



California Regional Water Quality Control Board

North Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 (toll free) Office (707) 576-2220 Fax (707) 523-0135

Gray Davis
Governor

Mailout Date: November 14, 2003

Meeting Announcement Agenda

BOARD MEETING

**1:00 p.m., Tuesday, December 2, 2003
and
8:30 a.m., Wednesday, December 3, 2003**

**River Lodge Conference Center
1800 Riverwalk Drive
Fortuna, CA 95540**

Supporting documents for agenda items are posted on our website at least 10 days prior to the scheduled meeting. To view or download documents, go to www.swrcb.ca.gov/rwqcb1.

Comments on individual agenda items are welcome. A set of draft materials for each agenda item that will be considered by the Regional Water Board is mailed to each person on the interested parties list. If you wish to be added to our interested parties list for a specific agenda item, please contact the staff person listed with the item in this agenda notice.

For comments on an agenda item to be considered by the Regional Water Board, they must be submitted on or before the due date listed in the associated hearing notice, which is mailed to interested parties. Timely submittal of comments gives the Regional Water Board staff and the Regional Water Board members sufficient time to familiarize themselves with your concerns and for staff to address them.

The Regional Water Board may refuse to accept written comments submitted after the due date in the applicable hearing notice. Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Water Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Water Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

Agenda items are subject to postponement. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

All persons desiring to address the Board are required to fill out a **speaker card**. The Chair may then determine the number of persons who wish to speak on any one item. Cards are normally provided near the entrance to the meeting room.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chair.

**Board Meeting
Tuesday, December 2, 2003**

1:00 p.m.

- i. Pledge of Allegiance
 - ii. Roll Call and Introductions
 - iii. 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.
 - iv. State Board Liaison's, Board Chair's, Board Members' and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
 - v. **Public Forum** – Time will be reserved for the general public to address the Board on any matter within the Board's jurisdiction, excluding those items on the agenda. No more than 30 minutes will be allocated to the Public Forum in the morning; any appearances beyond 30 minutes will be placed at the end of the regularly scheduled business. The Board Chair requests that each person addressing the Board limit their presentation to three minutes.
1. Approval of Meeting Minutes

Action items

2. Consideration of Resolution No. R1-2003-0128, to extend Agreement No. 7-904-110-0 with amendment #3. **The Agreement is Between the State Water Resources Control Board on Behalf of the North Coast Regional Water Quality Control Board and the Sonoma County Water Agency.** This contract will be extended to June 30, 2004. The contract is to develop water quality standards for the Russian River (*Dave Hope*)
Presentation: 5 min. Board Discussion: 10 min.
3. Consideration of Resolution No. R1-2003-0130, Delegation to Executive Officer the Authority to Implement Senate Bill 810 (*Catherine Kuhlman*)
Presentation: 5 min. Board Discussion: 10 min.

Information Items

4. Update on Investigation and Cleanup of Sites surrounding Humboldt Bay (*Tuck Vath*)
Presentation: 40 min. Board Discussion: 20 min.
5. Presentation of Summary Report of Humboldt Bay Watershed Fecal Coliform Study (1999-2000) (*Tom Dunbar*)
Presentation: 20 min. Board Discussion: 10 min.
6. Update on the City of Crescent City Cease and Desist Order No. R1-2002-0005 (*Tom Dunbar*)
Presentation: 15 min . Discharger: 10 min. Board Discussion: 10 min.
7. Update on Various Options Available to the Regional Board to Regulate Discharges of Waste from Irrigated Agricultural Lands (*Ranjit Gill*)
Presentation 10 min. Public Comments: 10 min. Board Discussion: 10 min.

8. Policy for admitting late comments on agenda items (*Catherine Kuhlman*)
9. Executive Officer Administrative Civil Liabilities (*Catherine Kuhlman*)
10. Board Member Requests for Future Agenda Items (*Catherine Kuhlman*)
11. Violation Report (*Frank Reichmuth*)
12. Regional Water Board 2004 Draft Meeting Schedule (*Catherine Kuhlman*)
13. Monthly Report to the Board (*Written*)
14. Other Items of Interest

Wednesday, December 3, 2003

8:30 a.m.

- vi. Pledge of Allegiance
- vii. Roll Call and Introductions

Consent Items

Consent items are expected to be routine and non-controversial; recommendations will be acted on without discussion. If any interested party, Board, or staff member requests discussion, the item may be removed from the Consent Items Calendar and taken up in the regular agenda order, or in an order determined by the Board Chair.

15. **Stockton Pacific Enterprises, Inc., Louisiana Pacific Corporation Samoa Class III Solid Waste Disposal Site**, Order No. R1-2003-0125, Amendment to Waste Discharge Requirements Order No. R1-2003-0064, for Change of Ownership from Samoa Pacific Cellulose, LLC, Louisiana Pacific Corporation Samoa Class III Solid Waste Disposal Site, Humboldt County, WDID No. 1B73061OHUM (*Gina Morrison*)

Actions Items

16. **PUBLIC HEARING** Order No. R1-2003-0045, NPDES No. CA0024449 **City of Eureka, Greater Eureka Area, Elk River Wastewater Treatment Facility**, Humboldt County, NPDES Permit Renewal, WDID No. 1B82151OHUM (*Roy O'Connor*)

Presentation: 10 min. Discharger: 5 min. Public Comments: 10 min. Board Discussion: 10 min.

17. Update and Direction to Staff on Work Efforts in the Five Humboldt County Watersheds.
 - A. Update on work efforts in five Humboldt County Watersheds. (*Mark Neely 30 min*)
 - B. Regional Board Direction to Staff on the Findings of the Independent Scientific Review Panel Phase I and Phase II Reports on Sediment Impairment and Effects on Beneficial Uses of the Elk River and Stitz, Bear, Jordan and Freshwater Creeks. (*Holly Lundborg*)
 - a. Staff presentation of Regional Board Options (60 min)
 - b. Public comment. Limited to no more than 90 minutes, allocated as follows:
 - Pacific Lumber Company, 20 minutes
 - Humboldt Watershed Council/Freshwater Working Group, Environmental Protection Information Center, 20 minutes
 - Governmental Agencies, 15 minutes
 - Other potentially affected members of the regulated public, 15 minutes
 - Public Comment, 20 minutes

(No person will be permitted to comment under more than one category. All persons desiring to address the Board are required to fill out a **speaker card**. The Chair may then determine the number of persons who wish to speak on any one item.)

- c. Board discussion and direction to staff. (In addition to having public dialogue on the policy issues raised by this item, the Board may choose to exercise its discretion to deliberate on legal matters concerning this and ongoing related cases in closed session, before giving direction to staff (see authorities cited in item 18(c) and (e)(iii)(iv)&(v) below).)

Closed Session

- 18. The Board may meet in closed session to:
 - a. consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)];
 - b. consider the appointment, employment or dismissal of a public employee or to hear complaints or charges brought against a public employee [Authority: Government Code Section 11126(a)(1)];
 - c. discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)];
 - d. discuss whether to initiate litigation in the following matters [Authority: Government Code Section 11126(e)(2)(C)(i)]: *In re McNamara & Peepe Corporation (U.S. Bankruptcy Court, Northern District of California, case no. 82-00550, referred on August 22, 2002, to the California Attorney General for potential initiation of litigation) In re Sonoma County Water Agency (May 8, 2002, potable water spill into Santa Rosa Creek).*
 - e. discussion of initiated litigation in the following matters [Authority: Government Code Section 11126(e)]:
 - i. *Carla M. Clark et al. v. City of Santa Rosa et al.*, Sonoma Co. Sup. Ct., Case No. 227896;
 - ii. *In re L.C. Bliss & Sons Livestock Corp.*, 94-2036422, U.S. Bankruptcy Ct., Oregon Dist., Case No. 697-60691-AER11;
 - iii. *Pacific Lumber Company v. State Water Resources Control Board*, Calif. Court of Appeal, First District, Case No. A102399;
 - iv. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV-030650;
 - v. *Pacific Lumber Company and Scotia Pacific Company, LLC v. North Coast Regional Water Quality Control Board and California State Water Resources Control Board*, Humboldt Co. Sup. Court, Case No. CV 030761;
 - vi. *People of the State of California v. North Coast Railroad Authority d.b.a. North Western Pacific Railroad*, Mendocino Co. Sup. Ct., Case No. CV80240;
 - vii. *Whitman Corp. and Pneumo Abex Corp. v. California Regional Water Quality Control Board, North Coast Region*, Sonoma County Sup. 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
 - viii. *Westside Association to Save Agriculture v. City of Healdsburg* consolidated with *The People of the State of California ex. rel. California Regional Water Quality Control Board, North Coast Region v. City of Healdsburg*, Alameda Co. Sup. Ct. Case No. 2002-045680.
- 19. Arrangements for Next Meeting and Adjournment
January 27 and 28, 2004
 North Coast Regional Water Board Hearing Room
 5550 Skylane Boulevard, Suite A
 Santa Rosa, CA 95403

Procedures and Notes

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 Board are not conducted pursuant to Government Code Section 11500 et seq. These procedures are also available at www.swrcb.ca.gov/water_laws/index.html.

A quorum of the members of the Regional Water Board may meet for dinner and may recess for lunch; however, no business will be discussed except to the extent of Closed Sessions as announced at the meeting.

Accessibility - The facility is accessible to people with disabilities. Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307 or lockj@rb1.swrcb.ca.gov at least 5 working days prior to the meeting. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

General Statement - The primary duty of the Regional Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Quality Control Board come from the state's Porter-Cologne Water Quality Act and the nation's Clean Water Act.

Presentations - The purpose of the meeting is for the Regional Water Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Regional Water Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Regional Water Board to take the appropriate action.

In order to give everyone an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Interested persons are encouraged to submit their comments in writing by the applicable due date and use time for oral comments to summarize those concerns. **Speakers should plan to deliver their oral comments within 3 minutes.** If a longer period of time is desired, speakers will be expected to notify the Regional Water Board staff prior to the meeting date, for scheduling purposes. The speaker will be expected to have submitted a written summary of the comments to be delivered by the due date for the associated agenda item and limit oral comments to a summary of pertinent points previously presented in writing.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Board members and staff.

Comments on agenda items will be accepted by electronic mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed 5 printed pages in length.

Speakers are responsible for providing and operating projectors and other presentation aids. Some equipment may be available at the Board meeting; however, the type of equipment available will vary depending on the meeting location. **To ascertain the availability of presentation equipment please contact Jean Lockett at (707) 576-2307 or lockj@rb1.swrcb.ca.gov at least 5 working days prior to the meeting.**

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

Contributions to Regional Board Members - All persons who actively support or oppose the adoption of waste discharge requirements or a National Pollutant Discharge Elimination System (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 Regional Water Board Member for three months following a Regional Water Board decision on the permit application.

Water Quality Certifications - 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 may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may also be obtained by accessing our web site at www.swrcb.ca.gov/rwqcb1.

Notices of Proposed Corrective Actions - 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 www.swrcb.ca.gov/rwqcb1 and a copy is maintained at our office for public review.

Petition of Regional Board Action - 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, and may also be accessed at: http://www.swrcb.ca.gov/water_laws/index.html.

If the State Water Board accepts a petition for review, the Regional Water Board will be required to file the record in the matter with the State Water Board. The costs of preparing and filing the record are the responsibility of the person(s) submitting the petition. The Regional Water Board will contact the person(s) submitting a petition and inform them of the payment process and any amounts due.

DIRECTIONS TO RIVERWALK LOCATION

From South:

Hwy 101 North to Fortuna – about 190 miles – take the Kenmar exit – turn Left – making a 90 degree turn – continue and Kenmar will turn into Riverwalk – River Lodge, 1800 Riverwalk Drive is across for the 76 gas station

From North:

Hwy 101 South to Fortuna – about 30 miles from Eureka – take Riverwalk Drive Exit – go 0.1 mile – continue on Riverwalk Drive – go 0.8 mile – arrive at 1800 Riverwalk Drive, Fortuna

Board Member	Appointment Category	Last Appointed
William Massey, Chair <i>Forestville</i>	County Government	10/03/03
Dina Moore, Vice Chair <i>Kneeland</i>	Water Quality	01/16/01
Gerald Cochran <i>Crescent City</i>	Public	11/19/02
Daniel Crowley <i>San Rafael</i>	Industrial Water Use	10/24/03
John Corbett <i>McKinleyville</i>	Municipal Government	11/30/01
Richard Grundy <i>Santa Rosa</i>	Water Quality	11/30/01
Shawn Harmon <i>Ukiah</i>	Water Supply	10/03/03
Christopher Neary <i>Willits</i>	Recreation, Fish and Wildlife	10/24/03
Bev Wasson <i>Rio Nido</i>	Irrigated Agriculture	11/30/01

Gary Carlton	State Board Liaison
--------------	---------------------

Lead Staff	
Catherine Kuhlman	Executive Officer
Frank Reichmuth	Assistant Executive Officer
Kathleen Daly	Staff Services Manager
Janet Mahoney	Small Business Liaison
E. Jean Lockett	Secretary
Sheryl Schaffner	Counsel to the Board
Erik Spiess	Counsel to the Board

Watershed Protection Division	
Robert L. Tancreto	Division Chief
John Short	Supervisor, Russian River Unit
Thomas B. Dunbar	Supervisor, Eel, Humboldt, Trinity and Klamath Unit
Diana Henriouille-Henry	Supervisor, North Coastal NPS Unit
William Winchester	Supervisor, Grants and Special Projects

Timber Harvest Division	
Nathan P. Quarles	Division Chief
Christine Wright-Shacklett	Supervisor, North Coast and Russian River Unit
Fred Blatt	Supervisor, Klamath and Trinity River Unit
Mark Neely	Supervisor, Eel River and Humboldt Bay

Cleanups and Special Investigations	
Luis G. Rivera	Division Chief
Mark Bartson	Supervisor, Santa Rosa Unit
Tuck Vath	Supervisor, Northern Unit
David Evans	Supervisor, Central Unit

Watershed Management Division	
Ranjit Gill	Division Chief
Robert Klamt	Supervisor, Watershed Assessment Unit
David Leland	Supervisor, TMDL Unit
David Hope	Supervisor, Planning Unit