

State of California
Regional Water Quality Control Board
North Coast Region

Minutes of Board Meeting
April 26, 2001
Eureka City Council Chambers
531 K Street
Eureka, California

On April 26, 2001, Chair Daniel Crowley called a regularly scheduled board meeting of the Regional Water Quality Control Board, North Coast Region, to order at 9:10 a.m.

i. Pledge of Allegiance

William Hoy led the Pledge of Allegiance.

ii. Roll Call

Board Members Present: William Hoy, Bev Wasson, Dina Moore, and Daniel Crowley. Via teleconference, Bill Massey was present in the Santa Rosa Regional Board hearing room, which was also open to the public. A quorum was declared and the meeting continued.

Assistant Chief Counsel, Phil Wyels, was also present by teleconference, from his Sacramento office.

Staff Members Present: Executive Officer, Lee Michlin; Assistant Executive Officer, Craig Johnson; Counsel, Yuri Won; Division Chief, Frank Reichmuth; Seniors: Thomas Dunbar, Fred Blatt and Bill Winchester; Staff, Terry Dean, Dean Pratt; Administrative staff, Donna Colvin and Jean Lockett

iii. Minutes of Past Meetings

Minutes for the March 22, 2001 Board meeting was submitted for adoption.

MOTION: Beverly Wasson made a motion to adopt the March 22, 2001, Minutes. William Hoy seconded the motion. The motion carried by unanimous vote.

iv. Board Member Ex Parte Communication Disclosure

There were no ex parte communications disclosed.

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v. Public Forum

Chair Crowley opened the floor for public forum for both the Eureka and Santa Rosa hearing rooms. William Massey reported that there were no members of the public present at the Santa Rosa location.

Michael Macomber, attorney for the Hawthorne Timber Company/Campbell Group (Hawthorne), requested that the Board add on today's agenda a petition seeking a continuance of a hearing that is set for May 24, 2001. Mr. Macomber presented the Board with a Petition seeking a 45-day continuance from Hawthorne, with Western Blasting concurrence in writing. Yuri Won informed the Board that she was the advisor to the Regional staff and not the Board on the Hawthorne matter. The advisor to the Board, Phil Wyels, suggested that the Board hear from the Regional Board's staff. Frank Reichmuth and Yuri Won discussed reasons why the Regional Water Board should deny the request for a continuance.

MOTION: Chair Crowley made a motion for the Board to consider the merits of the Hawthorne Petition. William Hoy seconded the motion. The motion passed unanimously.

MOTION: Chair Crowley moved that the Hawthorne and Western Blasting hearing be continued to a date set by the Executive Officer 45 to 60 days from May 24, 2001, or around July 10, 2001; that a subcommittee of three Board members be designated to hear the Hawthorne and Western Blasting Administrative Civil Liability Complaint matter at the Santa Rosa Regional Board Hearing Room; that the Board subcommittee make a full report and recommendation to the Board at the July 26, 2001, meeting in Yreka, at which time the full Regional Water Board will act on the Complaint; and that submission of evidence will be re-calendared as necessary to reflect the continued hearing. William Hoy seconded the motion. The motion carried unanimously.

Kristi Wrigley, a resident of the Elk River area, requested the Board to address the excessive siltation in the Elk River area. She urged the Board to set the water board hearing dates on PALCO.

Tera Prucha, stated that she trusts that the Board will enforce the Basin Plan, Clean Water Act, CEQA and other water quality laws that that would protect water quality in Humboldt County.

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Mark Lovelace, a resident of Arcata representing 250 homeowners in Humboldt County, addressed the Board regarding the many sedimentation problems in Freshwater and Elk River Watersheds.

Joyce King, a member of the Humboldt Watershed Council, thanked Lee Michlin for his service as the Executive Officer.

Jan Kraepelien, a 29-year resident of the Freshwater area, thanked Lee Michlin for his work as the Executive Officer. Mr. Kraepelien presented photographs of the Freshwater Watershed taken in 1994 and 1998. He urged the Board to proceed with the PALCO hearings.

Ken Miller, a member of the Humboldt Watershed Council, stated that it is important for the Regional Water Board and its staff to know that they are standing for a lot more than the protection of homes and water quality, they are standing for the integrity of science and policy making decisions.

Marianne DeSubrino, addressed the Board by reading part of a letter written to the editor of Time Standard regarding sediment in the Freshwater Watershed and the Elk River Watershed. She urged the Board to set the hearings for PALCO.

Jesse Noell submitted a copy of a public document addressed to Chair Daniel Crowley from PALCO dated April 13, 2001 and questioned if Chair Crowley had engaged in ex-parte communications. Chair Crowley stated that the Board was not aware of the letter or its contents. It was determined no ex parte communications occurred.

Richard Gienger, a member of the Humboldt Water Board Council, requested the Board to set the hearings for PALCO in a timely matter.

Patrick Higgins, representing Freshwater residents, requested 30 minutes on the June agenda to address the Board. The Board was in receipt of a report that Mr. Higgins suggested it support findings of the Regional Water Board staff in the Freshwater Watershed.

CONSENT CALENDAR WASTE DISCHARGE REQUIREMENTS

Item 1. Dr. Ira Granat, Waste Discharge Requirements for Diesel and Gasoline Cleanup, Name Changes and Revision, WDID No. 1B00059RHUM

Herb Schwartz, attorney representing Ira and Carolyn Granat, spoke in public forum and assured the Board that the Granats have committed themselves to doing whatever is necessary to continue the mediation with the Regional Water Board staff and to getting the stream back to health.

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MOTION: Bev Wasson moved to adopt the Consent Calendar item. William Hoy seconded the motion. The motion passed unanimously.

**WASTE DISCHARGE REQUIREMENT
FOR DISCUSSION**

Item 2. Humboldt County Department of Public Works, Bear Canyon Road Bridge Construction Project, Recision of Waste Discharge Requirements, WDID No. 1B99005RHUM

MOTION: Chair Crowley moved to adopt the recision of Waste Discharge Requirements. William Hoy seconded the motion. The motion passed unanimously.

Item 3. Pacific Gas & Electric Company (PG&E), Humboldt Bay Power Plant, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0005622, WDID No. 1B820850HUM

Tom Dunbar reported that counsel for the Regional Water Board and counsel for PG&E discussed the following resolution: Discharge Prohibition A6 states that, "discharge of any high level radioactive waste is prohibited". The Nuclear Regulatory Commission license for the Humboldt Bay Power Plant includes a statement that prohibits high levels of radioactive waste. Therefore, Regional Water Board staff recommended that the Discharge Prohibition A6 be deleted from the Waste Discharge Requirements before adoption. The Board was in receipt of the Errata Sheet for this item that includes additional changes.

MOTION: Chair Crowley moved to adopt the Waste Discharge Requirements subject to it being revised in accordance with the Errata Sheet. Bev Wasson seconded the motion. The motion passed unanimously.

Item 4. Fort Bragg Municipal Improvement District No. 1, Wastewater Treatment Facility (WWTF), Mendocino County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0023078, WDID No. 1B84083OMEN

This item was rescheduled for a future board meeting.

CORRECTIVE ACTION

Item 5. Public Hearing to Consider Renewal of Waste Discharge Requirements for City of Fortuna, Wastewater Treatment Facility (WWTF), NPDES Permit No. CA0022730, WDID No. 1B83135OHUM, and Rescission of Cease and Desist Order No. 97-40

ACTION: Chair Crowley administered the Oath to those submitting evidence, information or answering questions related to this item.

Staff member Terry Dean addressed the Board by giving public comments for the Board to consider. Staff member Tom Dunbar summarized by stating that the staff is recommending that the Board adopt the NPDES permit renewal order with the noted Errata sheet. Staff also recommended adoption of an order which rescinds the Cease and Desist Order No. 97-40, as the City of Fortuna had made the corrections called for in the Cease and Desist Order.

MOTION: Bev Wasson moved to adopt the staff recommendation with the noted errata sheet. William Hoy seconded the motion. There were five affirmative votes and no opposing votes.

A break was observed at 11:10 a.m.

CLOSED SESSIONS

At 11:15 a.m. the meeting reconvened in closed session for Items 18, 19, 20, 21 and 22.

At 11:40 a.m. Chair Crowley opened the meeting to the public.

William Massey departed the Santa Rosa conference room. There being no quorum, the meeting reconvened as a workshop.

OTHER BUSINESS

Item 6. Priority List of Emergency, Abandoned, Recalcitrant Account for Underground Storage Tank Cleanup.

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Staff member Tuck Vath gave a brief update and stated that there is no one to add to the list.

Item 7. Executive Officer Administrative Civil Liabilities

There were two ACLs issued in the last 30-days: Hawthorne Timber Company and Western Blasting for the incident in Two Log Creek.

Item 8. Budget Priorities/Timing

Lee Michlin reported that the Regional Board budget representative, Mr. Bill Massey, is working with the State Board on Fiscal Year 2002/2003 budget.

Item 9. Update on Statewide Nonpoint Source

Staff member Bill Winchester gave a brief update on the schedule of the Nonpoint Source Program.

Item 10. State and Regional Water Board communications

Lee Michlin reported that Art Baggett, Region 1's liaison from SWRCB, was unable to attend the Board meeting due to a concurrent State Board meeting in Sacramento.

Item 11. Update of Coordination Activities with the United States Forest Service (USFS) and Dark Canyon Creek enforcement Actions

Staff member Fred Blatt gave an update on Dark Canyon Creek in Shasta Trinity National Forest and the Management Agency Agreement (MAA) between the USFS and SWRCB. The MAA calls for early state involvement; it specified the procedures that would need to be implemented to protect water quality. Staff has conducted eleven inspections and noted minor violations that the Forest Service corrected.

Sharon Heywood, supervisor of the Shasta-Trinity National Forest, Donna Harmons, and Jim Harvey made a commitment to improve communication with the Regional Water Board staff and a commitment to improve water quality protection efforts. Jim Harvey gave a review of the action plan of their efforts to improve communications with the Water Board Staff. The Board was very pleased with the report.

Public Forum:

Chris Heppe, USEPA IX representative, stated the importance of communication with the Regional Water Board and the US Forest Service.

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Item 12. Update on Timber Harvest Activities

Staff member Frank Reichmuth addressed the Board on timber harvest division activities. He reviewed the Regional Water Board's role in regulating discharges from timber harvesting activities. The Regional Water Board staff participates with California Department of Forestry and the Board of Forestry in the review and improvement of Forest Practice Rules and their programs to protect water quality.

EXECUTIVE OFFICER'S REPORT

Items 13. Monthly Report to the Board

Stands as written

Item 14. Leaking Underground Storage Tanks/Sewage Spills

Stands as written

Item 15. Proposition 65 Notifications

Stands as written

Item 16. Violation and Enforcement Report

Stands as written

Item 17. Other Items of Interest

None

There being no further business to come before this meeting body, the workshop adjourned at 1: 48 p.m., until the next scheduled Board meeting on May 24, 2001.

The Secretary, E. Jean Lockett recorded the minutes of the April 26, 2001, meeting of the North Coast Regional Water Quality Control Board, to be approved by the Board at a subsequent Board meeting.

Approved: _____ Chair