

**Minutes of Meeting**

8:30 A.M., December 11, 2008  
Regional Water Board Office  
David C. Joseph Hearing Room  
5550 Skylane Blvd., Ste A  
Santa Rosa, CA 95403

*Audio recordings of board meetings are available at [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast); go to the Board Info tab and click on Meetings.*

8:36 a.m.

**i. Pledge of Allegiance**

Mike Dunker led the pledge of allegiance.

**ii. Roll Call and Introductions:**

Board Members present: Bob Anderson, John Corbett, Carol Dean, Mike Dunker, Geoffrey Hales, William Massey, and David Noren

Absent: Heidi Harris

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Samantha Olson, Kim Niemeyer, Robert Klamt, David Leland, Holly Lundborg, David Leland, Nick Weil, Lisa Bernard, Cathy Goodwin, Jonathan Warmerdam, Clayton Creager, Greg Nash, Drew Bayless, Patti Corsie, and Jean Lockett

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

William Massey reported that he met with elected official to discuss AB885 Onsite Wastewater Treatment Systems (OWTS). OWTS proposed regulations, statewide conditional waiver and draft environmental impact report will be held on January 27, 2009 at the Wells Fargo Center for the Arts, 50 Mark West Springs Road, Santa Rosa.

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

Board Chair reported that the monthly Chair's meeting discussion was on the budget and that there was little to report.

The State Board Liaison was unable to attend this meeting because of conflict in his schedule.

**v. Public Forum:**

Comments were taken from:

There were no comments for the public forum.

**1. Approval of Meeting Minutes: October 2008**

Motion: John Corbett moved to adopt the October 2008 Meeting Minutes. Mike Dunker seconded the motion. Motion passed unanimously.

**Uncontested Items**

2. Public Hearing on Order No. R1-2008-0119 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order requiring penalty payment in the Amount of \$10,000.00 for failure to submit a Report of Waste Discharge as required under Section 13264 of the California Water Code and failure to apply for a State Dredge and Fill Permit in the matter of **Laurence A. Kluck**
3. Public Hearing on Order No. R1-2008-0112 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for discharges in violation of the Water Quality Control Plan for the North Coast Region and State Water Resources Control Board Order No. 2006-0003-DWQ, in the matter of **Humboldt Community Services District**, WDID No. 1SSO11419, Humboldt County

Motion: William Massey moved to adopt the uncontested Items. John Corbett seconded the motion. Motion passed unanimously.

**Information Item**

4. **Green Diamond Resource Company** presentation on their Aquatic Habitat Conservation Plan

Matt House of Green Diamond Resource Company provided a 20 minute overview of their Aquatic Habitat Conservation Plan (AHCP). The AHCP provides stream protection and slope stability measures, addresses harvest-related ground disturbance and road management activities, and contains monitoring and adaptive management. The AHCP provides coverage for incidental take of listed aquatic species under the Federal Endangered Species Act.

**Public Hearings**

5. Public Hearing to consider Order No. R1-2008-0110 amending and supplementing Cease and Desist Order No. R1-2006-0109 requiring the **City of Ferndale** Wastewater Treatment Facility to Cease and Desist from discharging or threatening to discharge effluent in violation of Waste Discharge Requirements Order No. R1-2008-0038

Chairman Anderson administered the Oath to those who expected to testify.

Lisa Bernard, Regional Water Board staff, gave the presentation to the board.

Comments were taken from:

Doug Culbert, representing the City of Ferndale

Motion: William Massey moved to adopt Order No. R1-2008-0110. David Noren seconded the motion. Motion passed unanimously.

William Massey left the board meeting prior to the Graton CSD item.

6. Public Hearing on Order No. R1-2008-0109 to consider a proposed Cease and Desist order for **Graton Community Services District** Wastewater Treatment Facility, Waste Discharge Requirements Order R1-2004-0038, WDID No. 1B84060OSON

Chairman Anderson administered the Oath to those who expected to testify.

Cathy Goodwin, Regional Water Board staff, gave the presentation.

Motion: John Corbett moved to adopt Order No. R1-2008-0109 with amendments. Carol Dean seconded the motion. Motion passed. William Massey not present for motion.

### Information Items

7. Update on **Garcia TMDL** Implementation

Jonathan Warmerdam, Regional Water Board staff, provided an overview of the Garcia River watershed history and an update of the TMDL Action Plan to the Board. Several invited landowners and stakeholders also provided feedback on the TMDL Action Plan and their individual implementation challenges and successes.

Comments were taken from:

Alan Levine, representing Coast Action Group

8. Update on **Draft Klamath River Dissolved Oxygen, Organic Matter, Nutrients, and Chlorophyll a TMDL**

Clayton Creager, Regional Water Board staff, gave the presentation.

Comments were taken from:

Susan Corum, representing the Karuk Tribe

Erica Terence, representing Klamath Riverkeeper

Board member Geoffrey Hales complimented the Regional Water Board staff and other speakers on their presentation. He requested that the record reflect the recommendation that staff or the Executive Officer figure out how the Regional Water Board staff could best work with the signatory parties to the Agreement In Principle, to identify any gaps and come up with collaborative solutions.

John Corbett left the meeting room before Board member Hales' recommendation and the Board Chair's concurrence.

9. **Presentation on the 2008 Forest Fires: Extent, impact, and mitigations**

The presentation for this item was postponed to a future board meeting.

10. **Executive Officer's Report**

Catherine Kuhlman pointed out the Dwinnell article in the Executive Officer's Report. She also briefed the board on:

A petition that was submitted to the State Board petitioning the Regional Water Board's WDRs monitoring program for Elk and Freshwater was dismissed by the State.

The City of Santa Rosa received a prestigious award from US EPA for their pretreatment program as a result of the North Coast Regional Water Board nomination. The award is only given to three or four Wastewater Treatment Plants in the country each year.

The MS4 Stormwater Permit scheduled for the January 2009 Board Meeting received extensive comments. Regional Water Board staff is going through the permit with the permittees in response to their request for clarification of the permit. As a result, the permit will be delayed by six months.

11. **Board Member Requests for Future Agenda Items**

There were future agenda items requested.

12. **Other Items of Interest**

There were no items of interest discussed.

13. **Closed Session**

Chair Anderson reported that the Board directed the Regional Board staff to refer to the Attorney General's Office for prosecution in Superior Court violations of Regional Board orders by Occidental CSD.

There being no further business to come before the Regional Water Board, the meeting adjourned at 3:41 p.m. The next Regional Water Board Meeting is scheduled for January 29, 2009, in Santa Rosa, California.

Chairperson: \_\_\_\_\_

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