

California Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
May 3 and 4, 2005
Weaverville Victorian Inn
1708 Main Street
Weaverville, CA

Chair Beverly Wasson called the Regional Water Board Workshop to order at 8:40 a.m., on Tuesday, May 3, 2005.

i. Pledge of Allegiance

Dennis Leonardi led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: Beverly Wasson, John Corbett, William Massey, Richard Grundy, Gerald Cochran, Heidi Harris, Dennis Leonardi, Sari Sommarstrom, and Clifford Marshall.

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, Dave Hope, Diana Henriouille, Holly Lundborg, Andrew Baker, David Leland, Bruce Gwynne, Tom Dunbar, Dean Prat, Fred Blatt, Terry Barnes, Drew Bayless, and Jean Lockett

Item 1. A workshop and field tour was scheduled for the Regional Water Board members to discuss and observe the Trinity River restoration efforts.

Catherine Kuhlman, Executive Officer, gave an overall review of the workshop and tour.

Dave Hope, Regional Water Board senior staff, displayed a map that showed the route of that afternoon's tour. Mr. Hope introduced Howard Freeman, who represents the Trinity County Board of Supervisors. Mr. Freeman welcomed the Regional Water Quality Board members and staff to Trinity County.

There were brief presentations given by:

- Arnold Whittrige, with the Trinity River Adaptive Management Working Group, provided information about the history of the Trinity River restoration efforts.
- David Leland and Dave Hope, Regional Water Board senior staff, discussed the Trinity River water temperatures.
- Tom Stokely, Principal Planner with Trinity County Planning/Natural Resources Division, gave a presentation on the recovery, maintenance and regulations of the Trinity River.

David Leland and Tom Stokely also discussed the following:

- Basin Plan objectives and TMDL requirements for temperature.

- Relationship between Regional Water Board requirements and other agency requirements and objectives.
- Relationship of flow and sediment for the Trinity River TMDL.

At 11:30 a.m., Chairperson Wasson adjourned the workshop. The Board members observed a lunch hour until 12:30 p.m.

After the adjournment of the Regional Water Board workshop, California Office of Environmental Health Hazard Assessment (OEHHA) also gave a presentation of their Hazard Warning for mercury in the Trinity River and Trinity Lake.

The Chair called the meeting back to order as the Board members attended a field tour of the Trinity River Watershed following lunch, as Publicly noticed. The meeting was adjourned at approximately 4:30 p.m.

Wednesday, May 4, 2005

9:00 a.m.

iii. Pledge of Allegiance

Gerald Cochran led the Pledge of Allegiance

iv. Roll Call and Introductions

Board Members present: Beverly Wasson, John Corbett, Dennis Leonardi, Gerald Cochran, Heidi Harris, William Massey, Richard Grundy, Clifford Marshall, and Sari Sommarstrom

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Sheryl Schaffner, Dave Hope, Andrew Baker, David Leland, Bruce Gwynne, Caryn Woodhouse, Holly Lundbord, Tom Dunbar, Charles Reed, Dean Prat, Terry Barnes, Drew Bayless, and Jean Lockett

Chair Wasson presented Dina Moore with a resolution for her service while a member of the Regional Water Board. A resolution was also presented to William Massey for his service as Chairman of the Regional Water Board for the past two-years.

v. Board Member Ex Parte Communication Disclosure

Sari Sommarstrom reported that she spoke with Don Tuttle, with the Humboldt County Department of Public Works, regarding road data availability in Elk and Freshwater Creek. Ms. Sommarstrom announced that May is Watershed Awareness Month. She requested that the Regional Water Board Executive Officer assistance in getting Watershed signs erected along North Coast Highways.

William Massey reported that he spoke with elected officials and other agency staff in Sacramento regarding mandatory minimum programs.

Richard Grundy disclosed that he was interviewed by Public Broadcast System regarding the history of PALCO's issues. He stated that there were no specific topics discussed nor did he discuss any of the issues that were presently before the Board.

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

Tam Dudoc, State Board Liaison, was not in attendance.

vii. **Public Forum**

Daniel Meyers, with Friends of Navarro Watershed in Mendocino County, stated that Mendocino County is the only county that does not have a grading ordinance. The ordinance requires that the planning director and the director of Mendocino's Water Agency work on the ordinance with the help of other concerned agencies. Mr. Meyers thanked the Regional Water Board and its staff for their support and requested that the Regional Water Board staff continue to support their efforts.

Chris Manson, with PALCO, stated that PALCO would be turning over documentation on the county road infrastructure issues to the Regional Water Board staff during the week of May 6, 2005. He stated that PALCO has a strong desire to accommodate the Regional Water Board by setting up a tour of the Freshwater and Elk River watersheds for the Regional Water Board members.

Mr. Massey reminded the Board that a resolution was adopted that stated that PALCO and the Regional Water Board staff would get together and come to some agreement on issues that they agreed upon and those issues that they did not agree related to the Freshwater and Elk River watersheds.

Catherine Kuhlman stated that those meetings are going on and at this time; there were no issues to bring to the Board.

Ms. Kuhlman gave a brief update on Hopland and stated that an additional update will come before the Board at the June Board meeting.

Ms. Kuhlman also informed the Board that Region 1 has a 30-percent backlog regarding its NPDES Permits.

Hector Bedolla, representing Non-profit Wine Grape Growers Organizations, indicated that he and other groups are requesting to be a part of the basin TMDL process. Mr. Bedolla suggested that he and others would like to offer their expertise to assist with the TMDL process. Mr. Bedolla indicated that he had submitted a written request to the Executive Officer.

Item 2. PUBLIC HEARING to Consider Adoption of a Negative Declaration and Order No. R1-2005-0011, General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining and Excavation Activities On Non-Federal Lands in the North Coast Region

Item 2 was moved to the June 2005 meeting agenda.

(Items 3 and 4 were taken out of order)

Item 4. Workshop on Temperature Total Maximum Daily Load and Implementation Plan for the Salmon River Watershed

Bruce Gwynne, Regional Water Board staff, gave the presentation. Mr. Gwynne said that this TMDL does not require a Basin Plan Amendment, and does not require standard change in the Basin Plan. He indicated that the TMDL is based on an agreement embodied in a Memorandum of Understanding with the US Forest Services. Mr. Gwynne indicated that the TMDL Implementation Plan for the Salmon River Watershed is a partial fulfillment of the requirements pertaining to section 303 (d) of the federal clean water act.

Mr. Gwynne stated that a number of individuals and organizations contributed data and information for this workshop. He stated that the Salmon River TMDL and Implementation Plan is different because:

- USFS is responsible for managing nearly the entire watershed
- TMDLs can be implemented through Memoranda of Understanding, under certain conditions
- With USEPA concurrence, staff proposes a Board resolution supporting TMDL implementation through a Memorandum of Understanding (MOU) with USFS

Mr. Gwynne concluded his presentation by stating that the next step is to return to the Regional Water Board at the June 2005 Board meeting with a proposal to adopt the resolution in support of the TMDL and Implementation Plan.

Jack Wess, with the US Forest Service – Natural Resource Staff Officer, addressed the Board by stating that in any relationship, communication is key. Working directly with the Regional Water Board staff has been a positive experience. He stated that the MOU will require close communication between the US Forest Service staff and the Regional Water Board staff.

John Corbett stated that one of the problems is timeline monitoring and asked if Mr. Wess planned to include language in the MOU that would provide for a commitment regarding the monitoring of the temperature levels in the watersheds, before and after. Mr. Wess stated that the MOU has not been discussed to that degree, as yet.

The Board discussed and shared their concerns on the:

- MOU containing a timeline monitoring commitment to monitor the temperature.
- Reasons the Salmon River was defined as having impaired temperature.
- How staff addressed the 1977 and 1987 fires that affected the riparian canopy.
- Location of the wilderness area in the map displayed during the presentation
- The specific issues that the MOU will address
- That the MOU is developed at a level that the Board can be assured that the federal regional office concurs with the local agencies' efforts and the language in the MOU.
- Criteria for delisting Salmon River as Temperature impaired.

Alexis Strauss, EPA Executive Director of the Water Division, stated that she was pleased to join the Regional Water Board and the Forest Service in support of the

Salmon River TMDL for temperature impairment. Ms. Strauss stated that the scale of 303 (d) listings often include wilderness areas or natural areas. She noted that the scale of having listed the Salmon as well as the ability to de-list the Salmon is consistent with the approach that has been taken elsewhere. The Board's approach regarding the interpretation of the narrative standard for temperature is consistent with EPA and is also consistent with how temperature was handled in the TMDLs for the Navarro, South Fork, Eel, Middle Eel, North Fort Eel, and the main stem of the Eel River. Ms. Strauss indicated that EPA thinks that implementation of the TMDL through the MOU with the Forest Services should be an effective and an appropriate mechanism for the agencies to agree upon management of the riparian areas, with the goal of increasing shade up-streams over time. This approach may be adapted or modified as needs occur. Ms. Strauss commended the staff and those who contributed the draft TMDL. Ms. Strauss urged the Regional Water Board to adopt the TMDL at the June 2005 Board meeting. She stated the EPA needs to adopt the Salmon River TMDL in July 2005 to meet the Consent Decree's deadline.

Petey Brucker, a resident of the Salmon River area, stated that the Salmon River is very high in value. It has some of the largest rows of fish. Mr. Brocker encouraged the Regional Water Board to commend its staff for working with the stakeholders and doing such a great job in drafting a high quality document.

Susan Corum, Water Resources Coordinator for the Karuk Tribe, stated that the Karuk Tribe supports the temperature TMDL for the Salmon River. Ms. Corum indicated that the Karuk ancestral territory covers 60-percent of the Salmon River Watershed and would like to be a part of the MOU and the TMDL plan. She voiced the Tribe's concern on singling out one species management and not the whole watershed. She stressed that the Tribe would like to see more inferences on tribal trust species.

Earl Crosby, the Watershed Restoration Manager of the Karuk Tribe, stated that the Tribe has a MOU with the Six Rivers National Forest and the Klamath National Forest. The MOU outlines how the projects will be coordinated. However, there has been a lack of coordination with the Forest Services attending meetings. He also stated that the Karuk Tribe needs to be activity involved to ensure that the Salmon River is protected.

Richard Grundy stated that with proper inter-agency coordination, the restoration of the Salmon River should be a simple process and possibly the Salmon River could be de-listed. With this MOU and the cooperation of all, a relationship of trust between the federal and state could be built and bring the Tribes into the discussions in a collaborate way. The MOU could be a model for future TMDL work, noting the lack of cooperation and communication that has happened in the past.

John Corbett thanked the Regional Water Board staff for doing an excellent job. He stated that the Regional Water Board has the largest water quality effort in the history of California and it is being squandered by getting no product. Mr. Corbett urged staff to keep the deadlines of the MOU.

Item 3. Public Hearing Order No. R1-2005-0066, to consider Recision of Cease and Desist Order R1-2005-006, to Consider Recision of Cease and Desist Order No. R1-2003-0067 for the Fort Bragg Municipal Improvement District No. 1 Wastewater Treatment Facility WDID

Chair Wasson administered the oath to those who were expected to testify in the hearing for the Fort Bragg Municipal Improvement District No. 1.

Charles Reed, Regional Water Board staff engineer, entered the administrative file and his written presentation into the record. Mr. Reed gave a brief description of the Fort Bragg Municipal Improvement District No.1 Wastewater Treatment Facility (WWTF). He discussed the various adopted orders.

Mr. Reed stated that on October 26, 2004, the permittee submitted a written request that Order No. R1-2003-0067 be rescinded based on its finding that the chemical addition system installed in 2000 satisfies the requirements of the Cease and Desist Order because the system has improved the WWTFs effluent quality to the extent that it consistently meets federal secondary treatment standards. He stated that the Regional Water Board staff reviewed that request, as supplemented on February 11, 2005, and has determined that the existing chemical addition system constitutes satisfactory compliance with the requirements of Order No. R1-2003-0067. At a future public hearing, Regional Water Board staff will propose that the Regional Water Board modify the permittee's NPDES Permit to recognize the chemical addendum system as a permanent component of the permittee's wastewater treatment system. Mr. Reed concluded by saying that the Regional Water Board staff recommends rescision of the Order.

Dave Gobel, Director of Public Works for the City of Fort Bragg, addressed the Regional Water Board by stating that they are in full support of staff's recommendation to rescind the Cease and Desist order.

MOTION: William Massey moved to rescind Cease and Desist Order No. R1-2005-0066. John Corbett seconded the motion. Motion passed unanimously.

The Board observed a lunch break at 11:30 a.m.

Chair Wasson invited the audience to have lunch with the Regional Water Board. A BBQ dinner for the Board was provided the day before and there was a large amount of food left over.

Item 5. Update on Sediment Amendment Outreach to Stakeholders, Revisions being Considered for the Sediment Amendment, and Proposed Schedule for Further Action

Caryn Woodhouse, Regional Water Board staff member, addressed the Regional Water Board by briefly describing that the purpose for the workshop was to introduce the Sediment Amendment item to the new Board members as well as update the Regional Water Board and the public on the status and schedule of the Regional Sediment Amendment.

Ms. Woodhouse stated that much of the North Coast region is listed on the 303(d) list for impaired waterbodies for excess sediment. She defined "impaired sediment" as "excess sediment that has adversely impacted a waterbody." She concluded her presentation by discussing the adverse impacts to a waterbody.

The Board briefly discussed various vineyards in the region, and provisions for safety maintenance for public structure and bridges. In addition, members of the Regional Water Board provided names of those who might be able to provide assistance and/or information to Ms. Woodhouse.

Item 6. Update on Klamath Basin TMDLs

David Leland, Regional Water Board senior staff, provided a brief update to the Board on the Klamath Basin TMDLs: Scott, Shasta, Lost River, and Klamath (mainstem). He covered the phases of the TMDL, and stated that there are 102 listings in the region based on the 303(d) list that was updated in 2002. Mr. Leland stated that the bulk of the listings are sediment, temperature, nutrients, and dissolved oxygen. Mr. Leland concluded his presentation by stating that the Klamath Basin is a bi-state watershed between Oregon and California.

Item 7. Enforcement Report

Chair Wasson and Executive Officer Kuhlman reported on their attendance at the Chair's Meeting and MCC meeting held in San Diego on April 26 and 27. Chair Wasson stated that the Board Chairs were given a draft of the 2005 Enforcement Plan, but the major discussion was on chronic violators and unauthorized discharges. She reported that the dates for the WQCC meetings were scheduled for September 19 and 20, 2005 in Sacramento.

Ms. Kuhlman stated that at the MCC's meeting there was considerable discussion on the development of enforcement and an enforcement program that the Regional Water Boards will be working with the State Board on the development of an enforcement program.

Item 8. Board Member Requests for Future Agenda Items

- *Richard Grundy requested an update on Hopland Utilities District*
- *Sari Sommarstrom asked for an update on the Board's Watershed Management Initiative (WMI)*
- *John Corbett requested a presentation on the Board's responsibilities for adjudicatory hearings.*

Item 9. Monthly Report to the Board

This was a written item.

Item 10. Other items

The minutes of meetings for January 2005 and March 2005 were presented for approval.

MOTION: John Corbett moved to adopt the January 2005 minutes. William Massey seconded the motion. Motion passed with five votes and four abstentions.

MOTION: John Corbett moved to adopt the March 2005 minutes. William Massey seconded the motion. Motion passed

There being no further business to come before the Regional Water Board, the meeting adjourned at 2:14 p.m., until the next scheduled Board Meeting on June 20 and 21, 2005.

The Secretary, Jean Lockett recorded the minutes of the May 3 and 4, 2005 Regional Water Board meeting of the North Coast Water Quality Control Board held at the Victorian Inn in Weaverville, California.

Chairperson _____
Beverly Wasson