with the possibility that City of Santa Rosa may ask the Board to lower the standards for the Geysers project.

8. Update on City of Healdsburg Wastewater Treatment Plant

Mark Neely reported that the City of Healdsburg would like to move their discharge location to a new location called the phase 5 pond. They have submitted an application to discharge to the pond, and the staff has reviewed and commented on the application. Regional Water Board staff has not received a response to comments from the City of Healdsburg to date.

Due to prior commitment, Chair Crowley excused himself from the board meeting. Therefore, Vice Chair Massey advised the public that the Board lacked a quorum and the meeting was now a workshop.

Jim Love, a resident of the City of Healdsburg, stated that residents have concerns about Healdsburg's plan to get rid of their wastewater in pond 5. He stated that the two wells on his property would most likely be in danger.

Pete Seghesio, with Seghesio Farms in the Healdsburg area stated that the issue is that the pond is about 50-yards from their main irrigation well for their key property. Up to 70% of their water will be influenced by the Healdsburg pond.

Scot Stegeman cited various concerns with Healdsburg's plan (draft EIR). He also stated that Healdsburg's draft EIR information is inconsistent and they have not provided information for future plans addressing the growth of the City. He stated concerns whether Healdsburg could meet their Cease and Desist Order on time.

Judith Olney lives near pond 5. She stated her concern that Healdsburg's outfall project doesn't address the biological processes in pond 5. She requested that the board deny a permit for outfall into pond 5 and focus Healdsburg back on an environmentally water treatment alternative.

Mark Boomersbach, resident of Healdsburg, expressed his concerns that the Healdsburg plan to discharge wastewater will affect the drinking water of those in the

Russian River area and Healdsburg residents near pond 5. He requested that the Board deny Healdsburg's request for pond 5 discharge.

9. Request by City of Santa Rosa and County of Sonoma for \$1.0 million from Cleanup and Abatement Account, for water connections in the West College Avenue/Clover Drive area.

Luis Rivera updated the Board and reported that the number one priority for the cleanup division is addressing the contamination of PCE in the groundwater in the West College/Clover Drive community. The City and County of Santa Rosa continue their efforts to seek additional funding to enable all homes to connect to the new waterline upon completion.

Mark Bartson gave an update of the activities of the City and County's efforts. Both the City and the County advanced \$500,000 each to put in a water line in the College/Clover areas of contamination. He reviewed the current status of the contamination. He also reviewed the Cleanup and Abatement Order and staff's efforts to investigate the ability of the responsible parties' ability to pay for investigation and cleanup as well as any insurance he/she may have held during the time of the contamination.

Although the City and County advanced the \$500,000, the connection costs will be beyond the money currently available. There are 140 homes that need connection. Staff indicated that today's item was for information, and a subsequent action item would be scheduled after the complete fiscal needs could be developed.

Michael Friedenber, speaking for the West College Neighborhood Association, thanked the Board and staff for their sensitivity for the concerns and worries of the residents as they deal with the contamination in the area. Although the previous funding from the State Board has made a big difference, there is additional funding needed to continue the work; therefore the Association supports the City and County's request for additional funds.

Bob Harder of the City of Santa Rosa Utilities Department addressed the Board by making himself available to answer any questions regarding the construction and progress on any of the projects in the neighborhood. Mr. Harder stated that he is seeking additional funds for the West College/Clover Drive site. He requested that the Regional Water Board endorse their request to the State Board for additional funds.

10. Identification of Management Agency Agreements involving Water Quality Matters in California

Item 11 stands as written

11. Executive Officer Administrative Civil Liabilities

Susan Warner stated that no Administrative Civil Liabilities were issued in the prior month.

12. State and Regional Water Board Communications

Bev Wasson requested an item be placed on next months agenda requesting a letter of support from the Regional Water Board as a supporting organization of Resource Conservation District. The Resource Conservation District is trying to form a Resource Conservation and Development area that includes Lake Sonoma and Marin counties. Susan Warner stated that she would review the information and could draft a letter under the Executive Officer's signature, if appropriate.

13. Budget Priorities/Timing

Frank Reichmuth expressed that the budget project has just been completed for the year 2002/2003. We are going into the 2001/2002 budget fully staffed with 110 employees. He stated that the fund verification for the Region has been requested from the State Board.

14. Update on Legislative Concepts Papers

Frank Reichmuth reported that the Region made two legislative concept suggestions to the State Board where potential law changes could be useful, and both were regarding the Above Ground Storage Tank Program. To bring the Above Ground Storage Tank Program into conformance similar to the Underground Storage Tank, staff have suggested that funding be augmented by the same petroleum mil tax used for underground storage tanks. Staff also suggested changes be made in the Health and Safety Code so that the Regional Water Board could exercise direct regulatory actions.

EXECUTIVE OFFICER'S REPORT

Items 16, 17, 18, 19, and 20 were submitted as written reports and stand as written.

CLOSED SESSIONS

Items 21, 22, 23, 24, 25, 26, and 27 were closed session items.

There being no further business to come before this meeting body, the workshop adjourned at 4:52 PM, until the next scheduled Board meeting on September 27, 2001.

The Secretary, E. Jean Lockett, recorded the minutes of the August 23, 2001 meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board meeting.

Approved: _____ Chair

Date: _____