

California Regional Water Quality Control Board
North Coast Region

Meeting Minutes for
June 28 and 29, 2001,
Regional Board Meeting
Regional Water Board Hearing
Room
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

On June 28, 2001, at 9:10 a.m., the Regional Water Quality Control Board-North Coast Region meeting was called to order by Chair Daniel Crowley.

i. Pledge of Allegiance

Dina J. Moore lead the Pledge of Allegiance

ii. Roll Call

Board Members Present: William Massey, Dina J. Moore, Bev Wasson, William Hoy, and Daniel Crowley.

Staff Members Present: Executive Officer, Lee Michlin; Assistant Executive Officer, Craig Johnson; Counsels, Phil Wyels, Steven Blum, and Yuri Won; Division Chiefs; Ranjit Gill, Robert Tancreto, Frank Reichmuth, and Susan Warner; Seniors, Tom Dunbar, Christine Wright-Shacklett, Dave Evans, William Winchester, and John Short; Technical staff, Mark Neely, Gina Morrison, Paul Kieran, Katharine Spivak, Emily Dean, Andy Baker, Roy O'Connor, Reg Collun, Dave Fowler, Rebecca VanAsdlyan; Administration Staff: Cathleen Hudson, Greg Nash, and Jean Lockett

iii. Minutes of Past Meeting

There were no minutes submitted for adoption.

iv. Board Member Ex Parte Communication Disclosure

There were no ex parte communication disclosed

v. Resolutions to Lee Michlin

Lee Michlin received a resolution from the Chair on behalf of the Board in honor of his three-year employment with the Regional Water Board.

vi. Public Forum

Jack Silver requested that items 4 and 7 be removed from the consent calendar of the agenda.

Mary Lou Dokkan thanked the Board and Susan Warner for their help in the West College area. She stated that her hope is that the city and county receive additional funds, and use those funds for the needed hook ups for safe drinking water.

Kassie R. Siegel, Attorney, petitioned the Regional Water Board regarding the South Sonoma Business Park. A six-page document with her written comments was submitted to the Board. She requested that the Board and the Executive Officer consider the 401 Certification after a full public hearing.

Brenda Adelman, expressed her appreciation for Lee Michlin's work while the Executive Officer of Region One. She stated that she was sorry to see him go.

Bob Harder, with the city of Santa Rosa, gave an update on the West College Avenue/Clover Drive site. He stated that hookup to city water is in process and that about 30 properties have contaminated wells. He expected that the new water main would be under construction in July. He requested an additional contribution of \$1,000,000 from the State Cleanup and Abatement Account Fund.

The chairman removed Items 4 and 7 (the McKinleyville Community Services District Wastewater Treatment Facility and the Samoa Pacific Cellulose Pulp Mill) from the consent calendar, and moved these items to the end of the day's calendar.

CONSENT CALENDAR

1. **California Department of Forestry**, Trinity River Conservation Camp, Wastewater Treatment Facility, Trinity County, Update of Waste Discharge Requirements, WDID No. 1A85029RTRI
2. **Eureka Fisheries, Inc.**, Fields Landing, Seafood Processing, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0023761, WDID No. 1B80083OHUM
3. **Loleta Community Services District**, Wastewater Treatment Facility, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0023671, WDID No. 1B80081OHUM
5. **Pacific Lumber Company**, Tank Gulch Solid Waste Disposal Site, Unclassified Waste Pile, Humboldt County, Revision of Waste Discharge Requirements and Recision of NPDES Permit No. CA0025011, WDID No. 1B92019RHUM
6. **Samoa Pacific L.L.C.**, (Town of Samoa) Wastewater Treatment Facility, Humboldt County, Update of Waste Discharge Requirements, WDID No. 1B85017RHUM
8. **Eel River Sawmills**, Mozzetti Solid Waste Disposal Site No. 2, Humboldt County, Closure Waste Discharge Requirements & Recision of NPDES Permit No. CA0024945 (Storm Water), WDID No. 1B85023RHUM

9. **Humboldt Waste Management Authority**, Cummings Road Solid Waste Disposal Site, Humboldt County, Name Change, Waste Discharge Requirements, WDID No. 1B79133OHUM
10. **Mendocino Redwood Company**, Caspar Woodwaste Disposal Site, Mendocino County, Name Change, Waste Discharge Requirements, WDID No. 1B77033OMEN
11. **United States Air Force**, Point Arena Air Force Station, Mendocino County, Recision of Waste Discharge Requirements Order No. 97-41, Clean Closure of Solid Waste Disposal Site, WDID No. 1B97016RMEN
12. **Louisiana Pacific Corporation**, Samoa Cargo Dock Dredging/City of Eureka Small Craft Basin Dredging, Humboldt County, Recision of Waste Discharge Requirements Order Nos. 87-76 and 87-129, WDID No. 1B87018RHUM
14. **Sonoma County Water Agency Airport County Service Area No. 31**, Wastewater Treatment Facility, Sonoma County, Revision of Waste Discharge Requirements and Issuance of Master Reclamation Permit, WDID No. 1B84124OSON

ACTION: Bev Wasson moved to adopt the Consent Calendar with the exception of items 4 and 7. William Massey seconded the motion, which passed with a unanimous vote.

Items 4 and 7 were moved to the end of the calendar.

CORRECTIVE ACTION

15. **PUBLIC HEARING** to Consider Ratification of Monitoring and Reporting Programs No. R1-2001-10 and R1-2001-11 Issued on February 27, 2001, to **Sonoma Coast Associates** and to **Russian River Redwoods**, respectively, pursuant to Section 13267(b) of the California Water Code

Chair Crowley administered the Oath to the Regional Water Board staff, discharger (s), government agencies, and the public that would participate in the Jenner Gulch public hearing.

Frank Reichmuth, Christine Wright-Shacklett, and Holly Lundborg addressed the Board by giving an overview of the history, inspections, and the requirements of the Monitoring and Reporting Plan No. R1-2001-10 and No. R1-2001-11 issued to Sonoma Coast Associates and Russian River Redwoods for monitoring water quality resulting from timber operations in Jenner Gulch. The issue for the Board to consider was the ratification of the Executive Officer's action. Holly Lundborg explained the intent of the Regional Water Board staff in issuing the Monitoring and Reporting Program for Jenner

Gulch, which is to protect the sole source of domestic water supply of Jenner. She indicated the monitoring would trigger inspections that could allow early detection and correction of sediment source problems.

Frank Reichmuth explained the authority of the Regional Water Board staff to issue the 13267 Order and cited rule 916.10 of the Forest Practice Rules and rules in the Water Board's Basin Plan.

Wayne Whitlock, attorney representing Sonoma Coast Associates and the Russian River Redwoods, addressed the board stating that an appeal of the monitoring and reporting program was filed at the State Board. Mr. Whitlock stated that the appeal was being held in abeyance until they could address the Regional Water Board on this matter. He proposed that the Board rescind the Monitoring and Reporting Orders. He stated that there were three issues: The scope of the Order, the role of the Regional Water Board, and the definition of a discharge. Whitlock indicated that the timber companies believed the proper entity to oversee the timber harvesting activities was the California Department of Forestry, and that the company intended to conduct effectiveness monitoring and also planned to take corrective actions where needed. Further, the companies do not believe that the sediment coming from the timber harvest area constituted a discharge.

John Williams, a registered professional forester with Sonoma Coast Associates representing Russian River Redwoods, gave the history of the logging activities in Jenner Gulch. He stated that the logging in Jenner Gulch and its present conditions occurred in three phases starting in the late 1800 or early 1900.

Henry Alden, representing the owner of Sonoma Coast Associates, stated that the owners have agreed to correct all the problems in Jenner Gulch. He stated that the question is not are they going to or should they monitor but how they will monitor. They agreed to an effectiveness-monitoring program.

Those who participated in the discussion were: Regional Water Board legal counsels, Yuri Won and Phil Wyels; Regional Water Board Assistant Executive Officer, Craig Johnson; for the Jenner Watershed Citizen's Advisory Committee Nikki Dohn, Sharon Chang, and David Kenly; for Sonoma County, Mike Reilly, Fred Euphrat, and Levi Gurule; for U.S. EPA, Doug Eberhardt; with the Office of Chief Counsel of the State Water Board, Steven H. Blum; from California Department of Forestry, Pete Cafferata, and Bill Snyder; for California Forestry Association, Mark Rentz; for Jenner citizens, Thomas Yeates; Jim Mareson, Lena Chyle, Charles Davis, and John J. Chyle; for Jenner Community Club, John Braitto; for JWCAC, Dawn Gitchell, Josephine Wright, and Carolyn Hubard,

A lunch break was observed from 12:10 p.m. until 1:45 p.m.

The hearing closed at 6:15 p.m. (A written transcript is available for this item.)

16. PUBLIC HEARING to Consider Renewal of Waste Discharge Requirements for **City of Willits**, Wastewater Treatment Facility, NPDES Permit No. CA0023060, WDID No. 1B80078OMEN, and adoption of a Cease and Desist Order

Chair Crowley administered the Oath to the Regional Water Board Staff, Discharger (s), Government Agencies, and the public that would participate or give testimony on this item.

Roy O'Connor gave a presentation on the City of Willits Wastewater Treatment Facility, and indicated that the City of Willits discharges their treated effluent to Outlet Creek, and the permit limits the discharge to no more than 1% of the flow in Outlet Creek. During non-rainy periods of the winter months, flows in Outlet Creek diminish, and the city irrigates wastewater effluent on nearby pastures. The irrigated effluent runs off the saturated pasture and discharges into Outlet Creek at greater than 1% of the creek's flow. The City has evaluated options to comply with the Basin Plan discharge limitation and is proposing to construct treatment wetlands and seek an exception to the discharge limitation. Staff recommended adoption of a Cease and Desist order to allow the city time to complete an environmental impact report of the City's long-term wastewater management plan.

Staff proposed that a draft Environmental Impact Report (EIR) be submitted by June 1, 2002; a final EIR by December 1, 2002; a Certified Final EIR, a chosen project, and implementation schedule by April 1, 2003; submit the Final design of their Plan by April 1, 2004; commence construction by November 1, 2004; and complete construction and comply with all terms of the Cease and Desist Order by June 1, 2006. O'Connor requested the Board adopt the Cease and Desist Order.

Gordon Logan, City Manager of the City of Willits, addressed the Board by stating the effluent discharge quality has never violated any standard since 1975. He stated that the City's preferred alternative include a request for a 4% dilution requirement that can be met all of the time and that will protect all beneficial uses.

Tom Dunbar read a letter from John Ford stating his concerns about the City of Willits long-term Wastewater Treatment and Effluent Management Plan. This effluent run-off on his property and the property's future use and land value is a concern.

Dr. Benson McGann addressed the Board by stating his concerns of the recreational use of Outlet Creek. He stated that he is opposed to the existing permit.

Phil Wyels made minor changes to the Cease and Desist Order, as follows: Findings 3, 5, Task C when referring to the Cease and Desist Order change to NPDES Permit; Page 2 paragraph that states, "Therefore it is here by ordered" striking the words "according to the" and replace them with, "and shall comply with the"; Page 3, Task F, strike the words "and comply with all terms of Order No. R1-0106-16 CDO" and change to "to ensure compliance with the Basin Plan."

ACTION: Bev Wasson moved to adopt the Waste Discharge Requirements and the Cease and Desist Order as amended. Dina J. Moore seconded. Motion passed by a five-voice vote.

PLANNING ISSUES

22. PUBLIC HEARING to Consider Adoption of Minor Revisions to the **Garcia River Watershed Water Quality Attainment Action Plan for Sediment**, Including the Total Maximum Daily Load, Implementation Plan, and Monitoring Plan for Inclusion into the Water Quality Control Plan for the North Coast Region

Rebecca VanAsdian addressed the Board by giving a presentation on the Garcia River Watershed Water Quality Attainment Action for Sediment. She stated that the Regional Water Board staff is proposing a revision in the Action Plan. She gave a brief overview of the development of the TMDL and its finalization in 1998. She briefly reviewed the recommendations posed for adoption.

Leslie Dahlhof, representing herself and not the City of Point Arena, stated that the TMDL should be in place for the nonpoint source pollution. She requested that the Board approve the TMDL.

Peter Dobbins stated that he represents the Friends of the Garcia River. He stated that the fish started disappearing in 1960, and the Coho in 1990. The fish have been disappearing on a regular basis. He recommended a change by turning the 80-foot contour into a 40-foot contour for erosion control plan.

Lance Stornetta, resident of Garcia River area, stated that there were problems with the guidelines with no explanations, which could cause major difficulties that could effect both the environment and the businesses.

Russ Caughey, resident of Garcia, stated that he would like to re-open the TMDL to review the references in the administrative record.

Mike Biaggi stated that he did not have a problem with the TMDL, but thinks that there should be a workshop on the implementation process.

Walter Stornetta, stated that he is against a stipulation where the Executive Officer approves an implementation plan. He stated that the TMDL is a threat to their property rights.

Larry Stornetta, stated that he was concerned with item number 8 in the Garcia River Watershed Action Plan for Sediment.

Ted Stephens, expressed his concerns about item 8 in the TMDL. He expressed a need for clarification of the group rules.

Doug Eberhardt, Forest Team Leader for EPA in San Francisco, stated that the review and revision to the TMDL is very important, and he urged the Board to adopt the TMDL.

Rhonda Lucas, California Farm Bureau of Federation, stated that the Farm Bureau does support the TMDL. She also stated that the group plan language is a concern.

ACTION: Dina Moore moved to re-word the following: Page 9, 3rd paragraph that is underlined, second sentence change to, "If the Group Plan is not developed or implemented due to a member's failure to make a good faith effort to develop or implement the Group Plan, then that individual member of the Group is subject to the prohibitions." Motion passed by five votes. Dina Moore moved to adopt the revisions submitted by the Regional Water Board staff, as revised by the previous motion. Daniel Crowley seconded the motion. The motion passed with five votes.

Item 4 and 7 of the Consent Calendar was moved to the end of the agenda at Jack Silver's request. Mr. Silver was not present to speak on these two items.

4. **McKinleyville Community Services District**, Wastewater Treatment Facility, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0024490, WDID No. 1B82084OHUM

7. **Samoa Pacific Cellulose**, Pulp Mill, Humboldt County, Name Change, Waste Discharge Requirements, NPDES Permit No. CA0005894, WDID No. 1B77005OHUM

ACTION: Daniel Crowley moved to adopt items 4 and 7 on the Consent Calendar. Bill Massey second the motion. The motion passed unanimously.

Thursday, June 29, 2001

9:00 a.m. Closed session relating to Item 15.

ACTION: The Board convened from closed session, and Chair Crowley stated that it was on an unanimous consent to affirm the 13267 Order issued to Jenner Gulch, with some limited modifications. The Board directed its attorney to revise the MRP Order in accordance with directives provided during the closed session, for issuance of the revised Order as soon as possible.

OTHER BUSINESS

26. Status Report of Basin Plan Amendment for Sediment Management

Dr. Gill reported that the Basin Plan Amendment for Sediment Management was due for revision. He stated that input from all units of the Regional Water Board will be solicited. Once a consensus of in-house staff is achieved, the amendment will then be brought before the Board to get their input. After receiving the Board's input, the amendment will be presented to outside agencies for their input. The Board will continue to receive an update on the process of the amendment.

27. Executive Officer Administrative Civil Liabilities

There were no Administrative Civil Liabilities reported as issued.

28. State and Regional Water Board Communications

North Coast Regional Board's liaison did not attend June's Board meeting due to prior commitment.

29. Update on State Board Hearing Regarding the Monitoring and Reporting Order(s) Issued to Pacific Lumber Company

Frank Reichmuth gave an update on the Pacific Lumber Company petition hearing at the State Board in Sacramento. The hearing was held to review the Monitoring Program issued by North Coast Regional Board staff for timber operations by the Pacific Lumber Company adjacent to the South Fork Elk River. Frank briefly gave background on why the Regional Water Board staff issued the Monitoring and Reporting Program. It is possible that the State Board will not have an answer on the appeal filed by Pacific Lumber until late October or November 2001.

30. Budget Priorities/Timing

This item was not discussed.

EXECUTIVE OFFICER'S REPORT

Items 31, 32, 33, 34, and 35 stands as written

There being no further business to come before this meeting body, this portion of the meeting adjourned at 11: 00 a.m. The Board's subcommittee went into closed session to conduct interviews for the Executive Officer position.

The next scheduled time for the Board to meet is July 2, 2001. A telephone conference was scheduled for July 2, 2001 for the subcommittee and the Board to meet.

The next regularly scheduled Board meeting is on July 26, 2001.

The Secretary, E. Jean Lockett, recorded the minutes of the June 28 and 29, 2001, meeting of the North Coast Water Quality Control Board, to be approved by the Board at a subsequent Board meeting.

Approved: _____Chair