



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

North Coast Region

William A. Massey, Chairman



Gray Davis
Governor

Internet Address: <http://www.swrcb.ca.gov/rwqcb1/>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-877-721-9203 (toll free) or (707) 576-2220 FAX (707) 523-0135

April 2, 2002

AGENDA

REGIONAL WATER BOARD MEETING
8:30 a.m., Thursday and Friday, April 18 and 19, 2002
Eureka City Council Chambers
531 K Street
Eureka, California

For questions regarding this agenda, please call Jean Lockett at (707) 576-2307 or FAX at (707) 523-0135. This notice and associated staff reports can be accessed electronically through our internet address: <http://www.swrcb.ca.gov/rwqcb1/> (note: agenda items should be available electronically on April 8, 2001.)

Please note that time limitations on presentations may be imposed. The Regional Water Board requests that oral testimony be summarized. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board.*

Estimated times of consideration – Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.

8:30 a.m.**

- i. Roll Call and Introductions
- ii. Pledge of Allegiance
- 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. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities **that is not the subject of the hearings today**. The Chair will determine the number of persons who wish to speak. The Chair requests that each person addressing the Board limit their presentation to three minutes. More lengthy items may be calendared for a future meeting.
1. **Public Hearing** for Consideration of Potential Requests for Report(s) of Waste Discharge for Timber Harvest Activities on and about Freshwater Creek, Bear Creek, Stitz Creek, and Jordan Creek.

The order and time allocation for presentation of information during this hearing will be as follows:

California Environmental Protection Agency



Recycled Paper

NCRWQCB Staff (30 Minutes, and as necessary to reply to Board Members)
Resources Agency (30 Minutes)
The Pacific Lumber Company and Scotia Pacific Company, LLC (45 Minutes)
Humboldt Watershed Council (20 Minutes)
Environmental Protection Information Center (EPIC) (20 Minutes)
Freshwater Working Group (20 Minutes)
General Public (total time 30 Minutes)

2. **Public Hearing** for Consideration of Potential Requests for Report(s) of Waste Discharge for Timber Harvest Activities on and about Elk River.

Subject to the discretion of the chair the order and time of presentation during this hearing will be as follows:

NCRWQCB Staff (20 Minutes, and as necessary to reply to Board Members)
The Pacific Lumber Company and Scotia Pacific Company, LLC (45 Minutes)
North Fork Elk River Residents (20 minutes)
Humboldt Watershed Council (20 Minutes)
Environmental Protection Information Center (EPIC) (20 Minutes)
General Public (Total Time 30 Minutes)

Note: for both hearing #1 and Hearing #2, the Board will have available to them as background information all of the testimony and other evidence previously submitted in the Pacific Lumber Company proceedings for hearings first noticed in 2000, and vacated in July of 2001. As described in two previous notices, all written submittals were due on March 27, 2002. No new written submittals will be excepted after that date without good cause found by the Chair. All comments should be confined to the issue of whether or not the Regional Water Board should direct the Executive Officer to require landowners/operators in the subject watersheds to submit a Report of Waste Discharge.

CLOSED SESSIONS

3. Closed Session. On April 18 and 19, 2002, the Regional Water Board may adjourn after all adjudicatory hearings to closed session to consider evidence received and discuss whether to initiate litigation. [Authority: Government Code, Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i).]
4. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to discuss significant exposure to litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
5. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to discuss whether to initiate litigation. [Authority: Government Code Section 11126(e)(2)(C)(i).]
6. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to discuss an employee evaluation. [Authority: Government Code Section 11126(a)(1).]

California Environmental Protection Agency



7. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to confer with its legal counsel regarding *Russian River County Sanitation District and Sonoma County Water Agency v. State Water Resources Control Board and Regional Water Quality Control Board, North Coast Region*, Marin Superior Court, Case No. CV994924. [Authority: Government Code Section 11126(e)(2)(A).]
8. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to confer with its legal counsel regarding *City of Healdsburg v. North Coast Regional Water Quality Control Board*, Sonoma Co. Sup. Ct. Case No. 228173, and related case *California Regional Water Quality Control Board, North Coast v. City of Healdsburg*, Sonoma Co. Sup. Ct. Case No. 228570 [Authority: Government Code Section 11126(e)(2)(A).]
9. Closed Session. On April 18 and 19, 2002, the Regional Water Board will be meeting in closed session to discuss ongoing litigation. [Authority: Government Code Section 11126(e)(2)(A).]

***Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.*

Anyone requiring reasonable accommodation to participate in the meeting should contact Jean Lockett, Secretary, at (707) 576-2307, at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

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 Water Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures may be obtained by accessing our web site at http://www.swrcb.ca.gov/water_laws/index.html.

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 Regional Water Board staff action may be obtained by calling the office of the North Coast Regional Water Board at (707) 576-2220. The list may be obtained by accessing our web site at <http://www.swrcb.ca.gov/rwqcb1>.

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 <http://www.swrcb.ca.gov/rwqcb1> and a copy is maintained at our office for public review.

A quorum of the members of the Regional Water Board may recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All 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.

All persons who actively support or oppose the adoption of waste discharge requirements or an 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 Board Member for three months following a Regional Water Board decision on the permit application.

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.

The next Regional Water Board meeting is currently scheduled for May 16, 2002 in Eureka.



California Regional Water Quality Control Board
North Coast Region

Board Members

William R. Massey, Chair, Forestville
Dina Moore, Vice Chair, Kneeland
John W. Corbett, McKinleyville
Richard D. Grundy, Santa Rosa,
Shawn P. Harmon, Ukiah
William A. Hoy, Weed
John R. Selvage, Eureka
Bev Wasson, Rio Nido

Staff

Susan A. Warner, Executive Officer
Frank Reichmuth, Acting Assistant Executive Officer, Ombudsman
Kathleen Daly, Staff Services Manager I (Administration)
Patricia Gorup, Small Business Liaison
Jean Lockett, Secretary
Sheryl Freeman, Legal Counsel
Erik Spiess, Legal Counsel

Watershed Protection Division

Robert L. Tancreto, Supervising Water Resource Control Engineer
John Short, Senior Water Resource Control Engineer (Russian River)
Thomas B. Dunbar, Senior Water Resource Control Engineer (Klamath, Trinity, Eel, Humboldt)
William Winchester, Senior Environmental Scientist (Nonpoint Source/Chapter 15)

Timber Harvest Division

Nathan P. Quarles, Acting Supervising Water Resource Control Engineer
Christine Wright-Shacklett, Senior Engineering Geologist (North Coast)
Fred Blatt, Senior Environmental Scientist (Klamath, Trinity)
Diana Henriouille-Henry, Senior Water Resource Control Engineer (Headwaters Unit)
Holly A. Lundborg, Interim Senior Engineering Geologist (Humboldt Bay, Eel River)

Cleanup and Investigation Division

Luis G. Rivera, Supervising Water Resource Control Engineer (Central Watershed)
Mark Bartson, Senior Water Resource Control Engineer (Santa Rosa)
Tuck Vath, Senior Engineering Geologist (Northern Watershed)
Janice M. Goebel, Interim Senior Environmental Scientist (Central Watershed)

Watershed Management Division

Ranjit Gill, Supervising Environmental Program Manager I
Robert Klamt, Senior Land & Water Use Analyst (Watershed Assessment Unit)
David Evans, Senior Water Resource Control Engineer (Planning Unit)
David Leland, Senior Water Resource Control Engineer (TMDL Unit)

