California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

www.waterboards.ca.gov/northcoast
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Matt Rodriquez
Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

Post Date: September 7, 2011

Meeting Announcement

8:30 A.M., Thursday, September 29, 2011
Regional Water Quality Control Board
David C. Joseph Meeting Room
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.

It is the policy of the State and Regional Water Boards to provide a work environment that is free from threats or acts of violence. Threats or acts of violence committed by, or directed at, any employee will not be tolerated. The Board will not tolerate derogatory conduct directed toward any person based on their race, national origin, religion, gender, sexual orientation, or similar characteristics.

Any person who appears before the Board has an obligation to represent their interest in a professional manner. The Board requests that all persons in or near a Board meeting refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Gov. Code, §11455.10.).

The North Coast Water Board considers items which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. We expect all statements made before this Board to be truthful, with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.

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.

i. Pledge of Allegiance

ii. Roll Call and Introductions

iii. 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.

iv. 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.

v. **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 thirty (30) minutes initially, and continue any remaining appearances beyond the thirty (30) minutes at the end of the regularly scheduled business of the day. The Board Chair requests that each person addressing the Board limit their presentation to three (3) minutes.

1. Approval of Meeting Minutes: June 23, 2011

Uncontested Items

2. **Public Hearing** on Order No. R1-2011-0054, to consider adoption of Waste Discharge Requirements for **City of Rio Dell Municipal Wastewater Treatment Plant** (WWTF), NPDES Permit No. CA0022748, WDID NO. 1B83134OHUM. *(Lisa Bernard)*

Action Items

3. **Public Hearing** on Resolution No. R1-2011-0090, **Editorial Amendments to Chapter 2 – Beneficial Uses of the Water Quality Control Plan for the North Coast Region** *(Don Coates)*

4. **Public Hearing** on Resolution No. R1-2011-0069, **Directing Staff to Use Existing Authorities to Implement Water Quality Objectives for Temperature in the North Coast Region and Develop for Board Consideration a Basin Plan Amendment to Incorporate a Temperature Implementation Policy** *(Bryan McFadin)*

5. **Public Hearing** on Resolution No. R1-2011-0091, **2011 Triennial Review of the *Water Quality Control Plan for the North Coast Region*** *(Holly Lundborg)*

6. Russian River Watershed Association, Resolution R1-2011-0094. **Endorsing the Russian River Watershed Association's Seven Principals and Practices of Russian River-Friendly Landscaping** *(Catherine Kuhlman and Virginia Porter)*

Workshops

7. Shasta River TMDL Action Plan and Waiver Update *(Andrew Baker)*

8. Regulatory Program for Waste Discharges from Dairies and Concentrated Animal Feeding Operations in the North Coast Region *(Cherie Blatt and Lisa Bernard)*

Information Items

9. Mad River Watershed Assessment and TMDL Compliance. *(Berny Reed and Craig Benson)*

10. Update on Russian River Pathogen TMDL Early Implementation and Monitoring Efforts *(Rebecca Fitzgerald)*

11. Enforcement Update *(Diana Henriolle)*

12. Executive Officer's Report *(Catherine Kuhlman)*

13. Board Member Requests for Future Agenda Items *(Catherine Kuhlman)*

14. Other Items of Interest *(Catherine Kuhlman)*

Closed Session

15. 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 (Gov. Code, §11126, subd.(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 (Gov. Code, § 11126, subd.(a)(1));
    c. Discuss significant exposure to litigation (Gov. Code, §11126, subd.(e)(2)(B)(i));
    d. Discuss whether to initiate litigation (Gov. Code, § 11126, subd.(e)(2)(C)(i)); and
    e. Discuss initiated litigation in the following matters (Gov. Code, § 11126, subd.(e)):
        1) *People of the State of California v. North Coast Railroad Authority d.b.a. North Western Pacific Railroad,* Mendocino Co. Sup. Ct., Case No. CV-80240;
        2) *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*;*
        3) *John W. Hanes et al. v. North Coast Regional Water Quality Control Board,* Mendocino County Superior Court, Case No. SCUK CVPT 0492211;
        4) *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;
        5) *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;
        6) *Pacific Lumber Company et al. v. State of California*, Sacramento Co. Sup. Ct., Case No. 34-2009-00042016-CU-BC-GDS;
        7) *Jon Green; Green Right O'Way Constructors v. North Coast Regional Water Quality Control Board*, Mendocino Co. Sup. Ct., Case No. CV0595697;
        8) *PacifiCorp Energy, Inc. v. State Water Resources Control Board, North Coast Regional Water Quality Control Board*, Sacramento Co. Sup. Court. Case No. 2011-80000769;
        9) *In re Petition of Betty A. Marshall,* (SWRCB/OCC File No. A-1652);
        10) *In re Petition of City of Healdsburg,* (SWRCB/OCC File No. A-1673);
        11) *In re Petition of Robert and Alice Larsen Trust*, (SWRCB/OCC File No. A-1850);
        12) *In re Petition of KFD Enterprises* (SWRCB/OCC File No. A-1962);
        13) *In re Petition of California Department of Forestry and Fire Protection* (SWRCB/OCC File No.A-2029), *California Farm Bureau, et. al* (SWRCB/OCC File No. A-2029(a), and *Weger Interests Ltd. et al.* (SWRCB/OCC File No. A-2029(b));
        14) *In Re Petition of County of Sonoma* (SWRCB/OCC File No. A-2053);
        15) *In Re Petition of Jon and Deann Green* (SWRCB/OCC File No. A-2069);
        16) *In Re Petition of Philbrick Family Partnership* (SWRCB/OCC File No. A-2102).

16. **Arrangements for Next Meeting and Adjournment**
    8:30 a.m., Thursday, November 3, 2011
    Regional Water Board
    5550 Skylane Blvd., Ste A
    Santa Rosa. CA

Procedures and Notes

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 Patti Corsie, Office Technician, at (707) 576-2307 or PCorsie@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 will be expected to notify the 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.

Comments on agenda items will be accepted by electronic mail subject to the same conditions set forth for other written submissions. The total submittal (including attachments) cannot 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 Patti Corsie at (707) 576-2307 or** PCorsie@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 by staff to the Regional Water Board 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/northcoast**

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 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: **www.waterboards.ca.gov/public_notices/petitions/water_quality/**

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
Geoffrey Hales, Chairman *Eureka*	Water Quality
David Noren, Vice Chairman *Sebastopol*	Industrial Water Use
John Corbett *McKinleyville*	Water Supply
Heidi Harris *Salyer*	Recreation, Fish and Wildlife
William Massey *Forestville*	County Government
Vacant	Municipal Government
Vacant	Water Quality
Vacant	Irrigated Agriculture
Vacant	Public

Tam Doduc	State Board Liaison
Management Staff	
Catherine Kuhlman	Executive Officer
Luis Rivera	Assistant Executive Officer
Patricia Gorup	Staff Services Manager I
Janet Mahoney	Small Business Liaison
Vacant	Executive Assistant
Patti Corsie	Office Technician
Samantha Olson	Counsel to the Board
David Rice	Counsel to the Board
Holly Lundborg	Supervisor, Basin Planning Unit
Watershed Protection Division	
David Leland	Division Chief
Vacant	Supervisor, Core-Regulatory Unit
Diana Henrioulle	Supervisor, Enforcement•Grants•Land Disposal Unit
Rebecca Fitzgerald	Supervisor, TMDL Development Unit
Timber Harvest and Nonpoint Source Division	
Matt St. John	Division Chief
Mark Alpert	Supervisor, Southern Timber Unit
Fred Blatt	Supervisor, Northern Timber Unit
Mark Neely	Supervisor, TMDL Implementation•Nonpoint Source•401•Wineries Unit
Cleanups and Investigations	
Kasey Ashley	Supervisor

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d. Click on the box to the left of "BOARD MEETING AGENDA" and any other topics you would like to subscribe to.
e. Click on the Subscribe button on the right hand side of the page.
f. You will receive a confirmation e-mail message at the address entered in step b above.