

State of California
Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
June 22, 2000
Board of Supervisors Chambers
Siskiyou County Courthouse
311 Fourth Street
Yreka, California

The June 22, 2000 meeting of the California Regional Water Quality Control Board, North Coast Region, was called to order at 9:00 a.m. by Chairman Bill Hoy. Mr. Bill Hoy led the Pledge of Allegiance.

Introductions

Chairman Hoy introduced the Board members present, State Board member John Brown, Executive Officer Lee Michlin and Legal Counsel Phil Wyels.

Board Members Present

Daniel Crowley, Leslie Dahlhoff, William Hoy, Jason Liles, William Massey, James Mitchell, and Bev Wassen.

Staff Present

Lee Michlin, Craig Johnson, Frank Reichmuth, Susan Warner, John Hannum, Fred Blatt, Bill Winchester, Bill Rodriguez, Drew Bayless, Emily Dean, Terri Dean, Jean Spath, Terri Korell, and Kathleen Daly.

Minutes of Meeting

Jim Mitchell moved adoption of the May 25, 2000 minutes as presented. Bill Massey seconded the motion and it carried by a unanimous voice vote.

iii. Board Member Ex Parte Communication Disclosure

Phil Wyels discussed ex parte communication disclosure and that this item would be on every Regional Water Board agenda. Mr. Wyels requested that comments be placed in writing.

Public Forum

Oral testimony was presented by Steven Self, Redwood Creek Landowners Association. The association was formed three years ago and is comprised of private landowners in Redwood Creek, representing about 85% of the private land in Redwood Creek. The Association was organized because of Redwood Creek being listed as an impaired water body because of sediment. An implementation plan was presented to the Regional Board two years ago, and Mr. Self requested Board consideration of the plan.

Felice Pace, Klamath Forest Alliance. Mr. Pace requested time at a future Board meeting to discuss the report on the Klamath Basin's Coalition for the Klamath River. Mr. Michlin asked that a written request be made 90 days prior to a Board meeting.

Consent Calendar

3. Fulton Processors, Inc., Sonoma County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0006955, WDID No. 1B80179OSON
4. DeLoach Vineyards 2120 Crush Facility, Sonoma county, New Waste Discharge Requirements, WDID No. 1B98079RSON

Jason Liles moved adoption of the consent calendar, Items 3 and 4, as presented. Dan Crowley seconded the motion and it carried by a unanimous voice vote.

5. Approval of a Negative Declaration and New General Waste Discharge Requirements for the Addition of Oxygen Releasing Compounds to Groundwater

Mr. Charles T. Vath stated that staff had recently received a letter that expressed concern with this item. Staff requires time to respond to the concerns and recommended continuation of this item to the July Board meeting. Bill Massey moved continuation of Item 5 to the July Board Meeting, Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

1. Mr. Ira Granat, Humboldt County, New Waste Discharge Requirements for a Contaminated Groundwater Pump and Treat System, WDID No. 1B0059RHUM

Mr. Charles T. Vath explained that the Waste Discharge Requirements (WDR) are for cleanup of a diesel spill by a pump and treat system, with the discharge used as irrigation on a hillside. The diesel spill, which occurred 150 feet up a steep slope, resulting in diesel discharging to the creek. The WDRs are in parallel with Cleanup and Abatement Order Number R1-2000-43 of Friday, June 16, 2000.

Mr. Mike Renner, President of L&M Reener Inc., expressed opposition to being named in the WDR, and maintained he is not a responsible party. Mr. Renner discussed the history on the sequence of events leading to the spill. Mr. Renner's company fills Mr. Granat's tank with diesel and has for fourteen years.

Phil Wyels addressed Mr. Renner's concern and questions. The Cleanup and Abatement Order establishes liability for the spill. WDRs do not assign liability nor impact Cleanup and Abatement Orders. Mr. Wyels discussed the appeal process and time frame for notice of appeals in response to Board member questions.

Additional language was added to Finding 1 of the WDRs as follows:

"Michael Renner has stated his intention to contest his liability under the Cleanup and Abatement Order. Michael Renner shall have no obligation under these Waste Discharge Requirements to operate the system if it is finally determined that he has no liability for cleanup and abatement."

Bill Massey moved adoption of Waste Discharge Requirements for Ina Granat with the change to Finding 1, Bev Wassen seconded the motion. Motion carried by a unanimous voice vote.

6a Joint Presentation by the United States Forest Service (USFS) and Regional Water Board Staff on Coordination to Protect Water Quality and Beneficial Uses

Frank Reichmuth discussed the Regional Board's relationship with the USFS. Mr. Reichmuth gave background on the Federal Clean Water Act and the Management Agency Agreement (MAA) signed in 1981 between State Water Board and the USFS to minimize duplication. Compliance with the MAA and Best Management Practices (BMPs) would result in waiver of California Water Code Sections 13260 and 13263 for reports of waste discharge and waste discharge requirements. Since 1981, Regional Water Board staff have met annually with the USFS to review implementation of the MAA. Staff activities include reviewing a quarterly list of proposed projects, evaluating fire salvage operations, responding to complaints on forest service projects, reviewing large project environmental assessments, and reviewing proposed timber sales. With additional staff, liaisons have been assigned to each of the five national forests.

Jim Boynton, USFS Deputy Regional Forester, explained his role and introduced USFS staff. The Pacific Southwest Region Best Management Practices Evaluation Program, and the staff responsibilities and area assignments were explained. USFS programs are diverse: watershed, air resources, silviculture, mineral resource, insect and disease concerns, and soil programs

John Rector, USFS Regional Hydrologist described the USFS's role in water quality protection and the how USFS and Regional Water Board staffs related to each other. He indicated that a new compilation of the MAA BMPs was in press right now.

Mike Lee and Lou Woltering, USFS Forest Supervisors, introduced their staff and identified the land base being administered. Mr. Lee discussed recent activities involving water quality. Lou Woltering discussed the processes and requirements for projects in the North West Forest Plan.

Donna Harmon, District Ranger, South Fork Management Unit of the Shasta-Trinity National Forest, discussed the Dark Canyon Creek Project on the East Fork of South Fork, Trinity River. This project is a high priority for the USFS, and involved excavation in July 1999 of an old culvert on Dark Canyon Creek. Ms. Harmon presented a photo history of Dark Canyon Creek and the excavation of the culvert. Problems were encountered including delays in completing the project because of habitat considerations for the Northern Spotted Owl. Stockpiled soil and exposed slopes were at risk over winter, and a winter storm in May caused fill slope failure underneath the stockpile. USFS will be strengthening partnerships including public partners by improving internal and external communication, employee awareness of BMPs, and emphasizing BMPs in all ground disturbing activities.

Leslie Dohlhoff requested submittal of BMPs to Board Members.

Jack West, District Ranger, Salmon River/Scott River Ranger Districts. Mr. West discussed spotted Knapweed, which is not native to this continent. Knapweed is now a major threat to the natural Salmon River watershed. The Knapweed has been designated a public nuisance by the California Department of Food and Agriculture. Four alternatives have been considered in eradication of the Knapweed: (1) using chemical herbicides, (2) manually pulling the knapweed, (3) using chemical herbicides and manual pulling of the knapweed in combination, and (4) no action. Mr. West indicated there was public concern with option one and three because of the use of chemical herbicides. In late July, the USFS will have a decision on the Environmental Assessment for the eradication of the knapweed on National Forest managed public lands in the Klamath National Forest.

Sharon Heywood, Forest Supervisory for the Shasta Trinity National Forest summarized and brought conclusion to the presentations.

6b Citizen Groups Request to Address the Regional Board on United State Forest Service Issues

Fred Blatt introduced the five citizen groups who addressed the Board.

Anthony Ambrose, Citizens for Better Forestry, discussed BMP violations on the Six Rivers National Forest. Mr. Ambrose gave two examples of adverse impacts: (1) Dutchman timber plan in logging and road activities which impacted water quality; and (2) the El Nino timber sale, Black Butte Watershed, was a violation of BMPs of Six Rivers National Forest.

Joseph Bower, Citizens for Better Forestry, discussed BMP violations on the Shasta-Trinity National Forest. Mr. Bower discussed one timber sale that happened over the past three years in Elk Gulch. Mr. Bower gave examples of BMP violations, and would like to see oversight by Regional Board staff on projects.

Kile Haines, Citizens for Better Forestry, handed out a report which discusses roads and wet weather logging impacts to salmon in the Klamath River Watershed.

Felice Pace, Klamath Forest Alliance, BMP violations on the Klamath National Forest, and indicated that BMPs are not being implemented or were not effective in meeting Basin Plan and Water Code requirements.

Peter Brucker, Salmon River Concerned Citizens, discussed pesticide spraying for spotted knapweed in the flood plain of the Salmon River. He stated that pesticides do not kill seeds, and also expressed concern on the different pesticides being considered. Mr. Brucker indicated there was a workshop to be held in August on knapweed, and invited all to come.

Frank Reichmuth will be looking into the concerns presented by the Citizens Groups and report back. Mr. Reichmuth then transitioned into the next item.

6b Proposed Resolution to Recommend the State Water Resources Control Board Rescind the Management Agency Agreement (MAA) between the United States Forest Service and the State Water Resources Control Board

The purpose of the MAA was to designate the USFS as the agency responsible for water quality protection on USFS lands. The USFS responsibilities include developing and implementing best management practices to protect water quality. Staff recommended that the Resolution not be adopted.

Chairman Hoy expressed concern and would like a six month review of this item. Jason Lyles supported the suggestion. There will be a review of agency cooperation on a semi annual basis in December 2000 or January 2001 to report on activities.

Marcia Armstrong, Executive Director for the Farm Bureau, talked about the threat to agriculture of knapweed.

Lee Michlin read into the record a note from past Board member Stan Plowman who expressed concern with USFS procedures. Mr. Plowman would like to see Waste Discharge Requirements be issued on projects that threaten water quality.

6h State and Regional Water Board Communications

State Water Board Representative, John Brown, updated the Board members and public on a recent workshop in Los Angeles on storm water regulations and reported on a TMDL being developed due to impairment by trash. State Board will be hearing these

issues which may impact other Regions. Water Rights workshops on Groundwater will be scheduled soon.

6d US Fish and Wildlife Service Shasta River Wetlands Easement/Acquisition Project

John Hannum introduced Mr. Ron Iverson, US Fish and Wildlife Services, who reported on salmon and steelhead in the Shasta River. Mr. Iverson indicated the Service was looking at easements for riparian lands. Concept plan workshops are scheduled for this summer and fall, with the final draft and final Environmental Assessment scheduled to be completed next calendar year. Easements purchased would possibly be funded for Fiscal Year 2004 and likely from the Federal Land Acquisition Fund.

6e. Shasta River Watershed Activities

John Hannum introduced David Webb. David Webb, of the Shasta Valley CRMP reported that the 205j and 319h grants have been helpful on the Shasta River. Chairman Hoy expressed his appreciation and support to Mr. Webb.

6f. Executive Officer Administrative Civil Liabilities

Lee Michlin issued Administrative Civil Liability Complaint for \$40,000 to Redwood Sanitary, Inc. for a fire in Shiloh Industrial Park.

6g Violation and Enforcement Report

Craig Johnson and Susan Warner explained the monthly report with the Board members. The report will be modified to reflect the location of facilities and provide some indication of the priority of the violations.

Item 7a, Introduction and Overview of Stormwater and Item 7b, Introduction to California Toxics Rule (CTRs) were cancelled, as Mr. Tancreto was ill.

7c. Other Items of Interest

Chairman Hoy presented certificates of appreciation to three staff who are retiring in June: Jean Spath, Executive Assistant, over 20 years of State Service and with the North Coast Region since July 1988; John Hannum, Senior Water Resource Control Engineer, over 35 years of State Service and with the North Coast Region since February 1968; and Bill Rodriguez with over 37 years of State Service and with the North Coast Region since July 1972.

Susan Warner presented a summary of the history at the J. H. Baxter superfund site.

Frank Reichmuth gave an update on a possible Head of Agency Appeal to California Department of Forestry (CDF). CDF approved a timber harvest plan without the review team recommendation. There is a 10 day window for filing a Head of Agency Appeal,

and CDF signed the THP on Monday, June 19, 2000. Regional Water Board has until June 29, 2000, to file the Head of Agency Appeal. Board Members will be e-mailed with updates on this item.

Starting in August, Regional Board Meetings will be held on the 4th Friday of each month.

Chairman Hoy adjourned the meeting at 5:10 p.m.

The next Regional Water board meeting will be a two-day session. First day, July 26 is a workshop on TMDL in Santa Rosa and the second day, July 27, is the regularly scheduled meeting in Willits, California.

Acting Executive Assistant, Kathleen Daly recorded the minutes of the June 22 Board meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its July 27, 2000 meeting.

Approved by: _____, Chairman