

**Minutes of Meeting**

8:30 A.M., Thursday, December 15, 2016  
David C. Joseph Meeting Room  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

Audio recordings of Board meetings are available at: [North Coast Water Board](#); go to the Board Info tab and click on Meetings.

**ii. Roll Call and Introductions**

Chairman Corbett introduced and welcomed our newest Board member Hector Bedolla, from Healdsburg, CA.

Board Members present: Hector Bedolla, John Corbett, Kelli Gant, Gregory Giusti, Geoffrey Hales, Valerie Minton, and David Noren

Regional Water Board staff present: Lisa Bernard, Elizabeth Beryt, Cheri Blatt, Fred Blatt, Jim Burke, Josh Curtis, Mona Dougherty, Kason Grady, Diana Henriouille, Nathan Jacobsen, Devon Jorgenson, Imtiaz-Ali Kalyan, Shin-Roei Lee, Connor McIntee, Charles Reed, Matt St. John, Brendan Thompson, and Jonathan Warmerdam

**i. Pledge of Allegiance**

Board member Gant led the Pledge of Allegiance.

**iii. Board Member Reports and Ex Parte Communication Disclosure:**

- Board member Bedolla stated that he is a Board member on the Russian Riverkeeper and that he was not involved in the development of their position taken on Item 5. Mr. Bedolla also stated that he is an Associate Director for the Sonoma County Resource Conservation District (Sonoma RCD), and in this position, he has no direct role or vote on the Board, and he is not an employee of Sonoma RCD. Board Counsel has advised him that his position in each of those organizations, does not prevent his participation and he will not need to recuse himself from the hearing on Item 5.
- Chairman Corbett stated that he has been quite active in the Eel River Sustainable Groundwater Management Act (SGMA) stakeholder process, along with testifying before the Humboldt Board of Supervisors pursuant to an Application for Exemption; he stressed that all his statements and votes cast represented his own personal opinions only. He also serves on a 501(c) 3 Foundation that raises money for College of the Redwoods but the Foundation is totally disconnected from Item 2. Chairman Corbett will also be attending

and possibly be a speaker at a conference on the Areas of Special Biological Significance (ASBS) in January.

- Board member Gant attended a Water Quality Permitting and Regulation class, UC Davis.

iv. **State Board Liaison's Report:**

The State Water Board Liaison, Steven Moore was not in attendance.

v. **Public Forum:**

Comments were taken from:

- Duane De Witt, Public
- Brenda Adelman, Russian River Watershed Protection Committee

1. **Approval of Meeting Minutes:** October, November

Motion: Board member Hales moved to postpone the October, November minutes to the February 2, 2017 meeting; Board Chairman Corbett concurred.

### Uncontested Items

2. Public Hearing on Order No. R1-2016-0041 to consider adoption of proposed Waste Discharge Requirements for College of the Redwoods Wastewater Treatment Facility, WDID No. 1B80121OHUM, NPDES No. CA0006700 (*Justin McSmith*)

3. Public Hearing to consider adoption of Order No. R1-2016-0043, requiring the College of the Redwoods to cease and desist from discharging or threatening to discharge effluent in violation of Waste Discharge Requirements Order No. R1-2016-0041 for the College of the Redwoods Wastewater Treatment Facility, WDID No. 1B80121OHUM, NPDES No. CA0006700 (*Justin McSmith*)

4. Public Hearing on Amendment Order No. R1-2016-0042 to Add North Fork Lumber Company as a Permittee to the National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R1-2013-0008, NPDES No. CA0005932, and Cease and Desist Order No. R1-2013-0009, for Korbelt Sawmill, WDID NO. 1B80020OHUM (*Justin McSmith*)

Motion: Board member Noren moved to adopt Uncontested Items 2, 3, & 4, Board member Gant seconded the motion; Chairman Corbett initiated a roll-call vote:

Bedolla aye  
Minton aye  
Hales aye

Noren aye  
 Corbett aye  
 Gant aye  
 Giusti aye

Motion passed unanimously

### Action Items

5. **Public Hearing on Order No. R1-2016-0045, to consider Renewal of the Conditional Waiver of Waste Discharge Requirements, Order No. R1-2012-0003, for Existing Cow Dairies in the North Coast Region.** Board member Minton disclosed that she is employed by Sonoma Resource Conservation District (RCD) and the RCD provides assistance to dairies in the North Coast with a 319(h) grant and her position at the RCD does not prevent her participation in this hearing, per guidance from Staff Counsel. Cherie Blatt, Water Resource Control Engineer, Southern Nonpoint Source & Forestry Unit, gave a presentation and overview of the existing Dairy Program, the future of the Dairy Program, the proposed Waiver requirements, water quality benefits, California Environmental Quality Act (CEQA) compliance, public hearing notices, and the recommendation to adopt the renewed Conditional Waiver of Waste Discharge Requirements for existing Dairies.

Comments were taken from:

- Doug Beretta, Sonoma County Farm Bureau & Beretta Dairy
- Blake Alexandre, Alexandre Dairy
- Melissa Lema, Western United Dairymen

Motion: Board member Noren moved to adopt R1-2016-0045, Board member Giusti seconded the motion; Chairman Corbett initiated a roll-call vote:

Bedolla aye  
 Minton aye  
 Hales aye  
 Noren aye  
 Corbett aye  
 Gant aye  
 Giusti aye

Motion passed unanimously

6. **Public Hearing to consider Administrative Civil Liability Order No. R1-2016-0051 against Olive Franklin, Trustee of the Charles A. Franklin & Julia F. Franklin Trust, and Daniel Franklin, 17777 Eel River Road, Mendocino County.**

Prosecution Team: Stormer Feiler, Environmental Scientist, Compliance Assurance Unit, Diana Henriouille, Senior Water Resources Control Engineer, Compliance Assurance Unit, Josh Curtis, Division Chief, Planning, Stewardship & Compliance Assurance Unit, Vanessa Young, Staff Counsel, Yvonne West, Staff Counsel, Heather Mapes, Staff Counsel, and Madalene Ransom, Economist, Office of Enforcement, State Resources Control Board, and Shin-Roei Lee, Assistant Executive Officer, North Coast Regional Board.

Advisory Team: Matt St. John, Executive Officer, North Coast Regional Board; Nathan Jacobsen, Staff Counsel, State Resources Control Board, Devon Jorgenson, Engineering Geologist, NPDES Unit.

Defense Team: Daniel Franklin, Olive “Polly” Franklin, and Ruth Bennett.

Chairman Corbett opened the hearing, introductions were made, and Chairman Corbett reviewed the following motions: 1) Prosecution motions to exclude discharger’s Exhibits 5 & 6. 2) Discharger motions to exclude Prosecutions information on Cannabis cultivation on the property including fly-over folders. Chairman Corbett overruled the motion 1) to exclude exhibits 5 & 6 including the supplemental letter written by Justin Park, and will admit them into evidence, and 2) denied the dischargers motion to exclude Prosecutions information on Cannabis cultivation on the property including fly-over folders. Discharger made an additional motion to exclude exhibits 13, 17, 18, 24 & 28; Chairman Corbett overruled the motion and the exhibits were admitted.

- Shin-Roei Lee gave opening remarks, Stormer Feiler presented the Case-in-Chief for the prosecution; Yvonne West presented the legal arguments and responses for the proposed \$381,947 Administrative Civil Liability on the Dischargers.
- Yvonne West cross-examined witnesses Richard Macedo, Branch Chief, California Fish & Wildlife, and Madalene Ransom, Economist, Office of Enforcement, State Water Board.
- Olive Franklin cross-examined Richard Macedo.
- Board members Greg Giusti, David Noren, Geoff Hales, Valerie Minton, Hector Bedolla, and Kelli Gant questioned Richard Macedo and Madalene Ransom.
- Olive Franklin presented the Case-in-Chief for the defense.
- Estelle Clifton, Registered Professional Forester, gave her personal assessment of the damaged area in question for the defense.
- Yvonne West cross-examined Estelle Clifton.
- Daniel Franklin testified to his account of the events.
- Chairman Corbett and Board members Valerie Minton, David Noren, Greg Giusti, and Geoff Hales questioned Daniel Franklin.
- Estelle Clifton and Olive Franklin gave the closing statements for the Defense.
- Yvonne West gave the closing statements for the Prosecution.

The Board members convened in closed session to deliberate the case. The Board reconvened in open session and Matt St. John, Executive Officer, Advisory Team, gave the breakdown of the penalty calculation and justification of each. The Administrative Civil Liability was revised to be \$37,079 by the Regional Water Board.

Motion: Board member Giusti moved to adopt revised R1-2016-0051, Board member Hales seconded the motion; Chairman Corbett initiated a roll-call vote:

Bedolla aye  
Minton aye  
Hales aye  
Noren aye  
Corbett aye  
Gant aye  
Giusti aye

Motion passed unanimously

### Workshops

No Workshops were scheduled

### Information Items

- 8. **Executive Officer’s Report.** Please see Executive Officer’s written report.
- 9. **Board Member Requests for Future Agenda Items.** Item was not heard.
- 10. **Other Items of Interest.** Item was not heard.
- 11. **Other Items of Interest.** Item was not heard.
- 12. **Closed session:** See Item
- 13. **Arrangements for Next Meeting and Adjournment**  
8:30 a.m., Thursday, February 2, 2017

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**Meeting adjourned** at 9:15 pm.

Chairperson \_\_\_\_\_

Date \_\_\_\_\_