

Minutes of Meeting

1:00 p.m., Wednesday, June 22, 2011
8:30 a.m, Thursday, June 23, 2011
Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Ste A
Santa Rosa, CA 95403

Audio recordings of board meetings are available at
www.waterboards.ca.gov/northcoast; go to the Board Info tab and click on Meetings.

i. Pledge of Allegiance

Board Chair Geoffrey Hales led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: Geoffrey Hales, David Noren, William Massey, Heidi Harris,
and John Corbett

Regional Water Board staff present: Catherine Kuhlman, Luis Rivera, Samantha
Olson, David Rice, Patti Corsie, Patricia Gorup,
Bryan McFadin, Holly Lundborg, David Leland,
Diana Henrioulle.

iii. Board Member Ex Parte Communication Disclosure

Vice Chair Noren reported that he has attended meetings for the Dairy permit to discuss
general issues and the Underground Storage Tank Low-Risk Task Force.

William Massey reported that he had met with elected officials of the County, State and
Federal regarding West County Sewers.

Chair Geoffrey Hales reported that he attended meetings with:

- Kristi Wrigley, a resident of Elk River, regarding her opposition to some THPs
from Humboldt Redwood Company
- Andy Westfall, NTMP owner, regarding the Timber Waiver and NTMP provisions
- Seth Zuckerman, Mattole Restoration Council, regarding the proposed Mattole
Watershed THP program

iv. State Board Liaison's, and Board Chair's Reports

Tam Doduc was not in attendance due to having car trouble.

v. Resolution No. R1-2011-0060, expressing appreciation to Carol Dean

Read and presented by Board Member Noren.

Motion: John Corbett moved to adopt Resolution No R1-2011-0060. William Massey seconded, motion passed unanimously.

vi. Public Forum

No comments were taken from the Public

1. Approval of Meeting Minutes May 5, 2011

Motion: John Corbett moved to adopt the May 5, 2011 Minutes. William Massey seconded, motion passed unanimously.

Uncontested Items

1. Public Hearing on Order No. R1-2011-0052, Settlement Agreement and Stipulation for Entry of Administrative Civil Liability, to resolve violations alleged in Administrative Civil Liability Complaint No. R1-2010-0045 for Gualala Community Services District, WDID No.1B89005RMEN.
2. Item pulled from the Agenda, Board Member William Massey recused.
3. Item pulled from the Agenda, Board Member William Massey recused.
4. Public Hearing on Order No. R1-2011-0046, to consider adoption of Waste Discharge Requirements for Redway Community Services District Municipal Wastewater Treatment Plant (WWTF), WDID No. 1B83147OHUM, NPDES No. CA0022781, Humboldt County.
5. Public Hearing on Order No. R1-2011-0019 to renew NPDES permit in the matter of City of Crescent City, Wastewater Treatment Facility, NPDES No. CA0022756, WDID. No. 1A84006ODN, Del Norte County.
6. Public Hearing on Order No. R1-2011-0018, to consider Rescission of Cease and Desist Orders, Nos. R1-2000-72 and R1-2005-0035, for City of Crescent City, Wastewater Treatment Facility, NPDES No. CA0022756, WDID. No. 1A84006ODN, Del Norte County.

Motion: John Corbett moved the motion to approve Items No. 1, 4, 5, and 6.
William Massey seconded the motion.
Motion passed unanimously.

Public Hearings

7. Public Hearing on Order No. R1-2011-0063, to consider whether to affirm, reject, or modify an Order for the Short Term Renewal of Order No. R1-2006-0081, Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed, North Coast Region.

Comments were taken from:

- Daniel Meyers, Redwood Chapter of the Sierra Club

Motion: William Massey moved the motion to approve
Heidi Harris seconded the motion.
Motion passed unanimously.

8. Item to be heard on June 23, 2011.

Workshop Item

9. A public workshop on the 2011 Triennial Review of the North Coast Region Basin Plan was held at the June 22, 2011 meeting. Staff presented the *Initial Staff Report for the 2011 Triennial Review* which includes the status of issues included on the 2007 Triennial Review List, as well as staff's initial recommendation on issues to include on the 2011 Triennial Review List. Written comments on the *Initial Staff Report* will be accepted until August 15, 2011. The draft Staff Report and Workplan for the 2011 Triennial Review will be released in early September with a Board hearing scheduled for September 29, 2011.

Comments were taken from:

- Daniel Meyers, Redwood Chapter of the Sierra Club
- Brenda Adelman, Russian River Watershed Protection Committee

Information Items

10. Discussion of the Development of the Temperature Water Quality Objective Implementation Policy for Waterbodies in the North Coast Region.

Comments were taken from:

- Matt Greene, CA Licensed Forester
- John Williams, Registered Forester
- Daniel Meyers, Redwood Chapter of the Sierra Club

11. Central Landfill Update. Diana Henrioulle introduced Susan Klassen, Sonoma County Deputy Director of Transportation and Public Works, Joe Miller, SCS Engineers and Alex Sebastian, Senior Civil Engineer, County of Sonoma who updated the Board on the timeline and activities for the Central Landfill in Sonoma County.

12. PG&E Humboldt Bay. David Leland introduced Roy Willis, Environmental Manager, PG & E Humboldt Bay Power Plant who updated the Board on the decommissioning and dismantling of the nuclear unit at the power plant.

13. Executive Officer's Report

Catherine Kuhlman updated the Board regarding two items of interest:

- The Railroad will begin operating from Healdsburg to Schellville, CA.
- Received approval to begin processing bacteria samples using our own laboratory.

14. Board Member Requests for Future Agenda Items

Board Member Heidi Harris brought up the Environmental Impacts of Marijuana growers in Trinity County. Catherine Kuhlman will follow-up on this matter.

15. Other Items of Interest

No other items to discuss

16. Closed session

There was no closed session.

There being no further business to come before the Regional Water Board, the meeting adjourned at 5:00 p.m., June 22, 2011.

Thursday June 23, 2011

i. Pledge of Allegiance

Board Chair Geoffrey Hales led the Pledge of Allegiance.

ii. Roll Call and Introductions for Hearing Panel

Board Members present for Hearing Panel: Geoffrey Hales, David Noren, William Massey and Heidi Harris

9. Hearing Panel to consider issuance of an order for administrative civil liability to the California Department of Transportation (Caltrans) for alleged violations of Caltrans' statewide NPDES Storm Water Permit (Order No. 99-06-DWQ) and the project-specific Water Quality Certification that occurred during the construction of the Confusion Hill Bypass Project. Administrative Civil Liability Complaint R1-2009-0095 proposes civil liability in the amount of \$1,511,000

The hearing was conducted following the requirements contained in the California Code of Regulations, Administrative Procedure Act, the Evidence Code, and the Government Code. The Parties' presentations were conducted in the following order:

1. Opening Statements; Prosecution Team, Caltrans, MCM
2. Prosecution Team; Case Presentation and Direct Testimony
3. Caltrans, Cross Examination of Witnesses
4. MCM; Cross Examination of Witnesses
5. Caltrans; Case Presentation and Direct Testimony
6. Prosecution Team; Cross Examination of Witnesses
7. MCM; Cross Examination of Witnesses
8. MCM, Case Presentation and Direct Testimony
9. Prosecution Team; Cross Examination of Witnesses
10. Caltrans, Cross Examination of Witnesses
11. Prosecution Team, Caltrans; and MCM; Rebuttal and Rebuttal Cross Examination
12. Prosecution Team; Closing Argument
13. Caltrans; Closing Argument
14. MCM; Closing Argument

Parties:

Advisory Team:

- Catherine Kuhlman, Executive Officer
- Samantha Olson, Senior Staff Counsel
- Lisa Bernard, Sanitary Engineering Associate

Prosecution Team:

- Julie Macedo, Staff Counsel III
- Christian Carrigan, Senior Staff Counsel
- Luis Rivera, Assistant Executive Officer
- David Leland, Supervising WRCE
- Mona Dougherty, WRCE
- Kason Grady, WRCE
- Dean Pratt, EG
- Forest Fortescue, Student Intern

CalTrans:

- Douglas Jensen, Esquire
- Ardine Zazzeron, Esquire
- Terry Davis, Witness
- Sebastian Cohen, Witness
- David Melendrez, Witness

MCM:

- Sean Hungerford, Esquire
- Edmundo Puchi, Esquire

- Barbara Brenkus, Esquire
- Evan Paine, Witness
- Dave Bieber, Witness

At the conclusion of the proceedings, Chairman Hales announced that the Hearing Panel would draft an order for the full Board to consider at a later date and adjourned the hearing at 5:30 p.m., June 23, 2011.

1. Closed session

There were no reports from closed session.

The next Regional Water Board Meeting is scheduled for September 29, 2011 in the David C. Joseph Hearing Room, 5550 Skylane Blvd, Ste A, Santa Rosa, CA 95403.

Chairperson_____

Date_____