



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman



Gray Davis
Governor

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52 Years Serving the North Coast Region: Portions of Sonoma, Mendocino, Marin, Humboldt, Del Norte, Trinity, Siskiyou, Lake, Glenn, and Modoc Counties

NOTICE OF PUBLIC MEETING/HEARING

Mailout date: January 2, 2003

AGENDA

REGIONAL WATER BOARD MEETING
9:00 a.m., Thursday, and Friday
January 23 and 24, 2003
Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, California

For questions regarding this agenda, please call Jean Lockett at (707) 576-2307 or FAX at (707) 523-0135. This notice and associated staff reports can be accessed electronically through our internet address: <http://www.swrcb.ca.gov/rwqcb1/> (note: agenda items should be available electronically on (January 13, 2003).

Please note that time limitations on presentations may be imposed. The Regional Water Board requests that oral testimony be summarized. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board.*

Estimated times of consideration – Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.

Thursday, January 23, 2003

9:00 a.m.**

- i. Pledge of Allegiance.
- ii. Roll Call.
- iii. Election of Officers.

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- iv. Minutes of Past Meetings.
- v. Board Member Ex Parte Communication Disclosure - Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code Section 11430.50.
- vi. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities. All persons wishing to address the Board should fill out a speaker card so that the Chair can determine the number of persons who wish to speak. **No more than 30 minutes will be allocated for the public forum in the morning; any appearances beyond this 30-minute time will be placed at the end of the regularly scheduled business.** In addition, the Chair may limit the overall time allocated to this item, if the number of speakers and the size of the agenda makes that necessary. The Chair requests that each person addressing the Board limit their presentation to three minutes. The three-minute time allocation may be shortened, as the Chair directs, to accommodate the Board meeting schedule. More lengthy items may be calendared for a future meeting.

CONSENT CALENDAR WASTE DISCHARGE REQUIREMENTS

Note: The consent items are expected to be routine and noncontroversial. It is recommended that the Board adopt these items at the beginning of the meeting without discussion. If any interested party, Board Member, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately.

1. *Order No. R1-2003-0001* **The City of Point Arena, Wastewater Treatment Facility**, Mendocino County, Revised Waste Discharge Requirements, WDID No. 1B80045OMEN.

Charles Reed

WASTE DISCHARGE REQUIREMENTS

2. *Order No. R1-2002-0105* **The Pacific Lumber Company**, Elk River, Humboldt County, Revision of Waste Discharge Requirements, WDID No. 1B02133RHUM.

Nathan Quarles

OTHER BUSINESS

3. **PUBLIC HEARING** to consider Amendment of Order No. R1-2002-0111, waiving waste discharge requirements for specific, currently active timber harvesting activities.

Nathan Quarles

California Environmental Protection Agency



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- 3A. Request by Pacific Lumber Company for regional Water Board to Waive Waste Discharge Requirements for Specific Plans in the Freshwater Creek watershed. **[Note: This item will be limited to one hour in duration. For purposes of public comment, speakers will be called in the order that the speaker cards were received. All public or other unscheduled speakers will be limited in the amount of time to address the Board on this matter. The Board encourages limiting repetitive testimony. Submittal of written comments in lieu of speaking is strongly recommended.]**

Nathan Quarles

4. Update on addressing Waivers of Waste Discharge Requirements for currently active US Forest Service Timber Sales and similar operations.

Sheryl Freeman

5. Update on Regional Water Board work efforts in considering a policy waiving waste discharge requirements for irrigation return waters.

Ben Kor

6. Update on Implementation of Assembly Bill 885, which added Chapter 4.5 (commencing with Section 13290) to Division 7 of the Water Code, relating to onsite sewage treatment systems.

Theresa Wistrom

7. Update Regarding Occidental County Sanitation District and Request by Sonoma County Water Agency for Modification of Administrative Civil Liability Order No. 97-126, Cease and Desist Order No. R1-2001-47 and Time Schedule Order No. R1-2001-48.

Cathleen Goodwin

- ~~8. Update on the State Water Resources Control Board Enforcement Policy.~~

Robert Tancreto

9. Update on the City of Santa Rosa Subregional Wastewater Treatment and Disposal System Construction, Geyers pipeline.

John Short

10. Status Report on the Implementation of the Roseland Action Plan and Related Groundwater Investigations.

Mark Bartson

11. Report by Regional Board SubCommittee for the Garcia River TMDL.

Dina Moore and Bev Wasson

Item 12 will not be heard before 1:00 p.m. For purposes of public comment, speakers will be called in the order that the speaker cards were received. All public or other unscheduled speakers will be limited in the amount of time to address the Board on this matter. The Board encourages limiting repetitive testimony. Submittal of written



comments in lieu of speaking is strongly recommended, and all written comments submitted will be duplicated for transmittal to all Board members.

Items 13-21 may be heard before 1:00 p.m., if time is available. Any items unfinished by 5:00 may be continued to January 24, 2003, or a subsequent Regional Board meeting.

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| 12. Report by CONCUR, Inc., and the Independent Science Panel: "Final report on Sediment Impairment and Effects on Beneficial Uses of the Elk River and Stitz, Bear, Jordan and Freshwater Creeks." | <i>Holly Lundborg</i> |
| 13. Update on Progress in Negotiating a Memorandum of Agreement between Regional Water Boards and the California Department of Forestry and Fire Protection. | <i>Frank Reichmuth</i> |
| 14. State and Regional Water Board Communications. | <i>Gary Carlton</i> |
| 15. Board Member requests for future agenda items. | <i>Susan Warner</i> |
| 16. Violation and Enforcement Report. | <i>Frank Reichmuth</i> |
| 17. Executive Officer Administrative Civil Liabilities. | <i>Susan Warner</i> |
| 18. Other Items of Interest. | <i>Susan Warner</i> |

EXECUTIVE OFFICER'S REPORT

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| 19. Monthly Report to the Board. | <i>Written</i> |
| 20. Leaking Underground Storage Tanks/Sewage Spills. | <i>Written</i> |
| 21. Proposition 65 Notifications. | <i>Written</i> |
| 22. Other Items of Interest. | <i>Susan Warner</i> |

Friday, January 24, 2003

8:30 a.m.

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| 23. Progress Report on Budget Implementation and Development of Priorities and Goals. | <i>Susan Warner</i> |
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CLOSED SESSIONS
(which may occur on either January 23 or January 24, 2002)

24. Closed Session. On January 23 or 24, 2003, the Regional Water Board will be meeting in closed session to discuss significant exposure to litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
25. Closed Session. On January 23 or 24, 2003, the Regional Water Board may adjourn after all adjudicatory hearings to closed session to consider evidence received and the decision to be reached. [Authority: Government Code, Section 11126, Subdivision (c)(3).]
26. Closed Session. On January 23 or 24, 2003, the Regional Water Board will be meeting in closed session to discuss whether to initiate litigation. [Authority: Government Code Section 11126, Subdivision (e)(2)(C)(i).]
27. Closed Session. On January 23 or 24, 2003, the Regional Water Board will be meeting in closed session to discuss whether to initiate litigation in the following matter [Authority: Government Code Section 11126, Subdivision (e)(2)(C)(i)]: *In re Sierra Pacific Industries, Inc.*, (referred on June 27, 2002, to the California Attorney General for potential initiation of litigation).
28. Closed Session. On January 23 or 24, 2003, the Regional Water Board will be meeting in closed session to discuss an employee evaluation. [Authority: Government Code Section 11126(a)(1).]
29. Closed Session. On January 23 or 24, 2003, the Regional Water Board will be meeting in closed session to confer with its legal counsel regarding the following pending lawsuits [Authority: Government Code Section 11126(e)(2)(A).]

Carla M. Clark et al. v. City of Santa Rosa et al., Sonoma Co. Sup. Ct., Case No. 227896;

Healdsburg Area Citizens for Wastewater Reform v. U.S. Army Corps of Engineers et al., U.S. Dist. Ct., N.Dist., case No. C-01-3118-JCS;

Humboldt Watershed Council et al v. North Coast Regional Water Quality Control Board, Humboldt Co. Sup. Ct., case No. CV 010407 (two cases);

In re L.C. Bliss & Sons Livestock Corp., 94-2036422, U.S. Bankruptcy Ct., Oregon Dist., case No. 697-60691-AER11;

McClelland et al. v. City of Santa Rosa et al., Sonoma Co. Sup. Ct., case No. 227911;

Pacific Lumber Company v. State Water Resources Control Board, Humboldt Co. Superior Court, case No. DR010860;



People of the State of California v. North Coast Railroad Authority d.b.a. North Western Pacific Railroad, Mendocino Co. Sup. Ct., case No. CV80240;

Russian River County Sanitation Dist. et al. v. State Water Resources Control Board and North Coast Regional Water Quality Control Board, Marin Co. Sup. Ct., case No. CIV 994924;

Whitman Corp. and Pneumo Abex Corp. v. California Regional Water Quality Control Board, North Coast Region, Sonoma County Superior Court (no case No.); and related case *People of the State of California, et al. v. Remco Hydraulics, Inc., et al.*, U.S. Dist. Ct., N. Dist., case No. C96-0283; and

Westside Association to Save Agriculture v. City of Healdsburg consolidated with *The People of the State of California ex. rel. California Regional Water Quality Control Board, North Coast Region v. City of Healdsburg*, Alameda Co. Sup. Ct.. case No. 2002-045680.

****Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.**

Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307, at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Unless otherwise specified in the public notice for a specific item, the Board wishes to limit oral presentations from all parties (dischargers, staff, government agencies, the public, etc.) to 0.5 hour maximum per party, but may limit testimony to 3 minutes or less per party depending on time constraints. Interested persons should submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, FAX (707) 523-0135, twelve written copies of all comments, technical reports, and other material concerning any matters on this agenda by 5:00 p.m. on January 10, 2003. This written material will be provided to the Regional Water Board Members along with the full agenda materials. In addition, persons submitting written comments and other materials should be present at the Regional Water Board Meeting and available for questions. The Board's general practice is to not accept new written materials on the day of the hearing. Comments at the above scheduled meeting should be limited to a summary of the previously submitted written materials, provided however, that upon a proper showing that information is available which was not available at the time the written materials were submitted, the Board may allow further submission of oral or written comments. If this showing is not made, the Board may refuse to accept written materials.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures may be obtained by accessing our web site at http://www.swrcb.ca.gov/water_laws/index.html.

The Regional Water Board processes requests for Water Quality Certification, pursuant to Section 401 of the Clean Water Act, to ensure that proposed federally-permitted activities will comply with the Regional Water Board's water quality standards. A listing of requests which are pending Regional Water Board staff action may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may be obtained by accessing our web site at <http://www.swrcb.ca.gov/rwqcb1>.

The Regional Water Board provides routine public notices on proposed corrective actions and closure decisions related to cleanup on contaminated sites. These routine notices are published on our web site at <http://www.swrcb.ca.gov/rwqcb1> and a copy is maintained at our office for public review.

California Environmental Protection Agency



A quorum of the members of the Regional Water Board may meet for dinner and may recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Board files pertaining to the items on this agenda are hereby made a part of the record submitted to the Regional Water Board by staff for its consideration prior to action on the related items.

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit being considered by the Regional Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to any Regional Water Board Member. This requirement applies to contributions of \$250 or more made by the active supporter or opponent or his/her agent for use in federal, state or local elections within the last 12 months.

Also, all permit applicants and/or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES Permit pending before the Regional Water Board are prohibited from making a contribution of \$250 or more to any Board Member for three months following a Regional Water Board decision on the permit application.

Any person affected adversely by a decision of the Regional Water Board may petition the State Water Resources Control Board (State Water Board), to review the decision. The State Water Board must receive the petition within 30 days of the Regional Water Board's meeting at which the action was taken. Copies of the laws and regulations applicable to filing a petition will be provided upon request.

The next Regional Water Board meeting is currently scheduled for February 27, 2003 in Fortuna.



California Regional Water Quality Control Board
North Coast Region

Board Members

William R. Massey, Chair, Forestville
Dina Moore, Vice Chair, Kneeland
Gerald D. Cochran, Crescent City
John W. Corbett, McKinleyville
John Giorgi, Gazelle
Richard D. Grundy, Santa Rosa,
Shawn P. Harmon, Ukiah
Bev Wasson, Rio Nido

Staff

Susan A. Warner, Executive Officer
Frank Reichmuth, Assistant Executive Officer, Ombudsman
Kathleen Daly, Staff Services Manager I (Administration)
Janet Mahoney, Small Business Liaison
Jean Lockett, Secretary
Sheryl Freeman, Legal Counsel
Erik Spiess, Legal Counsel

Watershed Protection Division

Robert L. Tancreto, Supervising Water Resource Control Engineer
John Short, Senior Water Resource Control Engineer (Russian River)
Thomas B. Dunbar, Senior Water Resource Control Engineer (Klamath, Trinity, Eel, Humboldt)
William Winchester, Senior Environmental Scientist (Nonpoint Source/Chapter 15)
David G. Hope, Interim Senior Environmental Scientist (Grants and Special Projects)

Timber Harvest Division

Nathan P. Quarles, Acting Supervising Water Resource Control Engineer
Christine Wright-Shacklett, Senior Engineering Geologist (North Coast)
Fred Blatt, Senior Environmental Scientist (Klamath, Trinity)
Diana Henrioulle-Henry, Senior Water Resource Control Engineer (Headwaters Unit)

Cleanup and Investigation Division

Luis G. Rivera, Supervising Water Resource Control Engineer (Central Watershed)
Mark Bartson, Senior Water Resource Control Engineer (Santa Rosa)
Tuck Vath, Senior Engineering Geologist (Northern Watershed)
Janice M. Goebel, Interim Senior Environmental Scientist (Central Watershed)

Watershed Management Division

Ranjit Gill, Supervising Environmental Program Manager I
Robert Klamt, Senior Land & Water Use Analyst (Watershed Assessment Unit)
David Evans, Senior Water Resource Control Engineer (Planning Unit)
David Leland, Senior Water Resource Control Engineer (TMDL Unit)

