



Dan Skopec  
Acting Secretary

# California Regional Water Quality Control Board North Coast Region

**William R. Massey, Chairman**

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Arnold  
Schwarzenegger  
Governor

Mailout Date: April 14, 2006

## Meeting Announcement Agenda

**10:00 a.m., Monday, April 24, 2006**

**9:00 a.m., Tuesday, April 25, 2006**

**Veterans Memorial Hall  
10<sup>th</sup> and H Streets  
Eureka, CA**

**9:00 a.m., Monday, May 8, 2006**

**Fountain Grove Inn  
101 Fountaingrove Parkway  
Santa Rosa, CA**

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. To view or download documents, go to [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast).

Comments on individual agenda items are welcome. A set of draft materials for each agenda item that will be considered by the Regional Water Board is mailed to each person on the interested parties list. If you wish to be added to our interested parties list for a specific agenda item, please contact the staff person listed with the item in this agenda notice.

For comments on an agenda item to be considered by the Regional Water Board, they must be submitted on or before the due date listed in the associated hearing notice, which is mailed to interested parties, and posted on the Regional Water Board's website. **The due date for the items on this agenda was March 24, 2006, as previously noticed.**

The Regional Water Board may refuse to accept written comments submitted after the due date in the applicable hearing notice. Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Water Board may refuse to admit written testimony or evidence into the administrative record if it is not submitted to the Regional Water Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

Agenda items are subject to postponement. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

All persons desiring to address the Board are required to fill out a **speaker card**. The Chair may then determine the number of persons who wish to speak on any one item. Cards are normally provided near the entrance to the meeting room. **The item to be considered has an associated Hearing Procedure that specifies requirements applicable to interested persons wishing to address the Board about this item. The Hearing Procedure is posted on the Board's website, will be circulated with the full agenda on April 14, 2006, and copies will be available at the hearing location.**

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chair.

## Monday, April 24, 2006

### Veterans Memorial Hall 10<sup>th</sup> and H Streets Eureka, CA

#### 10:00 a.m.

- i. Pledge of Allegiance
- ii. Roll Call and Introductions
- iii. 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.
- iv. **Public Forum** – Time will be reserved for the general public to address the Board on any matter within the Board's jurisdiction, **excluding the item on the agenda**. The Board Chair may limit the public forum to twenty (20) minutes on this day of the meeting, and continue any remaining appearances beyond the (20) minutes to be placed at the end of the regularly scheduled business on April 25, 2006. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

#### 10:30 a.m.

1. **PUBLIC HEARING - Proposed Watershed Wide Waste Discharge Requirements For Timber Harvest Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds (Draft Resolution No. R1-2006-0038, Draft Order No. R1-2006-0039; Draft Resolution No. R1-2006-0040, Draft Order No. R1-2006-0041)** (NOTE: The Board will take evidence and testimony on this matter on April 24 and 25. The Board may vote at the conclusion of the hearing or give direction to staff to make revisions to the WWDRs. The Board would consider those revised WWDRs for adoption at the May 8, 2006 Board meeting or some later date.)

**NOTE: A special Hearing Procedure governs this hearing. The Hearing Procedure is posted on the Board's website, will be circulated with the full agenda on April 14, 2006, and copies will be available at the hearing location. The Hearing Procedure specifies, among other things, that interested persons may address the Board on April 24 (but not April 25). Interested persons must submit speaker cards prior to the beginning of the hearing on this item, which is scheduled to start at 10:30 a.m. Advance submittal of speaker card information to Jean Lockett is encouraged. Speaker cards will not be accepted after the start of the hearing on this item.**

**Tuesday, April 25, 2006**

**Veterans Memorial Hall  
10<sup>th</sup> and H Street  
Eureka, CA**

**9:00 a.m.**

- v. Pledge of Allegiance
- vi. Roll Call and Introductions
- vii. 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.

**9:15 a.m.**

1. **(CONTINUED) Proposed Watershed Wide Waste Discharge Requirements For Timber Harvest Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds (Draft Resolution No. R1-2006-0038, Draft Order No. R1-2006-0039; Draft Resolution No. R1-2006-0040, Draft Order No. R1-2006-0041)** (NOTE: The Board will take evidence and testimony on this matter on April 24 and 25. The Board may vote at the conclusion of the hearing or give direction to staff to make revisions to the WWDRs. The Board would consider those revised WWDRs for adoption at the May 8, 2006 Board meeting or some later date.)

**NOTE: A special Hearing Procedure governs this hearing. The Hearing Procedure is posted on the Board's website, will be circulated with the full agenda on April 14, 2006, and copies will be available at the hearing location.**

2. Continuation of the April 24-25, 2006 meeting to Monday, May 8, 2006, in Santa Rosa.

**Monday, May 8, 2006  
Fountain Grove Inn  
101 Fountaingrove Parkway  
Santa Rosa, CA**

**9:00 a.m.**

- i. Pledge of Allegiance
- ii. Roll Call and Introductions
- iii. 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.
- iv. **Public Forum** – Time will be reserved for the general public to address the Board on any matter within the Board’s jurisdiction, **excluding the item on the agenda**. The Board Chair may limit the public forum to twenty (20) minutes on this day of the meeting, and continue any remaining appearances beyond the (20) minutes to be placed at the end of the regularly scheduled business on May 8, 2006. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

**9:30 a.m.**

1. **(CONTINUED) Proposed Watershed Wide Waste Discharge Requirements For Timber Harvest Plan Activities Conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds (Draft Resolution No. R1-2006-0038, Draft Order No. R1-2006-0039; Draft Resolution No. R1-2006-0040, Draft Order No. R1-2006-0041)** (NOTE: The Board will not take evidence and testimony on this matter, but will consider oral comments on any proposed revisions to the WWDRs made since the April 24-25, 2006 hearing. It is anticipated that the Board will vote on the WWDRs at the conclusion of the meeting on May 8, 2006.)

**NOTE: A special Hearing Procedure, attached to this agenda, governs this hearing. Additional information will be provided following the April 24-25, 2006 hearing regarding time allocations and other constraints applicable to the May 8, 2006 hearing.**

### Closed Session

3. The Board may meet in closed session to:
  - a. consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)];
  - b. consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against a public employee [Authority: Government Code Section 11126(a)(1)];
  - c. discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)];
  - d. discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)] including, but not limited to, the following matters: (*In re Talmage Dam* [consider referral of sediment discharge from dam operated by Mendocino County to Attorney General’s Office]); and
  - e. discuss initiated litigation in the following matters [Authority: Government Code Section 11126(e)]:
    - i. *Carla M. Clark et al. v. City of Santa Rosa et al.*, Sonoma Co. Sup. Ct., Case No. 227896 (alleging tort liability against the City, County and State relating to groundwater contamination from private commercial activities);

- ii. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV-030650 (challenging 13267 orders);
  - iii. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV 030761 (challenging request for reports of waste discharge in Freshwater Creek);
  - iv. *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 (Consent Decree);
  - v. *Whitman Corp. and Pneumo Abex Corp. v. California Regional Water Quality Control Board, North Coast Region*, Sonoma County Sup. 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 (Consent Decree); and
  - vi. *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.
  - vii. *People, et al. v. Stuyvesent et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from a fuel oil spill in Humboldt Bay several years ago).
  - viii. *People, et al. v. KURE Shipping S.A., et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from another fuel oil spill in Humboldt Bay several years ago).
  - ix. *John W. Hanes et al. v. North Coast Regional Water Quality Control Board*, Mendocino County Superior Court, Case No. SCUK CVPT 0492211 (challenging administrative civil liabilities and their basis).
  - x. *John Green; Green Right O'Way Constructors v. North Coast Regional Water Quality Control Board*, Mendocino Co. Superior Court, Case No. CV0595697 (challenging ACL order).
  - xi. *Hopland Public Utility District v. California Regional Water Quality Control Board, North Coast Region*, Mendocino Co. Superior Court, Case No. SCUKCVPT 05-96035 (challenging ACL order).
  - xii. *The Pacific Lumber Company, et al v. the State of California, et al* (December 12, 2005). Claim filed with the California Victim Compensation and government Claims Board, alleging breach of contract, promissory estoppel, interference with contract, and promise made without intent to perform -- all relating to the "Headwaters Agreement."
  - xiii. *In re Petition of Exxon Mobil Corp.*, SWRCB/OCC File No. 1725.
  - xiv. *In re Petition of Shiloh Group LLC*, SWRCB/OCC File No. A1733.
4. Arrangements for Next Meeting and Adjournment  
**Wednesday, May 16 and 17, 2006**  
**River Lodge Conference Center**  
**1800 Riverwalk Drive**  
**Fortuna, CA 95540**

## Procedures and Notes

**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 Board are not conducted pursuant to Government Code Section 11500 et seq.**

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 except for Closed Session items as announced at the meeting.

**Accessibility** - The facility is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307 or [JLockett@waterboards.ca.gov](mailto:JLockett@waterboards.ca.gov) at least 5 working days prior to the meeting. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**General Statement** - The primary duty of the Regional Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Quality Control Board come from the state's Porter-Cologne Water Quality Act and the nation's Clean Water Act.

**Presentations** - The purpose of the meeting is for the Regional Water Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Regional Water Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Regional Water Board to take the appropriate action.

In order to give everyone an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Interested persons are encouraged to submit their comments in writing by the applicable due date and use time for oral comments to summarize those concerns. **Speakers should plan to deliver their oral comments within 3 minutes.** If a longer period of time is desired, speakers will be expected to notify the Regional Water Board staff prior to the meeting date, for scheduling purposes. The speaker will be expected to have submitted a written summary of the comments to be delivered by the due date for the associated agenda item and limit oral comments to a summary of pertinent points previously presented in writing.

**If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Board members and staff.**

Comments on agenda items will be accepted by electronic mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed 5 printed pages in length.

Speakers are responsible for providing and operating projectors and other presentation aids. Some equipment may be available at the Board meeting; however, the type of equipment available will vary depending on the meeting location. **To ascertain the availability of presentation equipment please contact Jean Lockett at (707) 576-2307 or [JLockett@waterboards.ca.gov](mailto:JLockett@waterboards.ca.gov) at least 5 working days prior to the meeting.**

**Hearing Record** - Material presented to the Regional Water Board, as part of testimony that is to be made part of the record must be left with the Regional Water Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Regional Water 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.

**Contributions to Regional Board Members** - All persons who actively support or oppose the adoption of waste discharge requirements or a National Pollutant Discharge Elimination System (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 Regional Water Board Member for three months following a Regional Water Board decision on the permit application.

**Water Quality Certifications** - 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 that are pending may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may also be obtained by accessing our web site at [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

**Notices of Proposed Corrective Actions** - 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 [www.waterboards.ca.gov](http://www.waterboards.ca.gov) and a copy is maintained at our office for public review.

**Petition of Regional Board Action** - 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, and may also be accessed at: [www.waterboards.ca.gov/wqpetitions/index.html](http://www.waterboards.ca.gov/wqpetitions/index.html)

If the State Water Board accepts a petition for review, the Regional Water Board will be required to file the record in the matter with the State Water Board. The costs of preparing and filing the record are the responsibility of the person(s) submitting the petition. The Regional Water Board will contact the person(s) submitting a petition and inform them of the payment process and any amounts due.

Board Member	Appointment Category	Last Appointed
<b>William Massey, Chairman</b> <i>Corning</i>	County Government	12/02/05
<b>John Corbett, Vice Chairman</b> <i>McKinleyville</i>	Irrigated Agriculture	11/30/04
<b>Bob Anderson</b> <i>Healdsburg</i>	Irrigated Agriculture	12/02/05
<b>Gerald Cochran</b> <i>Crescent City</i>	Public	11/16/02
<b>Heidi Harris</b> <i>Salyer</i>	Recreation, Fish and Wildlife	02/04/05
<b>Teejay Lowe</b> <i>Santa Rosa</i>	Water Quality	12/02/05
<b>Beverly Wasson</b> <i>Rio Nido</i>	Water Quality	12/02/05
Vacancy	Industrial Water Use	
Vacancy	Municipal Government	

<b>Art Baggett</b>	State Board Liaison
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Lead Staff	
Catherine Kuhlman	Executive Officer
Luis Rivera	Assistant Executive Officer
Janet Mahoney	Small Business Liaison
E. Jean Lockett	Executive Assistant
Sheryl Schaffner	Counsel to the Board
Samantha Olson	Counsel to the Board

Watershed Protection Division	
John Short	Supervisor, Core-regulatory Unit
Thomas B. Dunbar	Supervisor, Enforcement Unit
Diana Henriouille	Supervisor, North Coastal NPS Unit
Tuck Vath	Supervisor, Northern Cleanups Unit
David Evans	Supervisor, Southern Cleanups Unit
William Winchester	Supervisor, Grants and Special Projects

Timber Harvest Division	
Robert R. Klamt	Division Chief
Christine Wright-Shacklett	Supervisor, Southern Timber Unit
Fred Blatt	Supervisor, Northern Timber Unit
Mark Neely	Supervisor, Special Projects Unit

Watershed Management Division	
Ranjit Gill	Division Chief
David Leland	Supervisor, TMDL Unit
Holly Lundborg	Lead, Basin Planning Unit



