

Minutes of Meeting

9:00 A.M., Thursday, October 4, 2012

Holiday Inn Express

707 Montague Road

Yreka, CA 96097

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

i. Pledge of Allegiance

Board Member Geoffrey Hales led the Pledge of Allegiance.

ii. Roll Call and Introductions

Board Members present: David Noren, William Massey, Geoffrey Hales, Heidi Harris, Irene Tynes and John Corbett (present for items i thru Item 2)

Regional Water Board staff present: Matt St. John, Luis Rivera, David Leland, Samantha Olson, Patti Corsie, Terri Korell, Andrew Baker, Bryan McFadin, Kaete King, Clayton Creager, Fred Blatt, David Kuszmar, Rebecca Fitzgerald, Ben Zabinsky

iii. Board Member Ex Parte Communication Disclosure

No Ex Parte disclosures

iv. State Board Liaison's, and Board Chair's Reports

State Board Liaison Steven Moore reported several new items which will affect the North Coast Region in the coming months.

- The current state fiscal crisis means a 5% cut in personnel pay, offset by 1 furlough day per month until June 30, 2013.
- A resource alignment report was issued in April, 2012 and is available on the State Water Board website. On August 8, 2012, a workplan was approved for the State Water Board staff to access the cost of compliance with our regulatory programs and focus groups of Stakeholders are being formed to assist in refining and improve efficiencies in the following:
 - a.) Wastewater
 - b.) Stormwater
 - c.) Irrigated lands
 - d.) Waste discharge requirements
 - e.) 401 Water quality certifications for wetlands and stream flows

- The annual performance report was released in September, 2012 that covers the nine Regional Boards and the State Board's performance in issuing permits, performance target goals and accomplishments met for the last fiscal year.
- The State Board gave approval to refinance 10 year bond funds thus saving taxpayers approximately 10.8 million dollars. These bonds are used to assist counties with their wastewater infrastructure and other improvements for clean water.
- The State Board also determined the fee schedule will not be increased this year and possibly the next year as well.
- The Aquatic Weed Control Permit which covers the discharges of residual algaecides and aquatic herbicides from direct applications to surface waters to control algae and aquatic weeds, will be up for adoption before the State Water Board in November.
- Amendments to the Ocean Plan relating to the Marine Life Protection Act will be up for adoption by the State Water Board on October 16, 2012.
- General Stormwater Permits status update:
 - a.) The Stormwater Discharge Permit for all statewide CalTrans facilities was adopted by the State Board on September 19, 2012.
 - b.) Amended the Construction General Stormwater Permit in July, 2012 to remove numeric effluent limitations for pH and turbidity.
 - c.) A workshop will be held at the State Board on October 17, 2012 to hear oral comments on the 2012 Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Industrial Stormwater discharges.
 - d.) Phase II MS4 Permit will be up for adoption before the State Board on December 5, 2012.
 - e.) The State Board is developing a state-wide program to reduce litter/trash in waterbodies and the accumulated impacts on the Pacific Ocean.
 - f.) The State Board had an appeal hearing in August, 2012 to discuss the Central Coast Region's Agricultural Irrigated Lands Conditional Waiver that was issued in March, 2012. A determination will be made by September, 2013.
- Governor Brown signed into law, five bills that affect the Regional Water Quality Control Board:
 - a.) **AB 685 is an Assembly bill** that establishes a policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The bill would require all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the uses of water described above.
 - b.) **AB 1492 is an Assembly bill** that provides, in a civil action by a public agency to recover damages caused by a fire, pecuniary damages must be quantifiable and not unreasonable in relation to the prefire fair market value of the property, taking into consideration the ecological and environmental value of the property to the public. The bill limits the pecuniary damages that

the public agency may recover to specified ecological and environmental damages and certain restoration and rehabilitation costs, replacement or acquisition costs, or diminution in value of property as a result of the fire, including lost timber value, and short-term costs related to immediate damages resulting from the fire. Further, the bill prohibits a public agency from seeking to enhance the claim for environmental damages under other provisions of law permitting civil damages for injuries to trees and timber.

- c.) **AB 1750 is an Assembly bill** that enacts the Rainwater Capture Act of 2012, which provides the use of rainwater collected from rooftops does not require a water right permit from the State Board.
- d.) **AB 2230 is an Assembly bill** that requires an in-bay car wash, as defined, or a conveyor car wash, as defined, permitted and constructed after January 1, 2014, to either install, use, and maintain a water recycling system, as defined, that recycles and reuses at least 60% of the wash and rinse water, or to enter into a contract to use recycled water provided by a retail water supplier to wash and rinse vehicles.
- e.) **SB 965 is a Senate bill** that provides that the ex parte communications provisions of the Administrative Procedure Act do not apply to specified proceedings of the State Board or a Regional Board. The bill defines an ex parte communication for these purposes as an oral or written communication with one or more Board Members regarding those specified State Board or Regional Board proceedings. This bill specifies the instances in which an ex parte communication involving those specified proceedings is permissible. The bill authorizes a Board to prohibit ex parte communications for a period beginning not more than 14 days before the day of a Board Meeting at which the decision in the proceeding is scheduled for Board action. The bill requires all ex parte communications to be reported, as specified, by the interested person, regardless of whether the communication was initiated by the interested person. The bill authorizes the State Board or a Regional Board, in the event that an interested person fails to provide any required notice in the manner required by the bill, to use the remedies available under the administrative adjudication provisions of the Administrative Procedure Act. This bill requires the State Board or a Regional Board to make each meeting agenda notice that the State Board or a Regional Board provides available in both English and Spanish and would permit the State Board or a Regional Board to make the agenda notice available in any other language. This bill requires a state body subject to the act that limits time for public testimony to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the body, with a specified exception.

v. **Public Forum**

No speaker requests for Public Forum.

1. Approval of Meeting Minutes: August 23, 2012

Motion: John Corbett moved to adopt the August 23, 2012 Minutes, William Massey seconded the motion, motion passed unanimously.

Action Items

- 2. Public Hearing** on Order No. R1-2012-0087, to consider adoption of Waste Discharge Requirements for **Discharges Related to Green Diamond Resource Company's Forest Management Activities Conducted within the Area Covered by its Aquatic Habitat Conservation Plan in the North Coast Region**. Kaete King, Environmental Scientist, Northern Timber Unit, gave a presentation on the key elements of the Waste Discharge Requirements (WDR), the input from the public comment period of August 3, 2012 to September 3, 2012, the Public Workshop held on August 23, 2012 and the extended public comment period from September 5, 2012 to September 12, 2012 and the changes that were made to the WDR Order.

Comments were taken from:

- Felice Pace, Sierra Club Redwood Chapter
- Wayne Whitlock, Green Diamond Resource Company
- Gary Rynearson, Green Diamond Resource Company

Motion: John Corbett moved to adopt with two amendments, William Massey seconded the motion, motion passed unanimously.

- 3. Public Hearing** on Order No. R1-2012-0083, to consider adoption of the **Shasta River TMDL Conditional Waiver of Waste Discharge Requirements**. Andrew Baker, Engineering Geologist, Northern Timber Unit gave a presentation summarizing the existing and the proposed Shasta River TMDL Conditional Waiver of Waste Discharge Requirements and the issues identified during the public comment period and the Staff's approach to implementing the Waiver.

Comments were taken from:

- Adriene Garayalde, Shasta Valley Resource Conservation District
- Grace Bennett, Siskiyou County Board of Supervisors
- Rex Cozzalio, Public
- Dr. Richard Gierak, SCWUA
- Felice Pace, Sierra Club Redwood Chapter

Motion: William Massey moved to adopt, Geoffrey Hales seconded the motion, motion passed unanimously

4. Public Hearing on Order No. R1-2012-0084, to consider adoption of the Scott River TMDL Conditional Waiver of Waste Discharge Requirements.

Bryan McFadin, Senior Water Resource Control Engineer, Watershed Protection Division, gave a presentation summarizing the existing and the proposed Scott River TMDL Conditional Waiver of Waste Discharge Requirements and the issues identified during the public comment period and the Staff's approach to implementing the Waiver.

Comments were taken from:

- Marcia Armstrong, Siskiyou County Board of Supervisors-District 5
- Crystal Bowman, Karuk Tribe
- Liz Bowen, Landowner and Vice President, Scott Valley Protect Our Water Group
- Felice Pace, Sierra Club Redwood Chapter

Motion: Geoffrey Hales moved to adopt, William Massey seconded the motion, motion passed unanimously.

Information Items

5. Update on the Agricultural Lands Discharge Program.

Ben Zabinsky, Water Resource Control Engineer, TMDL Unit, gave an update on the progress, purpose, framework, program features and development goals, along with the upcoming stakeholder subgroup and full group meeting schedules and the Regional Board is in consideration of the program for adoption December, 2013.

Comments were taken from:

- Felice Pace, Sierra Club Redwood Chapter and Klamath Forest Alliance
- Jane Vorpapel, Water Quality Biologist, CA Department of Fish and Game
- Marcia Armstrong, Siskiyou County Board of Supervisors-District 5

6. Executive Officer's Report

Matthias St. John, Executive Officer gave an oral update to the Board as follows:

- The 2013 Board Meeting dates and meeting locations will be considered and adopted at the December Board Meeting.
- On November 1-2, 2012, the State and Regional Boards are attending a Water Quality Coordinating Committee (WQCC) meeting in Sacramento to focus on the Bay Delta flow and water quality issues. A tour of the Sacramento-San Joaquin Delta will be held on October 31, 2012.
- The Non-Point Source 5-year workplan is being developed and a draft will be issued in the spring of 2013 and implemented in July, 2013.

7. Board Member Requests for Future Agenda Items. No requests were made.

8. **Other Items of Interest.** No other items discussed
9. **Closed Session** There were no reports from closed session
10. **Arrangements for Next Meeting and Adjournment**
8:30 a.m., Thursday, December 6, 2012
David C. Joseph Meeting Room
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95493

Meeting adjourned at 3:45 pm.

Chairperson_____

Date_____