



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

North Coast Region

William Hoy, Chair



Gray Davis
Governor

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November 2, 2000

BOARD MEETING

9:00 a.m., Wednesday, November 29, 2000

Eureka City Council Chambers

531 K Street

Eureka, California

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.

9:00 a.m.**

- i. Roll Call
- ii. Minutes of Past Meetings
- 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. 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.

CONSENT CALENDAR WASTE DISCHARGE REQUIREMENTS

Note: *The consent items are expected to be routine and noncontroversial. It is recommended that the Board adopt these items at the beginning of the meeting without discussion. If any interested party, Board Member, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately.*

California Environmental Protection Agency

1. **Sierra Pacific Industries, Hayfork Sawmill**, Trinity County (Mill Closed), Recision of Waste Discharge Requirements Order No. 89-38, WDID No. 1A800070OTRI
Manuel Baldenegro
2. **McKoen & Associates, LLC, Hatfield Ingredient – Flake Potato Processing Plant**, Siskiyou County, New Waste Discharge Requirements (Name Change) and Recision of Waste Discharge Requirements Order No. 99-40, WDID No. 1A93005RSIS, for Basic American Foods
Manuel Baldenegro
3. **State of California, Department of Transportation, Bridge Maintenance**, Humboldt County, State Route 299, PM R22.33, New Waste Discharge Requirements, WDID No. 1B00080RHUM
Manuel Baldenegro
4. **Donald L. Redding (dba A. Redding and Sons) Dairy**, Humboldt County, Recision of Waste Discharge Requirements Order No. 95-51, WDID No. 1B95023RHUM *Terry Dean*

WASTE DISCHARGE REQUIREMENTS FOR DISCUSSION

5. **City of Ferndale, Wastewater Treatment Facility**, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0022721, WDID No.1B831360HUM
Terry Dean
6. **College of the Redwoods, Wastewater Treatment Facility**, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0006700, WDID No. 1B80121OHUM
Emily Dean
7. **Pacific Gas and Electric Company, Humboldt Bay Power Plant**, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0005622, WDID No. 1B85019RHUM
Emily Dean

CORRECTIVE ACTION

8. **PUBLIC HEARING** to Consider Renewal of Waste Discharge Requirements for **City of Fortuna, Wastewater Treatment Facility**, Humboldt County, NPDES Permit No. CA0022730, WDID No. 1B83135OHUM, and Recision of Cease and Desist Order No. 97-40
Terry Dean

OTHER BUSINESS



9. Consideration of Resolution requesting Cleanup and Abatement Account Funds to Investigate and Abate the Groundwater Contamination on and about West College Avenue at Clover Drive, Santa Rosa, Sonoma County *Susan Warner*
10. Executive Officer Administrative Civil Liabilities *Lee Michlin*
11. Violation and Enforcement Report *Craig Johnson*
12. State and Regional Water Board Communications *John Brown*
13. Presentation of Resolution to James Mitchell *Lee Michlin*
14. Discussion of State Water Board Draft Enforcement Policy *Craig Johnson and Lee Michlin*
15. Potential Loss of Quorum Contingencies: Selection of Hearing Panels and Litigation Committees *Lee Michlin and Phil Wyels*
16. Discussion of Potential January Hearing Item Concerning Limited Testimony by Signatory Agencies to Headwaters Habitat Conservation Plan and Related Documents *Craig Johnson and Steve Blum*

EXECUTIVE OFFICER'S REPORT

17. Monthly Report to the Board *Written*
18. Leaking Underground Storage Tanks/Sewage Spills *Written*
19. Proposition 65 Notifications *Written*

CLOSED SESSIONS

20. Closed Session. On November 29, 2000, 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).]
21. Closed Session. On November 29, 2000, 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).]
22. Closed Session. On November 29, 2000, the Regional Water Board will be meeting in closed session to discuss ongoing litigation. [Authority: Government Code Section 11126(e)(2)(A).]
23. Closed Session. On November 29, 2000, the Regional Water Board will be meeting in closed session to discuss an employee evaluation. [Authority: Government Code Section 11126(a)(1).]
24. Closed Session. On November 29, 2000, the Regional Water Board will be meeting in

California Environmental Protection Agency



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).]

- * In order to be fully considered at the meeting, all written comments must be received by 5:00 p.m. on November 9, 2000. Mailing address is 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403; FAX (707) 523-0135.
- ** 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 Lynda Doherty, Associate Program Analyst at (707) 576-2655, 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.

Unless otherwise specified in the public notice for a specific item, the Board wishes to limit oral presentations from all parties (dischargers, staff, government agencies, the public, etc.) to 0.5 hour maximum per party, but may limit testimony to 3 minutes per party, depending on time constraints. Interested persons should submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, twelve written copies of all comments, technical reports, and other material concerning this issue by 5:00 p.m. of November 9, 2000. This written material will be provided to the Regional Water Board Members along with the full agenda materials. In addition, persons submitting written comments and other materials should be present at the Regional Water Board Meeting and available for questions. The Board's general practice is to not accept new written materials on the day of the hearing. Comments at the above scheduled meeting should be limited to a summary of the previously submitted written materials, provided however, that upon a proper showing that information is available which was not available at the time the written materials were submitted, the Board may allow further submission of oral or written comments. If this showing is not made, the Board may refuse to accept written materials.

Written comments should be submitted to ensure they will be included in the record before the Board. Oral testimony should be limited to brief summaries of written testimony. Please note time limitations will be imposed on presentations and limited to five minutes unless otherwise determined by the Board Chair.

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 will be held on January 26, 2001, in Santa Rosa. There will be no December 2000 meeting.



California Regional Water Quality Control Board
North Coast Region

Board Members

William A. Hoy, Chair, Weed
Bev Wasson, Vice-Chair, Rio Nido
Daniel F. Crowley, Santa Rosa
Leslie A. Dahlhoff, Point Arena
Jason D. Liles, Healdsburg
William R. Massey, Forestville
James Mitchell, Santa Rosa

Staff

Lee A. Michlin, Executive Officer
Craig R. Johnson, Assistant Executive Officer, Ombudsman
Lynda Doherty, Associate Governmental Program Analyst
Jean Lockett, Secretary
Philip G. Wyels, Legal Counsel
Yuri Won, Legal Counsel

Watershed Protection Division

Robert L. Tancreto, Supervising Water Resource Control Engineer
John Short, Senior Water Resource Control Engineer (Lower Russian)
Thomas B. Dunbar, Senior Water Resource Control Engineer (Humboldt, Eel, Klamath)
William Winchester, Environmental Specialist IV (North Coast/Upper Russian)

Timber Harvest Division

Frank C. Reichmuth, Supervising Water Resource Control Engineer
Christine Wright-Shacklett, Senior Engineering Geologist (North Coast)
Nathan P. Quarles, Senior Water Resource Control Engineer (Humboldt, Eel)
Fred Blatt, Environmental Specialist IV (Klamath, Trinity)
Diane Henri, Senior Water Resource Control Engineer (Headwaters Unit)

Cleanup and Investigation Division

Susan A. Warner, Supervising Water Resource Control Engineer
Vacant, Senior Water Resource Control Engineer (Santa Rosa)
Tuck Vath, Senior Engineering Geologist (Northern Watershed)
Luis Rivera, Senior Water Resource Control Engineer (Central Watershed)
Kathleen Daly, Regional Administrative Officer (Administration)

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)



Bill of Rights for Environmental Permit Applicants

The California Environmental Protection Agency (Cal/EPA) endorses the following precepts that form the basis of a permit applicant's "Bill of Rights":

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government Code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and in some cases a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under lead agency. For site remediation, all applicable laws can be administered through a single lead agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

For further information you may contact the North Coast Regional Water Quality Control Board at (707) 576-2220.



