



Alan C. Lloyd, Ph.D
Agency Secretary

California Regional Water Quality Control Board North Coast Region

Beverly F. Wasson, Chairperson

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Arnold
Schwarzenegger
Governor

Mailout Date: September 2, 2005

Hearing Announcement Agenda

**8:30 a.m., Wednesday, September 14, and Thursday,
September 15, 2005
Ferndale Community Center
Firemen's Park
100 S. Berding Street
Ferndale, CA**

**8:30 a.m., Tuesday, September 27, 2005
Mary Agatha Furth Center
8400 Old Redwood Hwy
Windsor, CA 95472**

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.

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 August 8, 2005, 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 attached Hearing Procedure specifies constraints applicable to interested persons wishing to address the Board about this item.**

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.

Wednesday, September 14, 2005

Ferndale Community Center
Firemen's Park
100 S. Berding Street
Ferndale, CA

8:30 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 September 15, 2005. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

9:00 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 (Resolution No. R1-2005-0064, Order No. R1-2005-0065; Resolution No. R1-2005-0066, Order No. R1-2005-0067)** (NOTE: The Board will take evidence and testimony on this matter on September 14 and 15, and may give direction to staff at the conclusion of the meeting time. A vote on the adoption of proposed WWDRs will not occur until the September 27, 2005, Board meeting date.)~~

NOTE: A special Hearing Procedure, attached to this agenda, governs this hearing. The Hearing Procedure specifies, among other things, that interested persons must submit speaker cards prior to the beginning of the hearing on this item, which is scheduled to start at 9:00 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.

Thursday, September 15, 2005

Ferndale Community Center
Firemen's Park
100 S. Berding Street
Ferndale, CA

8:30 a.m.

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

9:00 a.m.

- 2. ~~(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 (Resolution No. R1-2005-0064, Order No. R1-2005-0065; Resolution No. R1-2005-0066, Order No. R1-2005-0067)~~ (NOTE: The Board will take evidence and testimony on this matter on September 14 and 15, and may give direction to staff at the conclusion of the meeting time. A vote on the adoption of proposed WWDRs will not occur until the September 27, 2005, Board meeting date.)

NOTE: A special Hearing Procedure, attached to this agenda, governs this hearing.

- 3. Continuation of the September 14-15, 2005 meeting to Tuesday, September 27, 2005, in Windsor.

Tuesday, September 27, 2005

Mary Agatha Furth Center
8400 Old Redwood Hwy
Windsor, CA 95472

8:30 a.m.

- ix. Pledge of Allegiance
- x. Roll Call and Introductions
- xi. 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.

- xii. ~~**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 September 27, 2005. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

~~9:00 a.m.~~

4. ~~**(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 (Resolution No. R1-2005-0064, Order No. R1-2005-0065; Resolution No. R1-2005-0066, Order No. R1-2005-0067)**~~ (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 September 14 and 15, 2005 meeting. It is anticipated that the Board will vote on the WWDRs at the conclusion of the hearing on September 27, 2005.)

NOTE: A special Hearing Procedure, attached to this agenda, governs this hearing. Additional information will be provided following the September 14-15, 2005 hearing regarding time allocations and other constraints applicable to the September 27, 2005 hearing.

Closed Session

5. The Board may meet in closed session on either September 14, 15, or 27, 2005, 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 in the following matters [Authority: Government Code Section 11126(e)(2)(C)(i)]: *In re McNamara & Peepe Corporation (U.S. Bankruptcy Court, Northern District of California, case no. 82-00550, referred on August 22, 2002, to the California Attorney General for potential initiation of litigation).*
 - e. discussion of 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 v. State Water Resources Control Board*, Calif. Supreme Court, Case No. S124464 (challenge re 520 monitoring order and authority of Water Boards);
 - 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-030650 (challenging 13267 orders);
 - iv. *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);
 - v. *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;

- vi. *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; and
- vii. *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.
- viii. *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).
- ix. *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).
- x. *In re Petition of Calvin and Winifred Chang* (SWRCB/OCC File No. A-1535).
- xi. *In re Petition of Betty A. Marshall* (SWRCB/OCC File No. A-1652).
- xii. *John W. Hanes et al. v North Coast Regional Water Quality Control Board*, Mendocino County Superior Court, Case No. SCUJ CVPT 0492211 (challenging administrative civil liabilities and their basis).
- xiii. *In re Petition of Hopland Public Utilities District* (SWRCB/OCC File No. A-1698).
- xiv. *In re Talmage Dam* (consider referral of sediment discharge from dam operated by Mendocino County to Attorney General's Office).

6. Arrangements for Next Meeting and Adjournment

Wednesday, October 12, 2005
Regional Water Board – North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

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 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 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 which 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

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 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: [http:// 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
Beverly Wasson, Chairperson <i>Rio Nido</i>	Irrigated Agriculture	11/30/01
John Corbett, Vice Chairman <i>McKinleyville</i>	Municipal Government	11/30/04
Gerald Cochran <i>Crescent City</i>	Public	11/19/02
Richard Grundy <i>Santa Rosa</i>	Water Quality	11/30/01
Heidi Harris <i>Salyer</i>	Recreation, Fish and Wildlife	02/04/05
Dennis Leonardi <i>Ferndale</i>	Industrial Water Use	02/04/05
Clifford Marshall <i>Hoopla</i>	Municipal Government	02/07/05
William Massey <i>Forestville</i>	County Government	10/30/03
Sari Sommarstrom <i>Etna</i>	Water Quality	02/04/05

Tam Doduc	State Board Liaison
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Lead Staff	
Catherine Kuhlman	Executive Officer
Luis Rivera	Assistant Executive Officer
Patricia Gorup	Interim Staff Services Manager I
Janet Mahoney	Small Business Liaison
E. Jean Lockett	Secretary
Sheryl Schaffner	Counsel to the Board
Erik Spiess	Counsel to the Board
David Boyers	Counsel to the Board

Watershed Protection Division	
Robert L. Tancreto	Division Chief
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	Acting 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
David Hope	Supervisor, Planning Unit