CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

NORTH COAST REGION

5550 SKYLANE BOULEVARD, SUITE A, SANTA ROSA CALIFORNIA 95403

PHONE (707) 576-2220 FAX (707) 523-0135

EXECUTIVE OFFICER'S REPORT

March 2006

Recent Events

Resignation of Newly-Elected Chair Dennis Leonardi

(Regional Water Board Members (from left) TeeJay Lowe, William Massey, Gerald Cochran, Robert Anderson, Bev Wasson, John Corbett, Heidi Harris, and Dennis Leonardi)

Recently-elected Chair Dennis Leonardi offered his letter of resignation to the Governor's Office last week.

Even though Leonardi and his counsel were confident that he was eligible to serve on the Regional Water Board, after many conversations with the Department of Agriculture, the Governor's Office, and the Attorney General's Office, it was determined that Leonardi's association with Humboldt Creamery, which holds an NPDES permit, made it impossible for him to serve. We miss him and his leadership.

North Coast Regional Board Awarded $275,000 Nonpoint Source Grant from U. S. EPA for Enhancing Regional Monitoring Efforts in the Klamath River Basin *(Staff: Peter Otis)*

The North Coast Regional Water Quality Control Board was recently awarded a $275,000 grant from the U. S. EPA's California Nonpoint Source Program to establish a collaborative regional monitoring program for Klamath River Basin.

This award arose out of the EPA's desire to address Nonpoint Source Pollution (NPS) issues in California and to support activities aimed at enhancing regional monitoring within the state framework.

The Regional Water Board staff will work in conjunction with the Klamath River Water Quality Monitoring Coordination Group (co-chaired by the North Coast Board and US Fish & Wildlife Service) and will be the leads in implementing the project.

[*2001 Irrigation Curtailment and Failed Crops* - Farmer's sign of protest in front of failed crop in Tulelake. Irrigation water was suddenly curtailed in 2001 after a federal government decision to retain water in the system for endangered species protection.]

[*Fish Kill in 2002* - Dead adult Chinook salmon line the banks along the lower Klamath River in the Fall of 2002. It is estimated that over 30,000 fish died in this event.]

The issues in the Klamath Basin are complex and have a long history. Over the past decade, the Klamath River Basin has been at the forefront of national attention due to contentious resource issues related to water allocation, water quality and protection and recovery of threatened and endangered species. The sudden terminations of Klamath Project water deliveries to farmers in 2001 and the disastrous fish kill in the fall of 2002 are two signal events in recent years for endangered species protection.

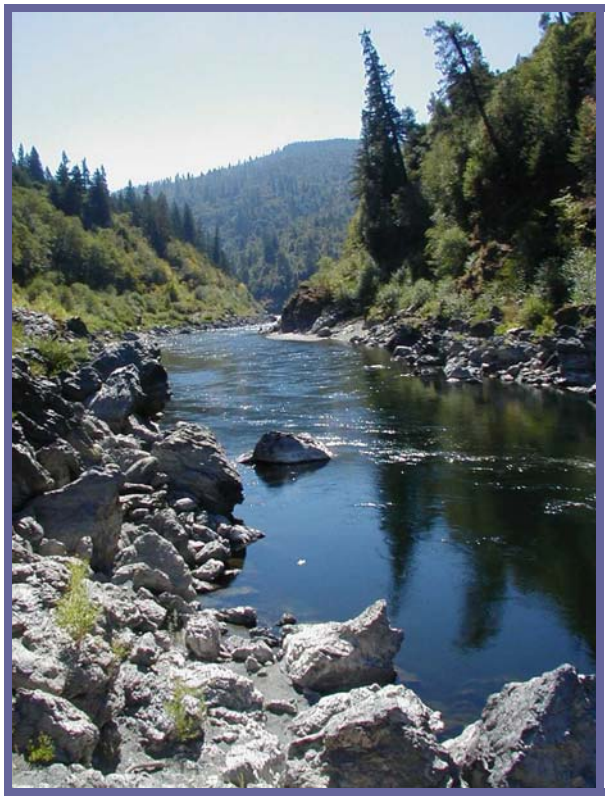
In the summer of 2003, and as a direct result of the devastating fish kill of 2002, many of the agencies and tribes operating in the Klamath Basin collaborated to form the Klamath Fish Health Assessment Team (KFHAT). KFHAT is a technical workgroup whose is to provide early warning and a coordinated effort to avert or respond to a non-hazardous materials related fish kill event such as occurred in the Fall of 2002.

To accomplish this goal, KFHAT created a network through which current information about river and fish health conditions in the Klamath Basin can be quickly shared among participants, the general public, and resource managers. The timely dissemination of information on river conditions from a technical workgroup such as KFHAT to resource managers and other policy makers is imperative for rapid and well-informed decision-making. In addition to sharing information and coordinating response efforts, KFHAT members are attempting to better understand the specific conditions and warning signs that may lead to a fish kill in the Klamath Basin.

[*The Klamath River Estuary* - The mouth of the Klamath River at the Klamath River Estuary looking south. Oregos Rock is on the left (north) bank. Yurok Indian Reservation lands border both sides of the Klamath River from the Pacific Ocean to its confluence with the Trinity River at Weitchpec. The river's headwaters at Upper Klamath Lake are over 260 river miles upstream.]

Given the complexity and severity of the problems facing the basin, and the decreasing level of available resources at all levels, there is a clear need for the development of a more coordinated and sustainable monitoring program for the Klamath River Basin.

[*J.C. Boyle Power Plant on the Klamath River just above the California State line* - Klamath River water is diverted upstream at the J.C. Boyle Reservoir near Keno and flows through J. C. Boyle Power Canal into the power plant through the twin penstocks seen behind the two generator units. The Klamath River by-pass reach enters from the right.]



[*Klamath River at Martin's Ferry about 13 Miles west of Weitchpec in Humboldt County looking upstream* - Heavy rains in late January 1890 caused the Klamath River at Martins Ferry to rise over 100 feet and carry away the suspension bridge just downstream of this location. Remnants of the old footings and parts of the twisted structure are still visible today.]

The grant will fund an effort to develop a comprehensive monitoring program for the Klamath Basin that:

- Identifies clear overall water quality monitoring goals and objectives, linked to resource management goals and functional hypotheses about how the River system works;

- Integrates individual monitoring efforts/activities into a coordinated program designed to meet the goals and objectives, and provides credible information on watershed health through use of common monitoring procedures and QA/QC protocols;

- Embodies a unified data management program that includes a centralized clearinghouse or web portal for water quality data that is readily accessible, of high quality, linked to other key data bases (CEDEN, SWAMP, NPS, Tribal, CIP, etc.), and provides the foundation for assessing the health of the River basin and making informed decisions on managing resources within the Basin (BOR's Conservation Implementation Program, Bi-State Working Group, Sub-basin Watershed Groups);

- Provides a framework for transforming monitoring data into public information capable of summarizing and assessing the condition of the River basin for both resource managers, scientists and the general public;

- Combines the ability to track long-term trends (both spatially and temporally) with the flexibility to respond to shorter-term "special study" needs;

- Is a sustainable, long-term program with secure financial and political support.

Staff is in the early stages of project formulation, and look forward to the next two years working with all the project partners to accomplish our mutual goals. We will be providing periodic project status reports as the implementation of this project proceeds.

Regional Water Board Receives $101,000 from the California Department of Transportation and $10,000 from Del Norte County Public Works

- The North Coast Regional Water Board received $101,000 from the California Department of Transportation for illegal discharges by a contractor. The Department of Transportation (CalTrans) has taken corrective action with the contractor.

[Van Duzen Bridge Project]

The contractor was working on the Van Duzen

Bridge project when the discharges occurred.

- The Regional Water Board also received $10,000 from Del Norte County Public Works. An Administrative Civil Liability Complaint was issued for violations of storm water permits for construction on the Elk Valley Road in late 2005.

Recently Issued Administrative Civil Liability Complaints

- An Administrative Civil Liability Complaint (ACLC) has been issued to the City of Arcata in the amount of $306,000.

- Another ACLC was issued on January 4, 2006, to the City of Fortuna for effluent violations at its Wastewater Treatment Facility in the amount of $42,000.

- An ACLC is pending for continued late reporting by the City of Ferndale.

Information pertaining to Administrative Civil Liability Complaints can be found at http://water100.waterboards.ca.gov/rb1/orders/com/s.asp

City of Ferndale - Update

(Staff: Lisa Bernard)

Between October 1 and May 14 each year, the Ferndale Wastewater Treatment Facility (WWTF) is permitted to discharge secondary treated wastewater to the Salt River near the confluence of Francis Creek at a dilution rate of 100 to 1.

Due to low flows in the watershed and other contributing factors, the Ferndale WWTF has been discharging at rates in excess of the 100 to 1 requirement.

To address these chronic violations, the Regional Water Board issued a Cease and Desist Order to the City of Ferndale (City) on October 12, 2005. The Order, which superceded an existing Cease and Desist Order amends tasks, time schedules, and imposes a temporary restriction (connection ban) on the addition of flows to the Ferndale WWTF.

[Ferndale Wastewater Treatment Facility]

Regional Water Board staff and the Ferndale City Manager have worked to clarify the connection restriction.

The City has made progress towards its long-term project. They have:

- Implemented a short-term solution to improve dissolved oxygen concentrations in WWTF effluent;

- Submitted a detailed analysis of effluent disposal alternatives, which identified Biolac technology as the preferred treatment alternative and indicated that the City would pursue a request for an exception to the 100 to 1 dilution requirements;

- Submitted a brief work plan to address evaluation of potential cumulative impacts to the receiving water.

Noyo River Bridge Replacement Project

(Staff: Andrew Jensen)

On January 25, 2006, Regional Water Board staff member Andrew Jensen conducted a final inspection of the Noyo River Bridge Replacement Project. The project was covered by Waste Discharge Requirements (WDRs) that were originally issued in 1999. The replacement of the bridge was a large, complex project, with many potential water quality issues.

.

[Noyo Harbor, Mendocino County]

Overall, the Department of Transportation (Cal Trans) staff did a great job implementing the water quality Best Management Practices (BMPs) outlined in the WDRs Mr. Jensen performed annual site inspections and no water quality problems were documented during those inspections. The project is now complete and the WDRs will be rescinded in the near future.

In summary, the project was performed in accordance with the WDRs and water quality protection BMPs were provided during the entire project, and proved successful in protecting the waters of the Noyo River. Fort Bragg now has a modern bridge spanning the Noyo River, and from which to view the beautiful Pacific Ocean and Noyo River Harbor.

Pacific Lumber Company (Update)

(Staff: Robert Klamt)

A status conference was held on February 21, 2006, at 1:00 p.m., at the Regional Water Board offices in Santa Rosa. The discussion was focused on the proposed Watershed-Wide Waste Discharge Requirements (WWWDRs) for timber harvest plan activities conducted by Scotia Pacific Company, Salmon Creek Corporation, and the Pacific Lumber Company in the Elk River and Freshwater Creek Watersheds. It is anticipated that the WWWDRs will be scheduled for adoption this spring. Regional Water Board Members John Corbett and Bob Anderson attended the conference.

Timber Harvest Division – Special Projects Unit

(Staff: Robert Klamt)

The Timber Harvest Special Projects Unit is preparing WWDRs for Green Diamond's activities in the Elk River (about 2000 acres), and intends to have drafts prepared and distributed for public review in spring, the same time as the WWWDRS for Pacific Lumber are anticipated to be adopted

Total Maximum Daily Load (TMDL) development in the Freshwater Creek and Elk River watersheds continues. Most of the data analysis will be completed by June 2006. Using that date as a guideline, draft TMDLs should be available for public comment by late summer.

Staff's discussions with timber companies on integration of TMDL implementation with Habitat Conservation Plans continue. Staff's primary role is to help the companies understand the gap between HCP implementation and TMDL implementation. The shared goal is to reduce that gap as much as possible.

The Special Projects Unit also is working with the Mattole Restoration Council and others on their proposed Programmatic Timber Environmental Impact Report (PTEIR). Staff is preparing two landscape analyses to be used in the PTEIR.

Staff's landscape analysis basically involves analyzing the potential for sediment discharges on the basis of the sensitivity of the landscape to disturbance. For instance, the landscape can be classified as "hard" or "soft" based on geology, with "hard" being more resistant to land disturbance. Further modification of the sensitivity of the landscape occurs by overlaying soil types (some are more erodable than others), slope (gentler slopes generally less prone to landsliding), vegetation (more vegetation means less erosion from raindrop impact, less runoff, and less erosion of the soil surface), existing erosional features, and the like. Further overlays of the various land disturbances (roads, timber harvest, landslides, etc.) provide a picture of the landscape sensitivity and the degree to which land disturbances may affect the sediment delivery. Specific analyses can be applied to those "spatial" or map-type data to assign relative indices of landscape sensitivity and disturbance. Such analysis can be an assessment tool as well as a management tool, telling us where problems exist and also which areas require a softer touch.
Staff is reviewing discharge reports under the

General Waste Discharge Requirements (GWDRs) for timber harvest plans. Staff is also inspecting discharge sites on a priority basis and working with the timber companies on scheduling remedial work for the coming field season. The GWDR process appears to be working quite well and problems or issues are being resolved in a cooperative fashion.

Supreme Court Decision Announced in *Pacific Lumber Company v State Water Resources Control Board*

On January 30, 2006, the State Supreme Court announced its unanimous decision to uphold the appellate court's ruling in *Pacific Lumber Company vs. State Water Resources Control Board.*

This case was Pacific Lumber Company's challenge to a section 13267 Order that required monitoring in the "Hole in the Headwaters" (THP 520), which was issued by the Regional Water Board, then amended and reissued in 2001 by the State Water Resources Control Board (State Board).

Pacific Lumber Company succeeded at the trial court level, which was held in Humboldt County. Next, the State Board succeeded in the appellate court, which overturned the Superior Court with a lengthy decision. On January 30, 2006, the Supreme Court affirmed the appellate court ruling, for the same elemental reason: Public Resources Code (Forest Practice Act (FPA) section 4514 makes clear that despite the "comprehensive nature" of the FPA, all the authorities of other State Agencies remain intact, and that their ability to exercise their respective responsibilities are not supplanted by the FPA. In its 33-page ruling, addressing various arguments made by Pacific Lumber Company, the Court also makes it clear that the Timer Harvest Plan review process is not the final word for all State environmental regulatory issues concerning timber, and that the failure to use the head of agency appeal process, or SB 810 "veto" power, do not preclude the use of other regulatory authorities by the water boards.

Underground Storage Tank Cleanup Fund

During January 2006 the total amount of reimbursements paid from the State Water Board's Underground Storage Tank Cleanup Fund for the North Coast Region was $1,540,924.

New Clerical Staff Person and New Students

We are delighted to introduce Michelle Bautista who started work at the Regional Water Board on February 14, 2006. Michelle transferred from the State Compensation Insurance Fund and will be working full time.

We are also happy to announce that we have two new students working in the Cleanups Division, Lori Gabriel and Ian Menke. Lori is a 4th year at Sonoma State in Environmental Studies with an emphasis on Water Quality. Ian is studying Biochemistry at Sonoma State and already has a BA in English with a minor in Marketing from Sacramento State.

Future Board Meetings

The Regional Water Board's meeting schedule for the remainder of the year is as follows. There are no meetings scheduled for April and July.

May 16 – 17, 2006 (Fortuna)
Workshop and Board Meeting

June 20 – 21, 2006 (Santa Rosa)
Workshop and Board Meeting

August 8 – 9, 2006 (Location to be Determined)
Workshop and Board Meeting

September 19 – 20, 2006 (Santa Rosa)
Workshop and Board Meeting

October 18, 2006 (North Area-To be Determined)
Board Meeting

December 7, 2006 (Santa Rosa)
Board Meeting