

Minutes of Meeting

9:00 a.m. Thursday, April 23, 2009
Fortuna River Lodge Conference Center
Chinook Room
1800 Riverwalk Drive
Fortuna, CA

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

9:10 a.m.

i. Pledge of Allegiance

David Noren led the Pledge of Allegiance.

ii. Roll Call and Introductions:

Board Members present: Bob Anderson, John Corbett, Carol Dean, Mike Dunker, Geoffrey Hales, Heidi Harris, William Massey, and David Noren

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Samantha Olson, Kim Niemeyer, David Leland, Mark Aplert, Matt St. John, Bryan McFadin, Terri Korell, Drew Bayless, and Jean Lockett

iv. Board Member Ex Parte Communication Disclosure:

Board member Geoffrey Hales reported a conversation with Mr. Robert Franklin, Hoopa Valley Tribe Senior Hydrologist, regarding the tribes concerns on the Water Temperature Modeling Results Report issued by the US Bureau of Reclamation. Mr. Hales also reported a discussion with Mr. Aldaron Laird, a Board member on the Humboldt Bay Municipal Water District, regarding Evergreen Pulp and Humboldt Bay Municipal Water District's status. In addition, he reported a conversation with Mike Miles, of Humboldt Redwood Company, regarding the new timber waiver policy and ideas on streamlining the process.

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

Chairman Anderson welcomed Tam Doduc as the returning liaison for the State Water Resourced Control Board. Ms. Doduc, State Water Board Member, took a few minutes to and gave an update on the State Water Board's activities. She reported:

- That the Governor lifted the ban on bond funded projects.
- The State Water Board draft "Construction Stormwater Permit" is being posted for public comment with a comment deadline of May 16 or 17, 2009. A hearing is scheduled for June 3, 2009, at the State Water Board.
- The draft Permit for landscape irrigation using recycled water has been released for public comment. The public workshop for the Permit is scheduled for May 19.
- The State Water Board is expected to consider proposed changes from staff on the Underground Storage Tank Cleanup Fund Program.

Ms. Doduc ended her briefing by expressing her pleasure to serve as Region 1's State Board liaison, once again.

Chairman Anderson reported that he participated in the Chair's Monthly Teleconference.

Catherine Kuhlman, Executive Officer, announced that Bryan McFadin received the Superior Accomplishment Award for his work on the TMDL. Jean Lockett received the Superior Sustained Accomplishment Award for her work with various duties and projects. Bryan and Jean expressed their appreciation for the acknowledgments and the support of their co-workers.

vi. Public Forum:

Comments were taken from:

Charles L. Cinnicio, representing himself
Ruthann Schulte, representing the Buckeye
Dan Cohoon, representing the Buckeye
Dina Moore, representing the Buckeye
Pete Bussman, representing the Buckeye

1. Approval of Meeting Minutes: January 2009

Motion: William Massey moved to adopt the January 2009 Minutes. John Corbett seconded the motion. Motion passed unanimously.

Uncontested Items

2. Public Hearing on Order No. R1-2009-0024 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for violation of Waste Discharge Requirements Order No. R1-2000-23 in the matter of **University of California Davis Bodega Marine Lab**, WDID No. 1B840350SON.

Motion: John Corbett moved to adopt Order No. R1-2009-0024. Carol Dean seconded the motion. Motion passed unanimously.

3. Public Hearing on Order R1-2009-0028 to consider extending the Expiration Date for Categorical Waiver For Discharges Related to Timber Harvest Activities On Federal Lands Managed by the **United States Department of Agriculture, Forest Service** in the North Coast Region (Federal Timber Waiver).

This item was removed from the Uncontested Calendar to take comments.

Comments were taken from:

Tyrone Kelley, representing the UDSA Forest Service- Six Rivers National Forest
Barry Hill, representing U.S. Geological Survey
Felice Pace, public speaker

Mark Alpert, Regional Water Board staff, gave an overview of staff's efforts working on the Timber Waiver.

Motion: Carol Dean moved to adopt Order No. R1-2009-0028 with changes as proposed by the Regional Water Board staff. William Massey seconded the motion. Motion passed unanimously.

Public Hearing

4. Public Hearing on Order No. R1-2009-0045 to consider Amending NPDES Permit No. CA0022764 in the matter of the **Monitoring and Reporting Program, Santa Rosa Subregional Water Reclamation System**, Sonoma County, WDID No. 1B83099OSON

Chairman Anderson administered the Oath to all those who expected to testify in the hearing.

Kason Grady, Regional Water Board staff, gave the presentation. Mr. Grady introduced late revisions into the Administrative Record.

Comments were taken from

Davie Smith, representing City of Santa Rosa.

Motion: William Massey moved to adopt Order No. R1-2009-0045. John Corbett seconded the motion. Motion passed unanimously.

5. Public Hearing on Order No. R1-2009-0006 to consider rescission of Waste Discharge Requirements for **Evergreen Pulp, Inc. Samoa Pulp Mill**, NPDES Permit No. CA0005894, WDID No. 1B77005OHUM Humboldt County

Chairman Anderson administered the Oath to all those who expected to testify in the hearing.

Charles Reed, Regional Water Board staff, introduced the file into the record, and gave the presentation.

Comments were taken from:

Robert Simpson, Freshwater Pulp

Carol Binder, resident that lives in the area of Evergreen Pulp Mill

Patrick Eytchison, resident in the area of the Evergreen Pulp Mill

Sandra Manns, resident in the area of the Evergreen Pulp Mill

Motion: John Corbett moved to adopt Order No. R1-2009-0006 with a minor amendment to correct a date in the order. Massey seconded the motion. Motion passed unanimously.

6. Public Hearing on Order No. R1-2009-0032 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order in the matter of **Evergreen Pulp, Inc., Samoa Pulp Mill**, WDID No. 1B77005OHUM

Chair Anderson administered the Oath to all those who expected to testify in the hearing. Yvonne West, State Water Resources Control Board Prosecuting Attorney, presented the item by teleconference.

Comments were taken from:

Richard Marks, past employee of Evergreen Pulp, Inc.

Motion: William Massey moved to adopt Order No. R1-2009-0032. John Corbett seconded the motion. Motion passed unanimously.

Workshop

7. **Sonoma County Water Agency** Update of Stream Maintenance Program

John Niehaus, with the Sonoma County Water Agency, gave the presentation on the Sonoma County Water Agency's stream maintenance program.

8. **Yurok Tribe and Western Rivers Conservancy** Application for State Revolving Loan Fund to help fund the Acquisition of 47,000 acres owned by Green Diamond Resource Company in the Lower Klamath Watershed

Board Member John Corbett recused himself and left the board meeting room.

Catherine Kuhlman introduced Mr. Troy Fletcher with the Yurok Tribe and Mr. Cam Tredennick with Western Rivers whom addressed the board regarding the State Revolving Loan Fund application.

Comments were taken from:

Felice Pace, representing himself

9. **Update on the Implementation of the Scott River TMDLs**

Bryan McFadin, Regional Water Board staff, briefed the Board on the status of Scott River TMDL implementation. He gave an update on the development of a permitting framework for agricultural activities near streams and the status of the Scott River Watershed Compliance and Trend Monitoring Plan. Staff also presented a schedule of implementation activities planned between now and 2011 when the conditional waiver expires.

Comments were taken from:

Ric Costales, representing Siskiyou County

Daniel Myers, representing the Sierra Club

Felice Pace, representing himself

10. **Executive Officer's Report**

Catherine Kuhlman flagged the Regional Water Board's Watershed Protection Division Priorities for FY 08/09. She stated that in June the written Executive's Report will cover the Basin Planning priorities.

Ms. Kuhlman discussed the language for the Klamath Hydro Agreement. She stated that the draft and will determine how the TMDL will be handled in the Klamath.

Board member David Noren gave a brief summary of the State Board's hearing, on the Underground Cleanup Fund, that was held in Sacramento on March 5, 2009. Mr. Noren stated that because of the low funds in the UST Fund budget, a hearing was held to discuss regulatory tools to move sites toward closure.

11. **Board Member Requests for Future Agenda Items**

Board member Hales requested to have the Board informed to have a common understanding of the technical terminology for various documents such as WDR, TMDL, Waivers, and Prohibitions as they are placed on the web.

12. **Other Items of Interest**

There were no discussion for this item.

13. **Closed Session**

Chairman Anderson stated that in closed session the board dealt with several items in the agenda under item 13-e.

There being no further business to come before the Regional Water Board, the meeting adjourned at 4:20 p.m. The next Regional Water Board Meeting is scheduled for June 4, 2009 in Santa Rosa, California.

Chairperson _____

Date: _____