

DRAFT

MINUTES OF MEETING

March 15, 2007
Wharfinger Building
1 Marina Way
Eureka, CA

Board Meeting audio recordings are available at www.waterboards.ca.gov/northcoast. Click on board meetings.

9:00 a.m.

Chairman John Corbett opened the meeting to the public at 9:10 a.m.

i. Pledge of Allegiance

William Massey led the Pledge of Allegiance

ii. Roll Call and Introductions

Board Members Present: John Corbett, Mike Dunker, Geoffrey Hales, Heidi Harris, William Massey, and Samuel Wakim

Absent: Bob Anderson

Regional Board staff present:
Catherine Kuhlman, Luis Rivera, David Leland, Ranjit Gill,
Samantha Olson, Kim Niemeyer, Tom Dunbar, Matt St. John,
Michelle Nguyen, and Jean Lockett

iii. Board Member Ex Parte Communication Disclosure

William Massey reported that he spent a week in Washington, D.C. discussing financing for California Rural Water Association (CRWA). Mr. Massey indicated that while discussing CRWA issues, the Klamath River issues were brought into the conversation, and he had discussions with office staff for representative, Senator Boxer, Congressmen Wally Herger, Mike Thompson, and John Doolittle.

iv. Resolution No. R1-2007-0017 Expressing Appreciation to Gerald "Jerry" Cochran

MOTION: William Massey moved to adopt the Resolution of Appreciation No. R1-2007-0017 to Gerald Cochran. Samuel Wakim seconded the motion. Motion passed unanimously.

Mr. Cochran was unavailable to receive his Resolution. Chairman Corbett indicated that he would personally deliver the Resolution to Mr. Cochran at a later date.

Chairman Corbett took an opportunity to present Sheryl Schaffner with a Resolution of Appreciation for her work as North Coast Regional Water Board staff counsel. Ms. Schaffner thanked the Board and staff and expressed her appreciation for their work in water quality issues. The resolution was adopted at a previous board meeting.

v. State Board Liaison's, Board Chair's, Board Members' and Executive Officer's Reports:

The State Board liaison was unable to attend the meeting due to a conflict in his schedule.

Chairman Corbett reported that the State Water Resources Control Board (SWRCB) is involved in Strategic Planning and has developed a process to involve stakeholders. Chairman Corbett stated that the SWRCB will conduct a four-hour workshop at the North Coast Regional Water Board's meeting in Santa Rosa on April 25, 2007. He discussed several themes that were discussed at the SWRCB's level.

vi. **Public Forum –**

Comments were taken from:

Felice Pace, Klamath River Basin Resident, Landowner, and Citizen Activist

1. **Approval of Meeting Minutes: February 2007**

MOTION: William Massey moved to approve the February Minutes with changes. Mike Dunker seconded the motion. Motion passed unanimously.

Consent Item

2. PUBLIC HEARING Order No. R1-2007-0014, to consider rescission of waste discharge requirements for **Erica Peters, Robert Peters, Marlene Judy Peters and E-Z Livin Mobile Home Park**, 19925 Highway 101, Willits, Mendocino County

MOTION: William Massey moved to adopt the consent calendar. Samuel Wakim seconded the motion. Motion passed unanimously.

Petition for Action

3. Consider a petition requesting the Regional Water Board to order **PacifiCorp**, operator of **Copco and Iron Gate Dams**, to submit a report of waste discharge and/or to issue waste discharge requirements; submitted by the *Karuk Tribe of California, Klamath Riverkeeper, Pacific Coast Federation of Fishermen's Associations and the Institute for Fisheries Resources*.

Samantha Olson, Regional Water Board staff counsel, gave a brief legal presentation on federal preemption and water quality certification for hydroelectric dams regulated by the Federal Energy Regulatory Commission. Catherine Kuhlman, Executive Officer, followed up by providing various staff recommendations that would be drafted in a resolution for adoption at the April 2007 Board meeting. The Regional Water Board heard comments/argument from the Petitioner, PacifiCorp, and public.

MOTION: William Massey moved to require the Regional Water Board staff to bring to the Board for consideration a resolution that encompasses staff's recommendations. Geoffrey Hales seconded the motion.

Chairman Corbett requested an update on the status of the

- State Water Resources Control Board's meeting with the Department of Public Health,
- Environmental of Justice's project that has flagged this issue; and
- Protocol guidance

Motion passed unanimously.

Enforcement

4. PUBLIC HEARING Order No. R1-2007-0009, to consider whether to affirm, reject, or modify a complaint for Administrative Civil Liability issued on August 22, 2006 for Mandatory Minimum Penalties for violations of Waste Discharge Requirements Order Nos. 98-50 and R1-2003-0044 to **Humboldt County Resort Improvement District No. 1 (Shelter Cove) Wastewater Treatment Facility**, Humboldt County

Chairman Corbett administered the oath to those who expected to testify.

Tom Dunbar indicated that the Shelter Cove item was a consent item. He introduced the enforcement team and gave a short presentation.

MOTION: William Massey moved to adopt Order No. R1-2007-0009. Heidi Harris seconded the motion. Motion passed unanimously.

5. PUBLIC HEARING Order No. R1-2007-0010, to consider whether to affirm, reject, or modify a complaint for Administrative Civil Liability issued on August 22, 2006 for Mandatory Minimum Penalties for violations of Waste Discharge Requirements Order No. R1-2000-0019 to **Redway Community Services District Wastewater Treatment Facility**, Humboldt County

Chairman Corbett administered the oath to those who expected to testify.

Tom Dunbar stated that the Redway CSD falls under the definition of a small community. They are not contesting the violation, but do not want to pay any portion of the civil liability to the State Water Pollution Cleanup and Abatement Account (SWPCAA). The draft Order requires \$4,000 of the \$18,000 penalty be paid into the SWPCAA. Mr. Dunbar gave a brief powerpoint presentation.

Testimony was taken from:

Virginia Grousoni, representing Redway Community Service District

MOTION: William Massey moved to adopt Order No. R1-2007-0010. Mike Dunker seconded the motion. Motion passed unanimously.

6. PUBLIC HEARING Order No. R1-2007-0008 to consider whether to affirm, reject, or modify a complaint for Administrative Civil Liability issued on December 11, 2006 for Mandatory Minimum Penalties for violations of Waste Discharge Requirements Order Nos. 98-26 and R1-2004-0024 to the **Crescent City Harbor District Seafood-Processing Wastewater Treatment Facility**, Del Norte County

Chairman Corbett administered the oath to those who expected to testify.

Mr. Dunbar gave a powerpoint history of the violations. He stated that the total liability amount in the complaint was \$54,000 dollars.

Mr. Dunbar stated that the District expressed an interest in a Compliance Project and requested to address the Board to discuss the Project as a part of a penalty resolution.

Mr. Dunbar stated that staff's recommendation is that the Board

- allow 90-days for the District to propose a Compliance Project
- affirm the complaint
- assess a portion of the Mandatory Minimum Penalty to go into the Cleanup and Abatement account
- and allow a compliance project and give additional time for staff to meet with the discharger and consultants to refine the existing proposal.

Mr. Dunbar indicated that staff will bring the Order back to the Board for final settlement after the compliance project is proposed.

Testimony was taken from:

Jerry Hemmingsen, City Councilmen, representing Crescent City Harbor District.

MOTION: William Massey moved to adopt the proposed alternative Order and kept the staff cost at \$10,000. Mike Dunker seconded the motion. Motion passed unanimously.

Information Items

7. Update on the Laguna de Santa Rosa TMDL Workplan

Matt St. John presented a Workplan for development of the Laguna de Santa Rosa TMDLs. The TMDLs (including Action Plan) are scheduled for Board adoption by September 2011, with preliminary load allocations available for public consideration by December 2010. The Workplan met the needs of the Board.

8. Executive Officer Administrative Civil Liabilities

Catherine Kuhlman reported that payments from previous fines were received from Loleta and Eureka, and that Klamath CSD did not make the deadline for its payment.

9. Board Member Requests for Future Agenda Items

Chairman Corbett requested to discuss board expenses at the next board meeting.

10. Monthly Report to the Board

The monthly report to the board is a written item.

11. Other Items of Interest

There were no items discussed.

Closed Session

12. The Board did not hold closed session.

There being no further business to come before the Regional Water Board, the meeting adjourned at 4:15 p.m. The next Regional Water Board Meeting is scheduled for April 25 and 26, 2007, in Santa Rosa.

Chairman_____

Date: _____