



Alan C. Lloyd, Ph.D
Agency Secretary

**California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson**

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Arnold
Schwarzenegger
Governor

Mailout Date: June 2, 2005

**Meeting Announcement
Agenda**

1:00 p.m., Tuesday, June 21, 2005

9:00 a.m., Wednesday, June 22, 2005

**Regional Water Board
5550 Skylane Blvd., Ste A
Santa Rosa, CA 95403**

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.waterboards.ca.gov/northcoast.

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, and posted on the Regional Water Board's website.

For any item for which there is no due date specified by a specific hearing notice, all written submittals shall be due no later than 12:00 noon the Friday before the board meeting or workshop. 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 648.4, the Regional Water Board may refuse to admit written testimony or evidence into the administrative record 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.

Tuesday, June 21, 2005

1:00 p.m.

- i. Pledge of Allegiance
- ii. Roll Call and Introductions
- iii. Board Chair Request - Presentation by Office of Chief Counsel, State Water Resource Control Board, The Bagley – Keene Public Meeting Act. (Beverly Wasson)

Consent Item

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.

1. Order No. R1-2005-0036, **California Department of Fish and Game, Mad River Fish Hatchery**, Humboldt County, Renewal of Waste Discharge Requirements/NPDES Permit (No. CA0006670), WDID No. 1B80073OHUM (*Tom Dunbar*)

Action Item

2. PUBLIC HEARING to Consider Adoption of a Negative Declaration and Order No. R1-2005-0011, General Waste Discharge Requirements and Water Quality Certification for Discharges Related to **Sand and Gravel Mining and Excavation Activities** On Non-Federal Lands in the North Coast Region (*Dean Prat*)

Enforcement Items

3. PUBLIC HEARING Order No. R1-2005-0035, to consider modification of Cease and Desist Order No. R1-2000-0071 (NPDES NO. CA0022756) in the matter of **City of Crescent City WWTF**, Del Norte County, WDID No. 1A84006ODN (*Tom Dunbar*)

4. PUBLIC HEARING Order No. R1-2005-0034, to consider modification of Cease and Desist Order No. R1-2000-0015 (NPDES NO. CA0022748) in the matter of **City of Rio Dell WWTF**, Humboldt County, WDID No. 1B83134OHUM (*Lisa Bernard*)

Information Items

5. Update on **Occidental County Sanitation District's Progress** toward meeting the June 2008 deadline on facility upgrades required by Cease and Desist Order No. R1-2004-0102 and Administrative Civil Liability Order No. R1-2003-0125 (*Cathy Goodwin*)
6. Update on **Hopland Public Utilities District**, Mendocino County (*Mona Dougherty*)

Wednesday, June 22, 2005

9:00 a.m.

- iii. Pledge of Allegiance
 - iv. Roll Call and Introductions
 - v. 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.
 - vi. 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.
 - vii. **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. The Board Chair may limit the public forum to 30 minutes on this day of the meeting, and continue any remaining appearances beyond the 30 minutes to be placed at the end of the regularly scheduled business on Wednesday, June 22, 2005. The Board Chair requests that each person addressing the Board limit their presentation to three minutes.
7. Approval of Meeting Minutes: April and May 2005

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.

8. Order No. R1-2005-0032 **Former LP Cloverdale Woodwaste Disposal Site (WWDS) Tyriss Corporation Project** – Clean Closure Waste Discharge Requirements, WDID No. 1B84064OSON, Cloverdale, Sonoma County (*Terri Kinney*)
9. Order No. R1-2005-0033 **Former Allan Maki Woodwaste Disposal Site (WWDS) Tanferani Development Project** – Post Closure- Development Waste Discharge Requirements, WDID # 1B04166RHUM, Fortuna, Humboldt County (*Terri Kinney*)

10. Order No. R1-2005-0042 Wastewater Discharge Recisions Order No. R1-99-67, **Barlow Company and City of Sebastopol**, Barlow Apple Processing Plant, Sonoma County, WDID No. 1B81019OSON, and Order No. 90-216, **Annapolis Milling Company**, Sonoma County, WDR Rescission, WDID No. 1B85027RSON (*Paul Keiran*).
11. Order No. R1-2005-0043 and R1-2005-0044 **Circuit Rider Productions' Russian River Arundo Removal Project**, Sonoma and Mendocino Counties (*Diana Henriouille*)

Action Item

12. PUBLIC HEARING on **Salmon River Total Maximum Daily Load (TMDL) and Implementation Plan for Temperature**. (*Bruce Gwynne*)

Enforcement Items

13. PUBLIC HEARING Order No. R1-2005-0031 to consider whether to affirm, reject, or modify a Complaint for Administrative Civil Liability issued on May 12, 2005, in the matter of **Sonoma County Water Agency and the Russian River County Sanitation District, Wastewater Treatment Facility** WDID No. 1B82045OSON, Sonoma County (*Charles Reed*)
14. PUBLIC HEARING Order No. R1-2005-0041, to consider whether to affirm reject, or modify a Complaint for Administrative Civil Liability issued on May 13, 2005 in the Matter of **A A Auto Parts** (*Paul Keiran*)
15. PUBLIC HEARING Order No. R1-2005-0048, to consider whether to affirm reject, or modify a Complaint for Administrative Civil Liability issued on May 23, 2005 in the Matter of **American Aircraft Painting** (*Paul Keiran*)

Information Items

16. **Status Report on Mixing Zone Project** (*Ranjit Gill*)
17. The Board's Role in Adjudicatory Proceedings (*Sheryl Schaffner*)
18. Executive Officer Administrative Civil Liabilities (*Catherine Kuhlman*)
19. Board Member Requests for Future Agenda Items (*Catherine Kuhlman*)
20. Monthly Report to the Board (*Written*)
21. Other Items of Interest

Closed Session

22. 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, evaluation of performance, 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).*
- 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 (alleging tort liability against the City, County and State relating to groundwater contamination from private commercial activities);
 - ii. *Pacific Lumber Company v. State Water Resources Control Board*, Calif. Supreme Court, Case No. S124464 (challenge re 520 monitoring order and authority of Water Boards);
 - iii. *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 (challenging 13267 orders);
 - 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 030761 (challenging request for reports of waste discharge in Freshwater Creek);
 - v. *Humboldt Watershed Council and Jesse Noell v. North Coast Regional Water Quality Control Board; State Water Resources Control Board, et al.*, Humboldt Co. Sup. Court, Case No. CV 030961 (challenging sufficiency of regulatory actions in 5 watersheds);
 - 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.
 - ix. *People, et al. v. Stuyvesent et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from a fuel oil spill in Humboldt Bay several years ago).
 - x. *People, et al. v. KURE Shipping S.A., et al.*, Humboldt Co. Sup. Court (natural resource damage and statutory violations stemming from another fuel oil spill in Humboldt Bay several years ago).
 - xi. *In re Petition of Calvin and Winifred Chang* (SWRCB/OCC File No. A-1535).
 - xii. *In re Petition of Betty A. Marshall* (SWRCB/OCC File No. A-1652).
 - xiii. *John W. Hanes et al. v North Coast Regional Water Quality Control Board*, Mendocino County Superior Court, Case No. SCUK CVPT 0492211 (challenging administrative civil liabilities and their basis).
 - xiv. *In re Petition of Hopland Public Utilities District* (SWRCB/OCC File No. A-1698).
 - xv. *In re Talmage Dam* (consider referral of sediment discharge from dam operated by Mendocino County to Attorney General's Office).

23. Arrangements for Next Meeting and Adjournment
Tuesday and Wednesday
August 9 and 10, 2005
 Regional Water Board
 5550 Skylane Blvd., Ste 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.

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 for Closed Session items 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 Jlockett@waterboards.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 formulating 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 are expected to notify 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 Jlockett@waterboards.ca.gov](mailto:Jean Lockett at (707) 576-2307 or Jlockett@waterboards.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.waterboards.ca.gov

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.waterboards.ca.gov 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.waterboards.ca.gov / wqpetitions/index.html](http://www.waterboards.ca.gov/wqpetitions/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.

| Board Member | Appointment Category | Last Appointed |
|--|-------------------------------|-----------------------|
| Beverly Wasson, Chairperson <i>Rio Nido</i> | Irrigated Agriculture | 11/30/01 |
| John Corbett, Vice Chairman <i>McKinleyville</i> | Municipal Government | 11/30/04 |
| Gerald Cochran <i>Crescent City</i> | Public | 11/19/02 |
| Richard Grundy <i>Santa Rosa</i> | Water Quality | 11/30/01 |
| Heidi Harris <i>Salyer</i> | Recreation, Fish and Wildlife | 02/04/05 |
| Dennis Leonardi <i>Ferndale</i> | Industrial Water Use | 02/04/05 |
| Clifford Marshall <i>Hoopla</i> | Municipal Government | 02/07/05 |
| William Massey <i>Forestville</i> | County Government | 10/30/03 |
| Sari Sommarstrom <i>Etna</i> | Water Quality | 02/04/05 |

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| Tam Doduc | State Board Liaison |
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| Lead Staff | |
|-------------------|----------------------------------|
| Catherine Kuhlman | Executive Officer |
| Luis Rivera | Assistant Executive Officer |
| Patricia Gorup | Interim Staff Services Manager I |
| 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, Permitting Unit |
| Thomas B. Dunbar | Supervisor, Enforcement Unit |
| Diana Henriouille | Supervisor, North Coastal NPS Unit |
| William Winchester | Supervisor, Grants and Special Projects |
| Mark Bartson | Supervisor, Grants Unit |
| Tuck Vath | Supervisor, Northern Cleanups Unit |
| David Evans | Supervisor, Southern Cleanups Unit |

| Timber Harvest Division | |
|--------------------------------|--|
| Robert R. Klamt | Acting 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 |

| Watershed Management Division | |
|--------------------------------------|---------------------------|
| Ranjit Gill | Division Chief |
| David Leland | Supervisor, TMDL Unit |
| David Hope | Supervisor, Planning Unit |