



# California Regional Water Quality Control Board

## North Coast Region

William R. Massey, Chairman



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Gray Davis  
Governor

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**52 Years Serving the North Coast Region: Portions of Sonoma, Mendocino, Marin, Humboldt, Del Norte, Trinity, Siskiyou, Lake, Glenn, and Modoc Counties**

## NOTICE OF PUBLIC MEETING/HEARING

Mailout date: November 14, 2002

## AGENDA

### REGIONAL WATER BOARD MEETING

9:00 a.m., Thursday, December 5, 2002  
River Lodge Conference Center  
of the Eel River Valley  
1800 Riverwalk Drive  
Fortuna, California

For questions regarding this agenda, please call Jean Lockett at (707) 576-2307 or FAX her at (707) 523-0135. This notice and associated staff reports can be accessed electronically through our internet address: <http://www.swrcb.ca.gov/rwqcb1/> (note: agenda items should be available electronically on November 26, 2002).

**Please note that time limitations on presentations may be imposed. The Regional Water Board requests that oral testimony be summarized. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board.\***

Estimated times of consideration – Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.

**9:00 a.m.\*\***

- i. Pledge of Allegiance
- ii. Roll Call

*California Environmental Protection Agency*



Recycled Paper

- iii. Minutes of Past Meetings
- iv. 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.
- v. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities. All persons wishing to address the Board should fill out a speaker card so that the Chair can determine the number of persons who wish to speak. **No more than 30 minutes will be allocated for the public forum in the morning; any appearances beyond this 30-minute time will be placed at the end of the regularly scheduled business.** In addition, the Chair may limit the overall time allocated to this item, if the number of speakers and the size of the agenda makes that necessary. The Chair requests that each person addressing the Board limit their presentation to three minutes. The three-minute time allocation may be shortened, as the Chair directs, to accommodate the Board meeting schedule. More lengthy items may be calendared for a future meeting.

### **CONSENT CALENDAR WASTE DISCHARGE REQUIREMENTS**

Note: The consent items are expected to be routine and noncontroversial. It is recommended that the Board adopt these items at the beginning of the meeting without discussion. If any interested party, Board Member, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately.

- 1. Order No. R1-2002-0110 Waste Discharges Requirements for **Pierson Lumber Company**, for in-situ remediation of soil and groundwater contaminated with petroleum hydrocarbons, Humboldt County WDID 1B02144RHUM

*Lisa Bernard*

### **OTHER BUSINESS**

- 2. Update on Central Valley Regional Board work efforts in considering a policy waiving waste discharge requirements for irrigation return waters.

*Ben Kor*

- 3. Review of Cleanup Activities related to Discharges of Pentachlorophenol and other materials at the Sierra Pacific Industries Sawmill site on Humboldt Bay.

*Dean Prat*

**Item 4 will not be heard before 1:00 p.m., and will be limited to 1.5 hours in total duration whenever it starts. For purposes of public comment, speakers will be called in the order that the speaker cards were received. All public or other unscheduled speakers will be limited in the amount of time to address the Board on this matter. The Board encourages limiting repetitive testimony. Submittal of written comments in lieu of speaking is strongly recommended, and all written comments submitted will be duplicated for transmittal to all Board members.**

**Items 5-9 may be heard before 1:00 p.m., if time is available. Any items unfinished by 5:00 will be continued to a subsequent Regional Board meeting.**

4. Consideration of State Water Resources Control Board WQO 2002-0019 in the Matter of the Petition of the Humboldt Watershed Council, Jesse Noell and Ken Miller (Petition), specifically to discuss the timeline for additional activities in Elk River and Freshwater, Jordan, Bear and Stitz Creeks. This item will identify a schedule to address issues raised in the Petition for all five watersheds, will present a time schedule as required by Provision 3 of WQO 2002-019, and may include further Board direction to Staff.

*Susan Warner*

5. Discussion of Draft Memorandum of Understanding Between State and Regional Water Boards and the California Department of Forestry and Fire Protection.

*Frank Reichmuth*

6. Consideration of 2003 Meeting Schedule

*Susan Warner*

7. State and Regional Water Board Communications

*Gary Carlton*

8. Violation and Enforcement Report

*Frank Reichmuth*

9. Executive Officer Administrative Civil Liabilities

*Susan Warner*

#### **EXECUTIVE OFFICER'S REPORT**

10. Monthly Report to the Board *Written*
11. Leaking Underground Storage Tanks/Sewage Spills *Written*
12. Proposition 65 Notifications *Written*
13. Other Items of Interest *Susan Warner*
14. Board Member requests for future agenda items *Susan Warner*

**CLOSED SESSIONS**

15. Closed Session. On December 5, 2002, the Regional Water Board will be meeting in closed session to discuss significant exposure to litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
16. Closed Session. On December 5, 2002, the Regional Water Board may adjourn after all adjudicatory hearings to closed session to consider evidence received and discuss whether to initiate litigation. [Authority: Government Code, Section 11126, Subdivision (c)(3), and (e)(2)(C)(i).]
17. Closed Session. On December 5, 2002, the Regional Water Board will be meeting in closed session to discuss whether to initiate litigation. [Authority: Government Code Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i).]

*In re Sierra Pacific Industries, Inc.: referral to the California Attorney General for potential investigation of litigation.*

18. Closed Session. On December 5, 2002, the Regional Water Board will be meeting in closed session to discuss an employee evaluation. [Authority: Government Code Section 11126(a)(1).]
19. Closed Session. On December 5, 2002, the Regional Water Board will be meeting in closed session to confer with its legal counsel regarding the following pending lawsuits [Authority: Government Code Section 11126(e)(2)(A).]

*Carla M. Clark et al. v. City of Santa Rosa et al., Sonoma Co. Sup. Ct., case No. 227896;*

*Healdsburg Area Citizens for Wastewater Reform v. U.S. Army Corps of Engineers et al, U.S. Dist. Ct., N.Dist., case No. C-01-3118-JCS;*

*In re L.C. Bliss & Sons Livestock Corp., 94-2036422, U.S. Bankruptcy Ct., Oregon Dist., case No. 697-60691-AER11.*

*McClelland et al. v. City of Santa Rosa et al., Sonoma Co. Sup. Ct., case No. 227911;*

*Pacific Lumber Company v. State Water Resources Control Board, Humboldt Co. Superior Court, case No. DR010860;*

*People of the State of California v. North Coast Railroad Authority dba North Western Pacific Railroad, Mendocino County Superior Court, case No. CV80240*

*Russian River County Sanitation Dist. et al. v. State Water Resources Control Board and North Coast Regional Water Quality Control Board, Marin Co. Sup. Ct., case No. CIV 994924;*

*Whitman Corp. and Pneumo Abex Corp. v. California Regional Water Quality Control Board, North Coast Region, Sonoma County Superior 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*

*\*\*Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.*

Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307, at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**Unless otherwise specified in the public notice for a specific item, the Board wishes to limit oral presentations from all parties (dischargers, staff, government agencies, the public, etc.) to 0.5 hour maximum per party, but may limit testimony to 3 minutes or less per party depending on time constraints. Interested persons should submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, FAX (707) 523-0135, twelve written copies of all comments, technical reports, and other material concerning any matters on this agenda by 5:00 p.m. on November 21, 2002. This written material will be provided to the Regional Water Board Members along with the full agenda materials. In addition, persons submitting written comments and other materials should be present at the Regional Water Board Meeting and available for questions. The Board's general practice is to not accept new written materials on the day of the hearing. Comments at the above scheduled meeting should be limited to a summary of the previously submitted written materials, provided however, that upon a proper showing that information is available which was not available at the time the written materials were submitted, the Board may allow further submission of oral or written comments. If this showing is not made, the Board may refuse to accept written materials.**

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 Water Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures may be obtained by accessing our web site at [http://www.swrcb.ca.gov/water\\_laws/index.html](http://www.swrcb.ca.gov/water_laws/index.html).

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 Regional Water Board staff action may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may be obtained by accessing our web site at <http://www.swrcb.ca.gov/rwqcb1>.

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 <http://www.swrcb.ca.gov/rwqcb1> and a copy is maintained at our office for public review.

A quorum of the members of the Regional Water Board may meet for dinner or recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All 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.

All persons who actively support or oppose the adoption of waste discharge requirements or an 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 Board Member for three months following a Regional Water Board decision on the permit application.

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.

The next Regional Water Board meeting is currently scheduled for December 10, 2002, in Santa Rosa.

**California Regional Water Quality Control Board  
North Coast Region**

**Board Members**

William R. Massey, Chair, Forestville  
Dina Moore, Vice Chair, Kneeland  
John W. Corbett, McKinleyville  
Richard D. Grundy, Santa Rosa,  
Shawn P. Harmon, Ukiah  
John R. Selvage, Eureka (term expires November 17, 2002)  
Bev Wasson, Rio Nido

**Staff**

Susan A. Warner, Executive Officer  
Frank Reichmuth, Assistant Executive Officer, Ombudsman  
Kathleen Daly, Staff Services Manager I (Administration)  
Janet Mahoney, Small Business Liaison  
Jean Lockett, Secretary  
Sheryl Freeman, Legal Counsel  
Erik Spiess, Legal Counsel

**Watershed Protection Division**

Robert L. Tancreto, Supervising Water Resource Control Engineer  
John Short, Senior Water Resource Control Engineer (Russian River)  
Thomas B. Dunbar, Senior Water Resource Control Engineer (Klamath, Trinity, Eel, Humboldt)  
William Winchester, Senior Environmental Scientist (Nonpoint Source/Chapter 15)  
David G. Hope, Interim Senior Environmental Scientist (Grants and Special Projects)

**Timber Harvest Division**

Nathan P. Quarles, Acting Supervising Water Resource Control Engineer  
Christine Wright-Shacklett, Senior Engineering Geologist (North Coast)  
Fred Blatt, Senior Environmental Scientist (Klamath, Trinity)  
Diana Henrioule-Henry, Senior Water Resource Control Engineer (Eel River/Humboldt Bay Unit)  
Holly A. Lundborg, Interim Senior Engineering Geologist (Humboldt Bay, Eel River)

**Cleanup and Investigation Division**

Luis G. Rivera, Supervising Water Resource Control Engineer (Central Watershed)  
Mark Bartson, Senior Water Resource Control Engineer (Santa Rosa)  
Tuck Vath, Senior Engineering Geologist (Northern Watershed)  
Janice M. Goebel, Interim Senior Environmental Scientist (Central Watershed)

**Watershed Management Division**

Ranjit Gill, Supervising Environmental Program Manager I  
Robert Klamt, Senior Land & Water Use Analyst (Watershed Assessment Unit)  
David Evans, Senior Water Resource Control Engineer (Planning Unit)  
David Leland, Senior Water Resource Control Engineer (TMDL Unit)

### **Bill of Rights for Environmental Permit Applicants**

**The California Environmental Protection Agency (Cal/EPA) endorses the following precepts that form the basis of a permit applicant's "Bill of Rights":**

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government Code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and in some cases a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under lead agency. For site remediation, all applicable laws can be administered through a single lead agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

For further information you may contact the North Coast Regional Water Quality Control Board at (707) 576-2220.