

**MINUTES OF MEETING**

November 29, 2006  
Regional Water Board  
5550 Skylane Blvd., Ste. A  
Santa Rosa, CA 95403

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**Wednesday, November 29, 2006**

1:30 p.m.

The Chairman, William Massey, opened the meeting at 2:25 p.m.

**i. Pledge of Allegiance**

Bob Anderson led the Pledge of Allegiance

**ii. Roll Call and Introductions**

Board Members present: Bob Anderson, John Corbett, Mike Dunker,  
Samuel Wakim and William Massey

Absent: Heidi Harris

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Samantha Olson, John  
Short, Charles Reed, Mona Dougherty, Cathleen Goodwin,  
David Leland, Linda Kryla, Holly Lundborg, Matt St. John,  
Greg Nash, Michelle Bautista, and Jean Lockett

**iii. Board Member Ex Parte Communication Disclosure**

There were no reports of ex parte communication.

iv. Resolution No. R1-2006-0072, Expressing Appreciation to **Teejay Lowe**

v. Resolution No. R1-2006-0099, Expressing Appreciation to **Sheryl L. Schaffner**, Esq.

Chair Massey read the resolution for Sheryl L. Schaffner, Esq.

MOTION: John Corbett moved to adopt Resolution  
No. R1-2006-0099. Bob Anderson seconded the  
motion. Motion passed unanimously.

vi. **State Board Liaison's, Board Chair's, Board Members' and Executive Officer's Reports:**

There were no presentations on these items.

vii. **Public Forum**

There were no public speaking cards.

1. **Approval of Meeting Minutes: September 2006**

MOTION: Bob Anderson moved to adopt the September Minutes of Meeting. John Corbett seconded the motion. Motion passed unanimously.

2. **Regional Water Board 2007 Meeting Schedule**

The Board suggested rescheduling the January board meeting to the second week in February to accommodate several Board members' schedules.

MOTION: Bob Anderson moved to change the January 2007 board meeting to February 7 and 8, 2007, and adopt the schedule as amended. Sam Wakim seconded the motion. Motion passed unanimously.

3. **Status on Strategic Planning**

Catherine Kuhlman, Regional Water Board Executive Officer, gave an update on the Strategic Planning status. Ms Kuhlman briefly touched on the Regional Water Board's priorities indicating that she will follow up with specific briefings throughout the year.

Ms. Kuhlman covered the following points:

- The region's priorities that is consistent with the governor's action plan and statewide strategic plan;
- The Regional Water Board's plan is reactive vs. comprehensive; and

She stated that the Regional Water Board is charged with maintaining a high level of water quality through the federal Antidegradation Policy which has been incorporated into the Regional Board's Basin Plan. Ms. Kuhlman said that the five Regional Water Board goals are:

- Water Quality Monitoring/Assessment,
- Protect Surface Water Beneficial Uses,
- Groundwater protection and clean up,
- Permitting and Enforcement, and
- Effective Management.

She concluded her presentation by indicating that the Regional Water Board has been hit hard by a diminished budget. However, she voiced her appreciation for staff's continued resilience, humor, and technical capability.

### Consent Items

4. Order No. R1-2006-0100, to consider rescission of Order No. R1-2006-0048, Waste Discharge Requirements (WDRs) for **Optical Coating Laboratories**, Incorporated, 2789 Northpoint Parkway, Santa Rosa, WDID No. 1B88067NSON, NPDES No. CA00024694
5. Order No. R1-2006-0107, to consider **General Waste Discharge Requirements** for discharges resulting from the addition of chemical oxidants to soils and/or groundwater
6. Order R1-2006-0105, to consider new Waste Discharge Requirements for In-situ Treatment of Contaminated Soil for **Ecodyne Corporation** WDID No. 1B820500SON

*Item 6 was moved from the consent calendar to the February 2007 agenda.*

7. Order No. R1-2006-0085, proposed Waste Discharge Requirements Order No. R1-2006-0085 for **Klamath Ranch Resort and Blue Heron RV Park** Wastewater Treatment Facility WDID No. 1A03065RSIS
8. Order No. R1-2006-0021, proposed amendments to Waste Discharge Requirements Order No. R1-2006-0021 for **City of Rio Dell** Wastewater Treatment Facility NPDES Permit NPDES No. CA0022748 WDID No. 1B83134OHUM

*Item 8 was moved from the consent calendar due to a lack of a quorum.*

MOTION: John Corbett moved to adopt the consent calendar as amended. Samuel Wakim seconded the motion. Motion passed unanimously.

### Consent Items

(Requiring a Roll Call Vote)

9. PUBLIC HEARING to consider Order No. R1-2006-0109, adoption of Cease and Desist Order revising the Compliance Schedule in Cease and Desist Order No. R1-2005-0087 and allow minimal connections to the **City of Ferndale** Wastewater Treatment Facility WDID No. 1B831360HUM, NPDES No. CA0022721

MOTION: John Corbett motioned to adopt Order No. R1-2006-0109 for the purpose of discussion. Samuel Wakim seconded the motion.

Samantha Olson stated that a late comment was received that raised an objection to the use of a categorical exemption under CEQA for sites on the Cortese List. She stated that the categorical exemption was appropriate in this case because the project did not meet the definition of a hazardous site that requires listing under Government Code section 65962.5, and the Chair had discretion to exclude the late comment from the record. There were no objections to Ms. Olson's recommendation.

Roll call vote:

Bob Anderson	Yes
Samuel Wakim	Yes
John Corbett	Yes
William Massey	Yes
Mike Dunker	Yes

10. PUBLIC HEARING to consider Order No. R1-2006-0108, adoption of Cease and Desist Order revising the Compliance Schedule in Cease and Desist Order No. R1-2004-0095 and allow minimal connections to the **City of Willits** Wastewater Treatment Facility WDID No. 1B800780MEN, NPDES No. CA0023060

MOTION: John Corbett motioned to adopt Order No. R1-2006-0108 for the purpose of discussion and adopt as amended. Samuel Wakim seconded the motion.

Samantha Olson stated that a late comment was received that raised an objection to the use of a categorical exemption under CEQA for sites on the Cortese List. She stated that the categorical exemption was appropriate in this case because the project did not meet the definition of a hazardous site that requires listing under Government Code section 65962.5, and the Chair had discretion to exclude the late comment from the record. There were no objections to Ms. Olson's recommendation.

Roll call vote:

Bob Anderson	Yes
Samuel Wakim	Yes
John Corbett	Yes
William Massey	Yes
Mike Dunker	Yes

## Status Reports

### 11. Klamath Basin TMDLs and Related Issues Update

#### 1) Status of Klamath River TMDL Development

Matt St. John, Regional Water Board staff, provided an update to the Board on the status of Klamath River TMDL development. Regional Water Board staff is working with Oregon Department of Environmental Quality, and US EPA Regions 9 and 10 to develop the technical analysis of these TMDLs, with technical support by Tetra Tech. Analysis to date has confirmed temperature, dissolved oxygen, and nutrient water quality impairments that are impairing the cold water habitat and related beneficial uses, as well as recreational and municipal supply uses. Water quality models are being applied, as the principle analytic tool in developing the TMDLs. The models have been calibrated, and the technical team is in the process of running model scenarios that will allow computation of load and waste load allocations.

## **2) Klamath Fish Kills and Disease**

Katharine Carter, Regional Water Board staff, addressed the Board by providing information on the Klamath Fish Health Assessment Team (KFHAT) that was created in response to the 2002 adult fish kill in the Klamath River due to poor water quality conditions. She reported that over 34,000 fish died as a result of a disease epizootic which was exacerbated by the water conditions.

Ms. Carter stated that KFHAT was formed with the purpose of providing early warning in the event of another fish kill event. KFHAT has created a plan for responding to fish kills in the Klamath River and is capable of initiating a very large coordinated response should it be deemed necessary. KFHAT is coordinated by Regional Water Board staff and consists of numerous state and federal agencies, tribes, and private groups.

## **3) Klamath Blue Green Algae**

Elmer Dudik, Regional Water Board staff, gave a presentation on documented toxic blue-green algae blooms along the Klamath River. The Blue-Green algae, *Microcystis aeruginosa* (MSAE) occurred in 2004 in Copco Reservoir. In the summers of 2005 and 2006, both Copco and Iron Gate reservoirs (the lowermost reservoirs of PacifiCorp's Klamath Hydropower Project) experienced prolonged blooms of MSAE, and high levels of microcystin. The Regional Water Board staff posted both reservoirs with a recreational advisory to avoid water contact due to a possibility of adverse health effects. In determining whether blue-green algae and their associated toxins exceeded Basin Plan Narrative Water Quality Objectives the Regional Water Board interprets the World Health Organization's guidelines for both microcystin toxin and *Microcystis aeruginosa* concentrations. Water quality objectives that were likely violated included Toxicity, Biostimulatory Substances, Tastes and Odors, and Floating Material. It was also determined that a number of Basin Plan Beneficial Uses of Water were, or may have been negatively affected. These included Water Contact and Non-Contact Recreation, Municipal and Domestic Water Supply, Commercial and Sport Fishing, and Native American Cultural uses.

Mr. Dudik stated that through the collective efforts of PacifiCorp, tribal, state, federal authorities, Siskiyou County Public Health Department, and California Department of Health Services, the North Coast Regional Water Board staff will have the ability to fully assess the potential risks to the beneficial uses of water where blooms of toxin producing blue-green algae occur.

## **4) Update on Scott and Shasta River TMDL Implementation Work Plans**

Andrew Baker, Regional Water Board staff, provided an overview on the status of the Scott and Shasta River TMDL Implementation efforts. He reported that the Scott River TMDL received final approval in September 2006, and its Implementation Workplan is in its final stages. Mr. Baker indicated that the Regional Water Board staff is working with watershed stakeholders at this final stage.

He concluded by saying that the Shasta TMDL was approved by the Regional Water Board in August 2006 and is awaiting final approval by the USEPA and Office of Administrative Law. Staff presented the Board with a draft Shasta River TMDL Implementation Workplan during the meeting.

12. Update on funding for the North Coast **Integrated Regional Water Management Step 2** Implementation Grants. (*J. Mackenzie and K. Gaffney*)

Jake Mackenzie, counsel member of the City of Rohnert Park and the vice-chair of the Integrated Regional Water Management Step 2, gave a presentation to the Board to giving them an update on the activities of the Integrated Regional Water Management Step 2. Mr. Mackenzie stated that when Proposition 50 was passed it required that the water bond initiative be implemented jointly by the department of Water Resources and the State Water Resources Control Board to encourage integrated regional strategies for management of water resources. The participating north coast counties were: Modoc, Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Sonoma.

Mr. Mackenzie gave an overview of the short and long term goals of the North Coast IRWMP, and thanked all those who participated in planning, meetings, and assisted in other activities to make the North Coast IRWMP work.

### **Petition for Reconsideration**

13. Petition for Reconsideration of Monitoring and Reporting Program Order No. R1-2006-0103, issued by the Executive Officer pursuant to Watershed-wide Waste Discharge Requirements for Timber Harvest Plan Activities Conducted by the **Pacific Lumber Company et al.** in the Elk River and Freshwater Creek watersheds (Resolution No. R1-2006-0038, Order No. R1-2006-0039, Resolution No. R1-2006-0040, and Order No. R1-2006-0041). The Regional Water Board will hear comments/argument and will consider whether to schedule an action item at a later date.

Chairman Massey read the procedures and time allotment to each speaker that was scheduled to give a presentation for this item.

Mark Neely, Regional Water Board staff, gave an overview of the Watershed-wide Waste Discharge Requirements for Timber Harvest Plan Activities conducted by the **Pacific Lumber Company et al.** in the Elk River and Freshwater Creek watersheds. He gave brief details on the effects of the WWDRs on the rate of harvest in Elk River and Freshwater Creek.

Mark Lovelace and Cletus Isbell, watershed residents, requested the Board to reopen Palco's Watershed-wide WDRs, as they believed the "Tier Two" process did not meet the intent of the Board. "Tier Two" was the method whereby additional acres could be enrolled beyond the limits set by the landslide model.

Staff recommended against reopening the WWDRs, as they believe the Board's intent was met. The Board agreed with staff and took no action.

### **Action Item**

14. PUBLIC HEARING Resolution No. R1-2006-0110, to consider rescinding the portions of the proposed **Basin Plan** amendment in Resolution R1-2004-0011 (Authorizing Schedules of Compliance in NPDES Permits) not approved by U.S. EPA by November 29, 2006.

This item was removed from the agenda.

### **Information Items**

#### **15. Executive Officer Administrative Civil Liabilities**

There were no reports.

#### **16. Board Member Requests for Future Agenda Items**

There were no requests from Board members.

#### **17. Monthly Report to the Board**

This was a written item.

#### **18. Other Items of Interest**

#### **19. Closed Session**

There were no reports from closed session.

There being no further business to come before the Regional Water Board, the meeting adjourned at 3:25 p.m. The next Regional Water Board Meeting is scheduled for February 7 and 8, 2007, in Santa Rosa.

Chairman \_\_\_\_\_

Date: \_\_\_\_\_