

**DRAFT**

**MINUTES OF MEETING**

April 25 and 26, 2007  
Regional Water Board  
5550 Skylane Blvd., Ste. A  
Santa Rosa, CA 95403

*Board Meeting audio recordings are available at [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast). Click on board meetings.*

**Wednesday, April 25, 2007**

**1:30 p.m.**

**i. Pledge of Allegiance**

William Massey led the pledge of allegiance

**ii. Roll Call and Introductions**

John Corbett, Bob Anderson, Mike Dunker, William Massey, Heidi Harris, Geoffrey Hales, and Sam Wakim

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

There were no ex parte communications reported.

**1. Public Outreach Session - 2007 Water Boards Strategic Plan Update**

The Water Boards conducted the 2007 Water Boards Strategic Plan Update workshop in Santa Rosa. A series of forums are being conducted over the next few months to receive input from stakeholders and staff about what should be in the plan update. Key areas were identified as a point of focus for the Regional Boards to consider in planning for the next five years.

Chairman Corbett opened the meeting and introduced the board members and State Water Board staff. After the introductions he turned the meeting over to the facilitators of the workshop. Participants broke into small groups and discussed the following.

- Principles and Values and Desired Conditions
- Trends and Issues
- Implementation and Addressing Statewide Standards and Necessary Regional Variation
- Advice and Guidelines

## Thursday, April 26, 2007

**8:30 a.m.**

### **iv. Pledge of Allegiance**

Heidi Harris led the pledge of allegiance

### **v. Roll Call and Introductions**

**Board members Present:** John Corbett, Bob Anderson, Mike Dunker, William Massey, Heidi Harris, Geoffrey Hales, and Sam Wakim

**Regional Water Board Staff present:** Catherine Kuhlman, Luis Rivera, Samantha Olson, Kim Niemeyer, David Leland, Ranjit Gill, Tom Dunbar, Greg Nash, Drew Bayless, and Jean Lockett

### **vi. Board Member Ex Parte Communication Disclosure**

William Massey reported that he spoke with members of Occidental, Camp Meeker and other west county board members regarding the West County Sewage. Mr. Massey stated that he would recuse himself if this item came before the board.

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

The State Board liaison was unable to attend the board meeting due to a conflict in his schedule.

### **viii. Public Forum –**

Comments were taken from:

Tom Wetter, Lake Shastina Community Services District Board

### **2. Approval of Meeting Minutes: March 2007**

Motion: William Massey moved to accept the March 2007 minutes with the amendments. Mike Dunker seconded the motion. Motion passed unanimously.

### **3. Board Expenses**

It was the board's decision to leave approval for travel reimbursements for travel expenses by Board Members that traveled as an individual to meetings outside of the regularly scheduled board meetings,, and/or board business, to the discretion of the board's chair.

## **Consent Item**

4. Order No. R1-2007-0027, to consider Waste Discharge Requirements for Geysers Power Company, LLC Calpine Corporation, **The Geysers and Wildhorse Development**, WDID NO. 1B86002RSON

Motion: William Massey moved to adopt Order No. R1-2007-0027. Mike Dunker seconded the motion. Motion passed unanimously.

- 5. Order No. R1-2007-0015, to consider a proposed Cease and Desist Order for **Fort Bragg Municipal Improvement District** No. 1 WDID No. 1B84083OMEN

Motion: William Massey moved to adopt Order No. R1-2007-0015. Mike Dunker seconded the motion.

Roll Call Vote:	Mike Dunker	Yes
	William Massey	Yes
	Heidi Harris	Yes
	John Corbett	Yes
	Bob Anderson	Yes
	Geoffrey Hales	Yes
	Sam Wakim	Yes

### Petitions for Consideration

- 6. Consider draft Resolution No. R1-2007-0028 to deny a petition submitted by the Karuk Tribe of California, Klamath Riverkeeper, Pacific Coast Federation of Fishermen’s Associations and the Institute for Fisheries Resources, requesting that the Regional Water Board order **PacifiCorp, operator of Copco and Iron Gate Dams**, to submit a report of waste discharge and/or to issue waste discharge requirements.

Chairman Corbett recused himself from this item. Vice-chair Anderson chaired the meeting. Catherine Kuhlman introduced the item. She briefly covered the issues of the petition and highlighted page 8, item 27 of the resolution. Ms. Kuhlman gave a brief report on the comments received.

Kim Niemeyer mapped out the Regional Board’s legal authorities.

Comments were taken from:  
Regina Chichizola, Klamath Riverkeeper  
Robert Donlan, PacifiCorp  
Anthony Intiso, Upper/Mid/Klamath Watershed Council  
Brian Favero, Lake Shastina homeowner  
Felice Pace, Public Interest

Motion: William Massey moved to adopt the Resolution and forward it to the State Water Board and federal government. Geoffrey Hales seconded the motion.

Motion: Sam Wakim moved to make amendments to point 4, 10, and 14 of the Resolution. Mike Dunker seconded the motion for the purpose of discussion. Motion passed unanimously.

Motion: William Massey moved to accept the amendments to his original motion. Heidi

Harris seconded the motion. Motion passed unanimously.

Motion: William Massey moved to adopt the Resolution as amended. Geoffrey Hales seconded the motion. Motion passed unanimously.

- 7. Consider a petition, submitted by Felice Pace, requesting the Regional Water Board to order the **Montague Irrigation District, operator of Dwinell Reservoir**, to submit a report of waste discharge and/or to issue waste discharge requirements.

Catherine Kuhlman introduced the petition and gave the staff's recommendations to the Board.

Comments were taken from:

- Brian Favero, Lake Shastina homeowner
- Robert Dolan, Montague Water Conservation District
- Felice Pace, Public Interest
- Regina Chichizol, Klamath Riverkeeper
- Michael Kobseff, Siskiyou County Board of Supervisors
- Jerry Barber, Siskiyou County
- Tom Wetter, Lake Shastina Community Services District
- Lisa Faris, Montague Water Conservation District

Motion: William Massey moved to accept the Regional Water Board Executive Officer's recommendations. Mike Dunker seconded the motion. Motion passed unanimously.

- 8. Consider a petition, submitted by Bill Crane, John and Annie Roberts, Margaret Rockwood, Marcia Hart, Madeleine Rose, and Ed Berger, requesting the Regional Water Board to assert its jurisdiction over **6875 Timber Drive, Sebastopol** to prohibit construction of a septic system on the property until the Regional Board approves a system that meets requirements of the Basin Plan and all other related policies and regulations. The Regional Board heard an update from staff on actions taken to address the arguments in the petition.

Luis Rivera introduced the item. He summarized the issues contained in the petition and updated the board on staff's actions and responses on the matter.

Comments were taken from:

- Tom Wetter, resident in Timber Drive area
- Bill Crane, resident of Tamas Larkin Woods
- John Roberts, Larkin Woods Mutual Water Company
- Sandy Swallow, resident in area
- Tom Carreiro, Property owner of 6875 Timber Dr. Sebastopol.

Motion: William Massey motioned to table the item to the June 2007 board meeting. Mike Dunker seconded the motion. Motion passed unanimously.

## Workshop

9. Public Workshop and **CEQA Scoping Meeting** concerning the development of an amendment to the Regional Water Quality Control Plan for the North Coast Region to address Low Threat Discharge.

Staff re-introduced the low threat discharge amendment to both the Board and the interested public at a CEQA scoping meeting. Two members of the public, Russian River Watershed Protection Committee and the City of Santa Rosa, spoke in opposition of the proposed amendment. The City was concerned that the definition proposed for "low threat discharge" was unreasonable and would not be a useful clarification of the prohibition. The environmental spokesperson was concerned that the action would result in the revocation of the existing discharge prohibition(s) with a corresponding decrease in water quality. To date, 179 form letters in opposition, have been submitted to the Board.

## Enforcement

10. PUBLIC HEARING Order No. R1-2007-0016, to consider adoption of an administrative civil liability order acknowledging penalty payment and specifying a supplemental environmental project to satisfy Administrative Civil Liability Complaint No. R1-2005-0038 issued on May 11, 2005 for violations of Waste Discharge Requirements Order Nos. 94-110 and R1-2001-0022 adopted for **Georgia Pacific Corporation, Fort Bragg Lumber Mill**, Mendocino County, WDID No. 1B84089OMEN

Tom Dunbar, stated that the staff did not have a presentation and that the order before the board is to approve the supplemental environmental project.

Motion: Samuel Wakim moved to adopt Order No. R1-2007-0016. William Massey seconded the motion. Motion passed unanimously.

11. PUBLIC HEARING Order No. R1-2007-0021, to consider adoption of an administrative civil liability order acknowledging penalty payment and specifying a project to satisfy Administrative Civil Liability Complaint No. R1-2006-0091 issued on August 22, 2006 for violation of Waste Discharge Requirements Order No. R1-2004-0013 adopted for the **City of Eureka, Elk River Wastewater Treatment Facility**, Humboldt County, WDID NO. 1B82151OHUM

Tom Dunbar stated that staff did not have a presentation and that those representing the City of Eureka were present to answer any questions.

Motion: William Massey moved to adopt Order No. R1-2007-0021. Heidi Harris seconded the motion. Motion passed unanimously.

12. PUBLIC HEARING Order No. R1-2007-0018, to consider adoption of an administrative civil liability order acknowledging penalty payment and specifying a compliance project to satisfy Administrative Civil Liability Complaint No. R1-2006-0034 issued on March 16, 2006 for violations of Waste Discharge Requirements Order Nos. 96-7 and R1-2001-60 adopted for **McKinleyville Community Services District, Wastewater Treatment Facility**, Humboldt County, WDID NO. 1B82084OHUM.

Chairman Corbett recused himself from the item. Vice-Chair Anderson chaired the meeting. Tom Dunbar briefly introduced the item and stated that staff did not have a presentation. He introduced Tom Martin the general Manager of the McKinleyville Community Services District. Mr. Martin gave a brief overview of issues and stated that the District is back in compliance. He commended the Regional Water Board staff on working with the district.

Motion: William Massey moved to adopt Order No. R1-2007-0018. Mike Dunker seconded the motion. Motion passed unanimously.

### **Information Items**

#### **13. Update on Sediment Amendment to the Basin Plan**

Chairman Corbett gave a brief report and stated that the update is being delayed due to comments that were received late.

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

Catherine Kuhlman reported that:

- Due to CEQA issues the State remanded a 401 Certification for a gravel mine in the Eel River;
- There were two major spills in Eureka.
- There was a significant raw sewage spill in Sebastopol.

She concluded by reporting Administrative Civil Liabilities payments.

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

Samuel Wakim requested a tour of the Geysers Geothermal Area..

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

This is a written item.

#### **17. Other Items of Interest**

There were no items presented for discussion

### **Closed Session**

#### **18. 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 4:15 p.m. The next Regional Water Board Meeting is scheduled for June 13 and 14, 2007, in Santa Rosa.

Chairman \_\_\_\_\_

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