

**MINUTES OF MEETING**  
November 29, 2004  
Regional Board Meeting  
5550 Skylane Blvd., Ste. A  
Santa Rosa, CA 95403

Chairman William Massey called the Regional Water Board meeting to order on November 29, 2004 at 9:05 a.m.

**i. Pledge of Allegiance**

Richard Grundy led the Pledge of Allegiance

**ii. Roll Call and Introductions:** Richard Grundy, John Corbett, Dina Moore, Bev Wasson, Gerald Cochran, and William Massey

**iii. Board Member Ex Parte Communication Disclosure**

William Massey disclosed that he attended the opening of Pacific Lumber Company's new Scotia mill. He disclosed that he met with several tribes in the Klamath River area and discussed Klamath River issues. Mr. Massey stated that he met with two Humboldt County Supervisors, the Humboldt Watershed Group, and Friends of the Van Duzen while in the Eureka area.

Bev Wasson disclosed that she spoke with Chris Manson, a Pacific Lumber Company employee, regarding the company's issues that were before the Regional Water Board.

John Corbett stated that he attended the opening of Pacific Lumber Company's Scotia Mill and had a brief conversation with Paul Mason.

Dina Moore stated that on November 11, 2004, she attended the Annual California Cattlemen's Conference where she spoke with the President of the Mendocino County Farm Bureau, President of the Mendocino Cattlemen, President and Vice-president of Humboldt/Del Norte Cattlemen, Deputy Director of the Buckeye Conservancy and discussed item 11 on the days agenda.

Richard Grundy reported that he spoke with Chris Manson, a Pacific Lumber Company employee. He also reported a conversation with Paul Mason regarding the activities in Sacramento regarding the California Performance Review status.

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

Gary Carlton, the State Water Board Liaison, reported that:

- Assembly Bill 2121, which requires the State Water Board to adopt instream flow guidelines for the central coast streams, was passed and signed by the Governor.
- The State Water Board held a hearing for the Sonoma County Water Agency over the modification of their water rights permit to allow lower flow under an emergency situation. The State Board requested that Sonoma County come back to the State Water Board with more information.

- Agriculture waiver – the Legislation modified additional PY's for State and Regional Water Boards to use in implementing the agriculture waiver program and authorized fee regulations to be developed to fund those positions.
- The staff at the State Water Board is working on an updated industrial stormwater permit and will be sending it out the next couple of weeks.
- The staff at the State Water Board is close to finalizing the draft of the statewide regulations for on-site waste disposal systems. The CEQA process will take about six-months once the draft is circulated.

Dina Moore asked for clarification on the agriculture waiver fees. Mr. Carlson stated that the revenues will come into the waste discharge fund at the State Water Board and apportioned to the Regional Water Boards according to the number of authorized PY's.

### **Public Forum**

George Hicks, representing the City of Healdsburg, stated that he appreciated that the Healdsburg item was placed on the consent calendar. Mr. Hicks suggested that the NPDES Permit does not address the BOD and TSS secondary effluent limitations. He stated that he has been in touch the Regional Water Board staff to discuss the issue. He informed the Board that the City will be going to the State Water Board to request a stay on the limits. Mr. Hicks requested that the Board support Healdsburg's request to the State Water Board for a temporary stay.

Chairman Massey deferred Mr. Hick's question to the Executive Officer. Ms. Kuhlman stated that the Regional Water Board staff need more information to address the Healdsburg's compliance issue of the BOD. She stated that if the information was submitted in time so that an evaluation can be done, the Regional Water Board staff would be willing to consider submitting a recommendation to the State Water Board, if a stay would be in the best interest.

Paul Mason, with the Sierra Club, addressed a letter sent to the Governor's office written by Mr. Anderson, with Anderson Logging Company. The letter read that on Tuesday, November 19, 2004, at a Fort Bragg restaurant, Mr. Anderson overheard a conversation among those whom he believed to be Regional Water Board staff saying that they were going to bankrupt the timber industry on the North Coast and run them out of business and use their land. Mr. Mason stated that the statement that Mr. Anderson made to the Regional Water Board is not accurate. Mr. Mason knows this to be a fact because he was the person who actually had the conversation. However, he does not doubt that Mr. Anderson believes that he heard what he expressed to the Regional Water Board.

Mr. Mason explained that he was on the North Coast representing forestry issues on behalf of the Sierra Club in Sacramento, conducting a tour of industrial and non-industrial forestland on the north coast for the for the Assembly's Natural Resource Committee. Mr. Mason stated that while in Fort Bragg he, two consultants from the Assembly's Natural Resource Committee, someone from the Speaker of the Assembly Office, and other legislative staff members were in a discussion over the course of breakfast. There was a free ranging conversation on regulations and other effects on the increasingly globalized timber industry. The question arose... "years down the road, if people are not doing industrial timber or any type of timber management on the north coast what are we going to do as a state to ensure that we maintain functional watersheds?" He stated that it was disturbing that Anderson Logging Company and Pacific Lumber Company jumped to the conclusion that it was the Regional Water Board staff and used their political connections to badger the Regional Water Board staff. Mr. Mason indicated that it was fundamentally inappropriate to go after the Regional Water Board staff on something that never happened. Mr. Mason stated that he would be in touch with the Governor's office to follow up on the letter that Mr. Anderson wrote.

### **1. Approval of Meeting Minutes for June 22 and 23, 2004**

MOTION: Richard Grundy moved to accept the minutes.  
John Corbett seconded the motion. The Motion passed

### Action Items

- 2. PUBLIC HEARING: Order No. R1-2004-0084, to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability, Order No. R1-2004-0045 issued on May 27, 2004, and/or Take Other Enforcement Action in the Matter of Jon and Deann Green, JCG Construction and Green Right O'Way Constructors, Inc., Mendocino County**

Chairman Massey administered the Oath to those who expected to participate in the *Jon and Deann Green, JCG Construction and Green Right O'Way Constructors, Inc.*, matter.

Board Representative and Advisor:

Erik Spiess, legal counsel

Luis Rivera, Assistant Executive Officer and Advisor for the Regional Water Board in this matter.

Erik Spiess informed the Regional Water Board that there was a document from Department of Fish and Game expressing their opinion on biological impacts of the discharges. Mr. Spiess stated that he had a discussion with Ms. Schaffner, Ms. Kuhlman, Ms. Henriouille and the Green's attorney, Ms. Michaelson, regarding resolving the question of whether the subject DFG document would be a reference document used in the hearing. Mr. Spiess introduced the item for discussion and noted that Regional Board staff had indicated the staff did not rely on the document in preparing the complaint and were agreeable to having it excluded from the record..

Mr. Spiess suggested that the Regional Water Board consider taking the approach that in considering the adoption of the ACL Order in this matter they explicitly find that they will not consider the DFG biological report and exclude the report and all references to it from the record and include a finding in the ACL order to that effect. Furthermore, Mr. Spiess suggested that the parties should be directed to refrain from referring to the report in their remarks today. .

The Board decided to hear the presentation and then deal with the issue of the DFG report.

Sheryl Schaffner, Catherine Kuhlman, Diana Henriouille, and Andrew Baker represented the staff.

Diana Henriouille gave the presentation. She stated that the Jon and Deann Green, JCG Construction and Green Right O'Way Constructors, Inc., matter before the Board for their consideration is a proposed Administrative Civil Liability Order against Jon and Deann Green, Green Right O'Way Constructors, and JCG Construction.

Mr. Green's response portrays his actions in this case as a landowner conducting a weekend project to create open space on his property, working with the belief that he needed no permits and, when contacted by agencies seeking various plans, attempted to work cooperatively with those agencies to meet their demands, though he did not necessarily agree with those demands, and generally found them to be costly and unreasonable.

The record shows that the Dischargers have conducted a massive engineering project without any apparent pre-project engineering design by qualified professionals, and without any relevant regulatory permits. Regional Board staff notified the Dischargers many times of water quality concerns and the need to design, submit, and implement plans to prevent or minimize discharges to receiving waters, in writing, by telephone, and in person, for more than three years. Jon Green has told staff on several occasions that he intended to comply with the Orders, yet to date hasn't fully done so, though he has continued to increase the amount of soil disturbance and fill

construction in and adjacent to watercourses. In short, the Dischargers' response to staff requests and orders has been largely to delay action, and to take actions that have increased, not decreased the discharges. The Dischargers were repeatedly notified of this Regional Water Board's requirements and given many opportunities to come into compliance without incurring civil liabilities. Their actions demonstrate a willful disregard of the law and a high level of culpability.

It is especially troubling to note that while Mr. Green apparently was surprised by the cost and time that would be involved in developing proper site design and erosion control plans ("far more money than Green imagined"), he continued over multiple building seasons to expand the project and to create new sources of fresh sediment, which effectively increased the likely cost and time to develop the plans which he claims he could not afford.

Finally, Mr. Green's testimony characterizes his project as "creating some open space," a weekend project, or a project where he was "grooming his personal residence." This tends to give a misleading impression as to the size of the project – This project has involved denuding approximately 65 acres of nearly all vegetation, placing hundreds of thousands of cubic yards of fill in and adjacent to watercourses, filling the heads of numerous first order watercourses, and depositing up to a 12 inch thick layer of fine sediment over more than ½ mile of the downstream fish-bearing stream, as well as portions of several of the downstream Class II and III watercourses.

Andrew Baker entered the file and his presentation into the record. Photos were displayed to give an overview /account of the discharge/sediment that drained into the Scott Creek and Tomki Creeks.

Other items that were entered into the record included:

The site history

Water Quality Staff Inspections

Executive Officer Enforcement Orders

13267(b) Cleanup and Abatement Order and  
Administrative Civil Liability Complaint

Photos were displayed of the impact of sediment discharges on Scott Creek.

Mr. Baker discussed:

- Basin Plan Violations,
- Cleanup and Abatement Order issued on December 3, 2002.
- Discharger requested an extension and it was granted to April 7, 2003.
- Compliance Letter issued in March 2003.
- Discharger submitted inadequate Laurel Ridge Ranch Preliminary ECP that did not meet CAO requirements.
- Winter 2003-03 inspections.
- The Administrative Civil Liability Complain R1-2004-0045.
- The potential Civil Liability totals to \$10,909,400.00 and factors of consideration were discussed.

The Mendocino County District Attorney involvement

- On February 17, 2004, MCDA filed a complaint for injunction and civil penalties regarding violations of Fish and Game Code and Business and Professions Code.
- On April 29, 2004, California Superior Court issued an Order which restrained further earthwork until Discharger complies with Fish and Game Code and Water Board Orders.

Mr. Stacy Lee with NOAA Fisheries, acting Enforcement Officer, stated that fine sediment affect all levels of salmonids if it is introduced in the stream at the wrong time.

Dan Torquemada, special agent for law enforcement with NOAA Fisheries, stated he visited the Green site numerous times. He especially remembers the first visit on September 2002 and the second visit following a heavy rain event in November 2002. The first visit he noticed that there was a lack of erosion control. The second visit he saw the results. He placed the site in the top five of his worst erosion cases out of the hundreds of sites in his five years of inspections.

John Mullin, warden for 23 years with the Department of Fish and Game, stated that his observations are similar to those of Andrew Baker, Stacy Lee, and Mr. Torquemada. He stated that it was his report that became the basis for a complaint filed by the Mendocino County District Attorney's Office.

The Board requested a photo of the site's appearance before the sediment.

Sue Ellen Michaelson, attorney for Jon and Deann Green, JCG Construction and Green Right O'Way Constructors, Inc., asked questions on behalf of Mr. Green.

Dr. Glenn Merron's statement was also offered in writing as a part of the record. Mr. Merron stated that he has reviewed the biological and physical habitat assessment report and stated that he did not agree with Mr. Lee's statement. He stated that if the site was devastated there would not be anything there, but the DFG report shows that there is life above and below the discharge point. He stated that there is no data that would substantiate that the steelhead and Chinook salmon were impacted and continue to be impacted as a result of Mr. Green's activity.

Ms. Michaelson questioned Mr. Jon Green on the dates that he submitted reports. Mr. Green stated that the first report was submitted in 2003, and at that time Mr. Baker indicated that the report might be inadequate. Mr. Green indicated that he hired several engineers to specifically submit reports to the Regional Water Board. Mr. Green stated that he had been more than cooperative with the Regional Water Board staff. He stated that his intent for the property is to make what he felt was relatively useless land more productive. He stated that he had no intentions to use the land for a vineyard at this time.

Deann Green stated that she kept the financial records for the Green Right O'Way. She stated that they were in financial debt both personally and business. She gave details of the taxes and other debts that the Green's had that were in the thousands of dollars.

Pat Conway, Geo Tech Associates, stated that he had been retained by Mr. Green to evaluate the stability of the fill slopes. Mr. Conway stated that he had reviewed the report, dated April 12, written by Steve Hunt from Livermore, Ca. He stated that the plans were sufficient for short-term erosion control.

Danny Hagans, Pacific Watershed Associates, stated that he was hired to do a watershed assessment for Mr. Green. Mr. Hagan stated that, for his consultant work and a short term and long-term implementation of erosion control for the Green's property it could easily exceed over one million dollars.

Sheryl Schaffner asked Mr. Conway if he submitted a report of his observations for the Regional Water Board records. He stated that he did not. Ms. Schaffner asked Mr. Conway several questions regarding the fill slopes on Mr. Green's property.

Ms. Schaffner questioned Ms. Green regarding inconsistencies between the value of the lands as set out by Ms. Green in their asset statements as contrasted with the previously undisclosed fact of the properties being on the market for sale at substantially higher price than valued in their asset statements. Ms. Green admitted that there were discrepancies but that they were just asking for more money in the real estate market than they were reporting it was worth to the Regional Board.

Mr. Cochran requested clarification from Ms. Green on the financial statement that she submitted to the Board. It seems that the Greens' personal property and the liability statement that was submitted to the Board had some discrepancies.

Ms. Green stated that she was unable to answer Mr. Cochran's questions.

After some discussion, the Board decided to allow Ms. Schaffner and Ms. Michelson to cross-examine those who testified in this hearing. The public's comments were held until the end of the hearing.

Patty Lawlis, lives in the area near the Green Property, stated that since 1997 the Greens have been trying to obtain a permit to operate a rock quarry. She stated that it would be devastating for the land if a rock quarry was install. Her family has spent thousands of dollars to fight the permit. The Greens have provided them false information. She urged that forceful measures be taken regarding the Green's conduct. Ms. Lawlis urged the board to enforce maximum fines.

Dennis Halligan a fishery biologist with Natural Resources Management Corporation in Eureka, thanked the Board and staff for a job well done. He stated that Patty Lawlis requested that he speak to the Board. He stated that in his opinion and based upon the administrative record, there are about three years of spawning of Chinook and Steelhead salmon that were lost in Scott Creek due to sediment, deposition and infiltration into spawning gravel.

Greg Zitney, an environmental consultant, summarized three major points. He spoke for those who spent the money and made the effort to be in compliance with the regulations. He stated that his clients have spent much more than the Board is considering fining Mr. Green. He urged the Board to impose the maximum amount of penalty that they could. Mr. Zitney voiced his opinion that the State needs to step in and make sure that the required work is done properly.

The Executive Director of Friends of the Eel River stated that she is very concerned about the issues and the message the Board will send out across the entire basin and that the decision they make on the matter is critical. She stated that given Mr. Greene's history the Board cannot be assured that the project will be done properly.

Richard Grundy stated that after three years on the Board he observed that most of the landowners appearing before the Board were concerned with the stewardship of their land. The landowners attempt to follow the law, obtain necessary and appropriate permits, and implement their projects from the start in a manner that is protective of the environment and the preservation and maintenance of water quality. However there are exceptions. And, as the record indicates, this is one of those exceptions. This dispute began in May of 2001. As observed by our legal staff, the June 2001 Order of the Board required verification that all necessary permits had been obtained. More than three years later this requirement has not been met, though it is not the basis for any of the recommended violations.

Moreover, the discharger and his attorney agreed to implement a preliminary erosion control plan and develop an implementation plan for final erosion control and fill stabilization measures prior to the rainy season October 15, 2002. However, during the 2002, 2003, and 2004 grading activities have continued on the site.

After more than three years (or 900 to 1,000 days) of non-compliance, in October 2004, according to Pacific Watershed Associates, any efforts to control sediment discharges on the property have not been successful.

The Board observes that the discharges under discussion are in a watershed that has been found to be sediment impaired under section 303(d) of the Federal Water Pollution Control Act. The Board also observes that for this specific site large-volume discharges have occurred and continue to occur. With the initial cooperation of the discharger, these large volume discharges could have been prevented and/or minimized. Now the discharges associated with the activities

being conducted are on going controllable sediment that discharge to surface waters of the State of California.

The penalties being discussed today are not for paperwork violations; they are for the failure of the discharger to control unnecessary and avoidable sediment discharges into an impaired watershed of the State of California. Waiver or reduction of the discharger's liability at this later date would send the message that it is acceptable to disregard the law and on-going degradation of the beneficial uses of the surface waters of California. It also would be a disservice to the other landowners in our region who follow the law, obtain appropriate permits, and implement their projects from the start in a manner that is protective to water quality.

The hearing on this item was continued to later in the meeting

**3. PUBLIC HEARING Order Nos. R1-2004-0102 and R1-2004-0103, Occidental County Sanitation District and Sonoma County Water Agency, Consideration of revision to Cease and Desist Order No. R1-2003-0020 and Time Schedule Order No. R1-2003-0021, WDID No. 1B83001OSON**

William Massey recused himself from this item.

Vice-Chair Bev Wasson administered the Oath to those who expected to participate in the item.

Regional Water Board staff member, Cathy Goodwin, stated that on March 27, 2003, the Regional Water Board adopted a Cease and Desist Order and a Time Schedule Order for the Occidental County Sanitation District and Sonoma County Water Agency, that required them to accomplish specific tasks designed to eliminate violations of Waste Discharge Requirements Order No. 93-42 for the Occidental municipal wastewater treatment facility. The Orders contain a compliance schedule that requires the Dischargers to 1) perform specific tasks related to completion of a capital improvement project, 2) complete an interim project to improve system reliability until the CIP is completed, and 3) submit semi-annual progress reports on the status of interim operations of the existing treatment plant, and reports on the status of obtaining funding to finance the CIP and construction of the CIP.

Ms. Goodwin stated that the Sonoma County Water Agency submitted a progress report on May 21, 2004 with a request for an extension of time, to October 1, 2005, to complete an Award Bid for construction of tertiary treatment and capacity upgrades to the wastewater treatment facility. According to the Dischargers, the time extension is being requested due to complications that have been encountered in negotiating the engineering and design services contract. The contract is being renegotiated to address complex financial and administrative issues. It is anticipated that six additional months are needed to complete the engineering and design services contract and two additional months are needed for the formal bid process.

The Regional Water Board staff supports the Dischargers' request for extension of the deadlines. The Dischargers have properly complied with the enforcement orders to date. The justification provided for the extension appears adequate because the delays in compliance appear to be essentially unavoidable. Finally, the time extension would not delay the completion date for the capital improvement project.

Emily Dean, representing the dischargers, thanked the Board for considering the time extension. She stated that there were some contracting problems with the designs that led to the delay. She stated that Brelje and Race have been hired to design the new facility and they have achieved 40 percent completion. She gave a brief report on the specific design and funding issues for Camp Meeker.

Brenda Adelman stated that she has not had the opportunity to read the current report. She expressed her concern in terms of moving forward. She stated that the plant has been out of compliance for 30-years, and by allowing them to move forward with the project proposal, the Board is implying that they will approve an increase of 5% discharge into the creek.

MOTION: Richard Grundy moved to adopt the orders with the understanding that the Regional Water Board staff will bring this item back to the Regional Water Board

Roll Call	Richard Grundy	Yes
	John Corbett	Yes
	Bev Wasson	Yes
	Dina Moore	Yes
	Gerald Cochran	Yes

#### Consent Items

4. **Order No. R1-2004-0093 Prestige Lincoln Mercury, Sonoma County, Recision of Waste Discharge Requirements, R1-2003-0002, and Monitoring and Reporting Program No. R1-2003-002, WDID 1B02025RSON**
5. **Order No. R1-2004-0094, Coast Wood Preserving, Mendocino County, Revised Waste Discharge Requirements, WDID No. 1B82051OMEN**
6. **Order No. R1-2004-0110, Pierson Lumber Company, Humboldt County, Rescission of Waste Discharge Requirements Order No. R1-2002-0110 and Monitoring and Reporting Program No. 2004-0058**
7. **Order No. R1-2004-0111, City of Healdsburg Wastewater Treatment Facility, Sonoma County, Modifying Waste Discharge Requirements and NPDES Permit, Order No. R1-2004-0064, NPDES No. CA0025135, WDID No. 1B82046OSON**

MOTION: Richard Grundy moved to adopt the Consent Calendar items. Dina Moore seconded the motion. The Motion passed unanimously.

#### Action Items

8. **PUBLIC HEARING Order No. R1-2004-0096, Loleta Community Services District, Humboldt County, Adoption of Cease and Desist Order, WDID No. 1B80081OHUM**

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

Lisa Bernard stated that the Regional Water Board adopted Waste Discharge Requirement Order No. R1-2001-59 on June 28, 2001. The Order governs the municipal wastewater treatment facility and serves as a National Pollutant Discharge Elimination System (NPDES) permit for the Loleta Community Services District. The proposed cease and desist order will establish a time schedule for compliance with WDRs.

Excessive infiltration and inflow of storm water to the Loleta WWTF has been a concern since the early 1990s. NPDES regulations define excessive infiltration as exceeding 275 gpd/person. Wet weather flows commonly exceed this figure and reach as high as 700 gpd/person.

The proposed action establishes a schedule for Loleta Community Services District:

April 1, 2005	Plan for auxiliary power and emergency alarms
April 1, 2005	Summary report of /problems and past repairs and plan for eliminating excessive I/I
July 1, 2005	Fiscal plan for compliance with CDO tasks
November 1, 2005	Complete auxiliary power and alarm upgrades
December 1, 2009	Complete collections system and upgrades to eliminate excess I/I

Christopher Jones, General Manager of Loleta Community Service District (CSD), stated that they realized that the district is in need of work and have raised the sewer rates to address the needs of the CSD. He requested that the Board pull the Cease and Desist Order because of financial concerns, and until the CSD is able to find and hire appropriate personnel for the wastewater treatment plant.

The Board deliberated on the Loleta issue and discussed several issue with Mr. Jones specifically finding and hiring a Class II operator for the treatment plant.

**9. PUBLIC HEARING Order No. R1-2004-0097, Garberville Sanitary District, Humboldt County, Adoption of Cease and Desist Order, WDID No. 1B83120OHUM**

Chairman Massey administered the Oath for those who expected to testify in the hearing.

Lisa Bernard stated that the Regional Water Board adopted Waste Discharge Requirements, Order No. R1-2000-58 on August 25, 2000. The Order governs the municipal wastewater treatment facility for the Garberville Sanitary District (discharger). The proposed Cease and Desist order will establish a time schedule for compliance with waste Discharge Requirements.

The 1990 population of Garberville was approximately 3,000 residents, with a median annual household income of \$21,189. Garberville is the business center for a dispersed rural population of about 15, 000 people. There is no major industry in the community. Wastewater producers include residences, restaurants, motels, and retail businesses in the Garberville community. The community of Garberville depends largely on tourism and retail business. The typical heavy tourist season in the area is during the summer and early autumn months. In addition, the resident population in the community has increased in the last several years and is under continued pressure for further expansion. Financial constraints present an ongoing issue for the Garberville Sanitary District administrators.

MOTION: Bev Wasson moved to adopt the Cease and Desist Order No. R1-2004-0097. Richard Grundy seconded the motion.

Roll Call:	Richard Grundy	Yes
	John Corbett	Yes
	Bev Wasson	Yes
	Dina Moore	Yes
	Gerald Cochran	Yes
	William Massey	Yes

Motion: The Motion passed unanimously.

**10. PUBLIC HEARING to consider adoption of Resolution R1-2004-0092 for a Basin Plan Amendment to Summarize Existing Antidegradation Objectives.**

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

Lauren Clyde stated the Regional Water Board would hold the public hearing for the subject amendment to the *Water Quality Control Plan for the North Coast Region* (Basin Plan).

The amendment to the Basin Plan is to summarize the state and federal antidegradation policies (objectives). The amendment is staff's response to directions given by the Board during the March 2004 Board meeting. Adding the proposed language to Chapter 3 of the Basin Plan will result in making the Basin Plan more "user-friendly," for the Board, staff, and the public. No new regulations are proposed by the Regional Water Board because of this amendment.

Mr. Grundy thanked Lauren for all of the work she has done during his term on the board. Mr. Grundy stated that the basalt pond and the downstream waters are hydrologically interconnected. The EPA's water quality regulations require a public process with significant public involvement to designate or de-designate uses. The regulations establish a rebuttable presumption that fishable/swimable uses, such as cold-water ecosystems and recreational activities, are attained. In order to changes of beneficial use designations require a Use Attainability Analysis. Permits actions are quasi-adjudicatory and typically do not fulfill either the public participation or the substantive requirements specified in the water quality standards regulations for use designations or dedesignations.

Basin planning, on the other hand, is a quasi-legislative process that is well suited for water quality standards. Moreover, beneficial uses are required a required component of basin plans. Basin plan amendments are quasi-legislative and subject to review by the Office of Administrative Law. The designation and dedesignation of uses can potentially affect a broad sector of the community, including, at a minimum, all direct and indirect discharges to the waterbody, all waterbody users, and resources agencies. A decision on a waterbody's uses applies to the waterbody as a whole, rather than to a specific permittee. Beneficial use decisions are, thus, more appropriately made in a basin planning action, rather than a permit action.

Under the Clean Water Act, the states are required to adopt water quality standards for all navigable waters. "Navigable waters are expansively defined to include all "waters of the United States" in a geographic area. They include, at a minimum, all main streams and their tributaries. Tributaries are streams that contribute flow to a large stream or other water bodies.

In California dischargers who choose to dispose of their effluent into state waters have responsibility to the water body that they are using for waste disposal. Waste disposal, although a reality, is not a recognized beneficial use of water. Hence, a discharger who contends that specific uses are not appropriate for water waste disposal has an obligation to support that assertion with the necessary studies and investigations. This should be done well before any permits are issued or reissued.

Mr. Grundy concluded that in the interim, until the basin plan amendments go into effect, it is incumbent on the Regional Water Board to protect existing designated beneficial uses.

Allen Levin, representing Coast Action Group, supported Mr. Grundy in his statement that the Antidegradation language has been around a long time. By placing the language in the Basin Plan it will clarify and help reach the goal to achieve water quality standards.

Brenda Adleman stated that she had concern but does not have deep knowledge of three terms. Best Practical treat, Maximum Benefit, and Unreasonable effect. She stated that she was not sure if the policy would open or close loop holes.

Paul Mason, with Sierra Club California, stated that Mr. Grundy and others have made most of his comments. That this fundamentally a house keeping matter.

Craig Bell, representing Salmonid Restoration Federation, the thanked the efforts of the board and reiterate that the Antidegradation Policy is the corner stone for providing clarity and consistency.

MOTION: Richard Grundy moved to adopt Resolution R1-2004-0092. Gerald Cochran seconded the motion. The Motion passed unanimously.

**11. PUBLIC HEARING to Consider Adoption of Resolution R1-2004-0087, for the TMDL Implementation Policy for Sediment Impaired Receiving Waters in the North Coast Region**

Rebecca Fitzgerald stated that as of 2002, approximately fifty nine percent of the area of the North Coast Region is listed, per Section 303(d) of the Clean Water Act, as sediment impaired because the water quality of those rivers and streams does not meet sediment-related water quality objectives nor protect certain beneficial uses. Section 303(d) of the Clean Water Act also requires states to establish the TMDL of each pollutant for those water bodies that, under Section 303(d), do not meet applicable water quality standards.

Ms. Fitzgerald said that through the adoption of the resolution, the Board will give direction to the Executive Officer to develop a workplan describing how and when the following actions will be taken throughout the North Coast Region, which will be presented to the Board by December 31, 2005, and updated thereafter as necessary. The workplan can be used to demonstrate that the Regional Water Board is more effectively addressing sediment waste discharges. Through the Resolution, the Regional Water Board will direct the Executive Officer to:

A. Rely on the use of all existing authorities and regulatory tools to more effectively address sediment waste discharges, as appropriate. Examples of existing permitting, regulatory, and enforcement tools include, but are not limited to:

- waste discharge requirements, or WDRs, including watershed-wide WDRs, individual or project-specific WDRs, general WDRs, and waivers of WDRs;
- National Pollution Discharge Elimination System (NPDES) and/or stormwater permits;
- CDF's timber harvest plan approval process;
- the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*;
- the identification and assessment of sediment waste discharge sources;
- the control of sediment waste discharges;
- the monitoring of sediment waste discharges and their effects on receiving waters; and enforcement actions, including, but not limited to, cleanup and abatement orders, time schedule orders, cease and desist orders, and administrative civil liabilities.

Daniel Mayers, representing Navarro Watershed Group, stated that the focus seems to be leaning strongly towards timber harvest. He stated that the proposal is a bit on the weak side for non-regulated timber harvest. He voiced concern that the resolution won't be back for the Board's consideration for another five years and that it is too long of a wait. Mr. Mayers, also stated that the action plan for the Mendocino County rivers should be continued.

Paul Mason, with Sierra Club of California, implied that it is important to recognize that dealing with sediment and TMDL on the north coast is a massive project. The document for the Board's consideration will give the staff guidance and will encourages staff to use all of the resources available to them. He voiced his support for the Board to adopt the resolution. Richard Geinger stated that he thought that the document brought everything together, but as he expressed in his written comments, he has some concerns about the changes it will make. He stated that there is a need for the general populous of the north coast to be educated on how to avoid sedimentation and erosion and therefore, avoiding penalties. He stated that this element needed to be stressed in the document.

Alan Levin, representing the Coast Action Group, stated that the goal is to obtain water quality standards. He voiced his support for the adoption of the resolution and he stated that he was not happy with all that is going on per the staff report. Mr. Levin indicated that the report noted impairment of the entire north coast rivers and the comprehensive regulatory tools are not working. He suggested changes in the Basin Plan amendment to address movement on a larger scale towards attaining the water quality standards.

Dean Hunt gave a brief history of a group called YES. Mr. Hunt stated that he would like the Board to postpone the document.

John Rice, a member of the YES Group, stated that the YES Group is proactive. He stated that the group has just received the document and wanted an opportunity to review the workplan.

Kim Lucas, a member of the YES Group, stated that the YES group educates landowner about sediment. He suggested that the document be postponed until he and others have had an opportunity to review the document. Mr. Lucas stated that he would like to see more incentive for those landowners who are in compliance.

Shawn O'Day, a member of the YES Group, and a ranch owner, stated that the members of YES engaged in a road survey of over 400 miles of which about 25- percent will end up being decommissioned roads and about 75- percent will be road upgrades. He indicated that he started the TMDL implementation process and estimates the cost will be over \$1.3 million dollars. Mr. O'Day stated that those landowners who have taken it upon themselves to do the right thing need to be more involved in the process.

Bernie Bush, with Green Diamond, stated that he would like to acknowledge and support the changes that were made in the document. He stated that he looked forward to working with staff on coordinating the workplan and monitoring plan. He encouraged the Board to request a progress report on the workplan every couple of months as it goes forward. Mr. Bush pointed out that there were several comments or findings in the document that were unnecessary. He suggested that findings 7 through 18 was not relevant and should be removed from the document

Peter Rebar, Campbell Timberland, suggested additional changes to item 2-H on pages 6 and 7. He suggested adding, " the guidance document will not be directly enforceable and will not have a regulatory effect." He commended staff for making the significant changes. Mr. Rebar indicated that he agreed with Mr. Bush regarding his suggested changes.

Neal Fisher, representing California Forestry Association, voiced his support on CFA behalf. He indicated that he supported the recommended changes stated by Mr. Bush and Mr. Rebar.

Mr. Tony Fran, Director for the Water Resources for California Farm Bureau Federations, suggested changes in the resolution on page 8, paragraph 4 to read, "in prioritizing efforts among and within watersheds" For better clarification.

Carrie Brown, with Mendocino County Farm Bureau, submitted a letter to the Board for the records. She voiced her support for the YES group and any suggested changes.

Joe Dillion, with NOAA Fisheries, stated that although NOAA Fisheries do not object to the resolution they do not believe that the document will achieve the beneficial uses. He stated they expect to see an amendment with timelines, reduction goals, and a way of getting there. Otherwise it is a continuation of more of the same.

Dan Pingaro stated the EPA supports the resolution and believes that it is a good step forward, because it directs Regional Water Board staff to use EPA's established TMDL as basis for addressing sediment issues.

Henry Alden, Gualala Redwoods, stated that he does not support the Board adopting the document. But on the other hand, if the Board adopts the resolution he suggested the Mr. Bush and Ribar's changes be considered.

Mr. Bell stated that he supports the resolution with some frustrations. The implementation of a whole watershed plan is the best approach with enforceable standards. He indicated that the resolution might be good as a short-term solution. Mr. Bell suggested that the Board should adopt the document as a short-term plan.

The Board deliberated on the Resolution and the suggested changes. They thanked Rebecca Fitzgerald and Dave Hope for their work on the resolution.

John Corbett stated that there were good things in the document. He indicated his concerns on the TMDL approach that has been going on since 1993. The Board needs to move from that approach because it does not lead to results. Mr. Corbett stated that his direction is that staff spends a greater effort on the TMDL Planning process than in the past.

Richard Grundy stated that the watershed approach is the way to go and TMDL happens to be the mechanism provided in the federal law to do that. He stated that it is such a complicated and long process. We asked staff to bring us back an approach that would get the TMDL stuff out of the rut and to give us a mechanism that the Board can move forward with. Mr. Grundy indicated that he agreed much of what Mr. Corbett stated. He voiced his opinion that the TMDL document that has been done to date incorporate science and regulations all into one document, and you can't see where the science stops and the regulations begins. He stated that he commented earlier that the document needed to differentiate between the science and put that into one document so that everyone can use it for guidance for both sediment and temperature and do a manual or guidance document on how to do implementation on the ground and incorporate that information. He stated that his understanding that the document before the Board today is a short term solution to give the Regional Water Board staff guidance in case there is a quorum issue in the next months to come.

The Board suggests that staff take a break and come back to the Board with a document that addressed the concerns of the Regional Water Board.

**12. PUBLIC HEARING Order No. R1-2004-0095, City of Willits Wastewater Treatment Facility, Mendocino County, Modification of Cease and Desist Order No. R1-2001-77, WDID No. 1B80078OMEN**

Chairman Massey administered the oath to those who expect to give testimony.

Tom Dunbar entered the 14 volume administrative file into the record. He stated that the Regional Water Board adopted the Cease and Desist Order No. R1-2001-77 on June 28, 2001, for the City of Willits municipal wastewater treatment facility (WWTF). The Cease and Desist Order established a time schedule for compliance with Waste Discharge Requirements Order No. R1-2001-71. The action before the Board today will amend the existing Cease and Desist Order to include a revised time schedule requiring the City to complete design and construction in a timely manner and comply with Waste Discharge Requirements and the Basin Plan.

Tom Herman the project manager of Willits Wastewater Treatment Facility addressed some of Mr. Dunbar's comments. He stated that the City did undertake the original CDO with every intention to complete it. There was it was necessary to acquire additional property to fully mitigate the project. After the property was purchased, it then became necessary to file an addendum to the EIR. The second request for additional time was for the City's need to establish the funding for the project.

There was some discussion with the Board regarding the City's ability to meet comply with the revised time schedule.

MOTION: Gerald Cochran moved to adopt Order No. R1-2004-0095. Richard Grundy seconded the motion.

Roll Call: Richard Grundy Yes  
John Corbett Yes  
Bev Wasson Yes  
Dina Moore Yes  
Gerald Cochran Yes  
William Massey Yes

The Motion passed unanimously.

**13. PUBLIC HEARING to Consider Adoption of Two Resolutions Regarding the Conduct of Regional Board Business in the Event of Absence of a Quorum.**

- a. Resolution R1-2004-0106, Designating a Hearing Panel to Conduct Hearings and Workshops in the Event of Absence of a Quorum.
- b. Resolution R1-2004-0107, Delegating to the Chair the Authority to Represent the Regional Board in Matters Involving Litigation in the Event of Absence of a Quorum.

Sheryl Schaffner gave clarification on the two resolutions for the benefits of those in the audience.

MOTION: Gerald Cochran moved to adopt resolutions R1-2004-0107 and 0106. Richard Grundy seconded the motion.  
The Motion passed unanimously.

**14. PUBLIC HEARING to Consider Adoption of Resolution R1-2004-0087, for the TMDL Implementation Policy for Sediment Impaired Receiving Waters in the North Coast Region (Continuation)**

Staff came back to the Board with a revised document.

After further deliberations, the Board made motions to adopt the document.

MOTION: Richard Grundy moved to adopt Resolution No. 2004-0087. Gerald Cochran seconded the motion.

MOTION: Dina Moore moved to adopt Errata 2 of Resolution No. R1-2004-0087. John Corbett seconded the motion.

The Motions were adopted unanimously.

**15. Discussion of Permitting for Scotia Pacific Company, LLC., Salmon Creek Corporation, Pacific Lumber Company, and Green Diamond Resource Company, Elk and Freshwater Watersheds, Humboldt County**

Dina Moore stated that her husband's family has engaged in business with Pacific Lumber Company as of the summer of 2004 and based on advice of counsel in the past she also recused herself on the same sort of matter due to appearance, and she recused herself on this matter on this matter as well.

Bob Klamt introduced the item to the Regional Water Board.

Due to PALCO's failure to submit a complete report of waste discharge, staff did not have the information necessary to prepare draft watershed-wide waste discharge requirements (WWWDRs) for timber operations in the Elk River and Freshwater Creek watersheds. Without a draft permit, staff has been unable to conduct the necessary environmental review or take the other steps necessary to provide coverage to PALCO for its operations in these watersheds beginning January 1, 2005.

The purpose of this item is to discuss what can or should be done about the predicament facing PALCO on January 1, 2005. More specifically, PALCO has written a letter asking the North Coast Regional Water Quality Control Board (Board) to provide "interim" coverage for what appears to be all of its 2005 THPs in Elk and Freshwater.

The Executive Officer recommended that the Board decline PALCO's request to grant another year of THP coverage. He recommended that the Board instead direct staff to continue developing the Waste Discharge Requirements and to continue reviewing individual PALCO Timber Harvest Plans in the interim. He also mentioned that staff may consider enrolling some portion of the Timber Harvest Plans into the General Timber WDRs (Order No. R1-2004-0030).

Sheryl Schaffner clarified for the Board that the non-concurrence issue is a significant one. The non-concurrence presents a real hurdle for the Executive officer to be able to enroll any of the THPs that have non-concurrences. The non-concurrences are based on cumulative impact issues. Although rate of harvest is a significant part of the causes behind the impacts, it is the cumulative impact that is the driver behind the non-concurrences. The more difficult part of the record is to enroll any of these THPs by a THPs by THPs basis without the watershed wide WDRs.

Gerald Cochran asked the number of THPs were presented and then were reduced to 15 in which three had no non-concurrence on them. Ms. Kuhlman stated that there were fifteen in the earlier submittal and 15 of 22 submitted had non-concurrences.

John Corbett stated that the Board did have a number of motions in December of 2003. He stated that he would hope to leave the meeting with reclamation of the motions. He believed that the motions set the over all directions. The motions were:

Motion 1- indicated that the Board wanted a change in the status quo.

Motion 2 - was for watershed wide WDRs with sufficient time for the environmental documentation.

Motion 6 - "The Board finds that further actions are needed to deal with cumulative impacts. Until the watershed-wide (watershed-segment and/or watershed-unit based) WDRs are in place, staff should develop additional mitigation measures as necessary.

Mr. Corbett stated that he thought the motion envisioned that the THPs in these watersheds would not be treated as ordinary and they would have to have mitigation for cumulative impacts. He referenced the GWDR section for unresolved non-concurrences.

Mr. Corbett suggested that the Board schedule January, February, and March meeting to hear these matters if they are not ready they can be kicked to the next month.

Ms. Kuhlman stated that those meetings have been scheduled and staff could bring an update to the Board.

Richard Grundy stated that he would concur with most of Mr. Corbett's statement. It has taken a long time to get where we are and there is nothing preventing the Regional Water Board from

cooperating with Pacific Lumber Company and Department of Forestry to resolve non-concurrences without us backsliding on the basic policy that the board has that is supported by the record. He stated he agreed with Mr. Corbett that there is flexibility in the WDR that we have not used at this time.

Robert Manne, Pacific Lumber Company; Kate Sullivan, Pacific Lumber Company; Ralph Krauss, watershed resident; Kristy Wrigley, watershed resident; Mark Lovelace, watershed resident; Paul Mason, Sierra Club; Cynthia Elkins, EPIC; Bill Bertain, attorney representing Elk and Freshwater residents; Jessie Noell, watershed resident; and, Richard Geiger participated in this discussion.

The Regional Water Board deliberated on what direction to provide to staff.

Mr. Corbett suggested that the Regional Water Board needs to provide some direction to staff and he proposed the following motion.

MOTION: John Corbett moved that the Board direct the Executive Officer to consider a limited number of THP's for enrollment in the general waste discharge requirements if and to the extent that she can establish a record and basis for finding eligibility. Mr. Corbett moved that the Board reaffirm the Board motions and hearing record of December 2003 and our general waste discharge and waiver policies as adopted. Mr. Grundy seconded the motion.

The Board deliberated on the motion.

MOTION: Motion passed unanimously.

### **Informational Items**

#### **14. City of Santa Rosa Subregional Reclamation System**

Greg Skolls, with the City of Santa Rosa gave the Board a brief update on the City's activities on the Geyser Project and the current storage of the Subregional Reclamation System. He stated that the storage curve is within the current limitations of storage curve. The Geysers Project increased the system's capacity to 21.3 mgd.

The planned operation of the facility includes 4 billion gallons of wastewater that would be pumped to the Geyser field per year. The actual operation of the system has been somewhat trouble free with some minor delays.

#### **Future Issues**

- Direct Russian River Discharge
- Examining the Mixing Zone Policy
- Looking at Indirect Russian River Discharge
- Defining what incidental runoff

Brenda Adlemen, with Russian River Watch, participated in this discussion.

#### **15. Executive Officer Administrative Civil Liabilities**

#### **16. Update on Cumulative Watershed Effects Workgroup Progress**

Matt Buffleben stated that in March 2003, the State Water Resources Control Board, four Regional Water Quality Control Boards (Regions 1, 3, 5, and 6), and the California Department of

Forestry and Fire Protection (CDF) signed a Memorandum of Understanding (MOU). The MOU updates the working relationship between the agencies and reaffirms the commitment to collaborate to resolve conflicts, and address monitoring and cumulative impact assessment.

Section II.5 of the MOU states:

The parties to this agreement agreed to meet and discuss other ways to address cumulative watershed effects within the next six months. Any recommended changes to the existing Forest Practice Rules or reviewing procedures will be brought to BOF for possible inclusion in the forest practice regulations.

With this stated purpose, regular monthly meetings for the MOU's Cumulative Watershed Effects (CWE) Workgroup (herein Workgroup) began in July 2003. CDF, SWRCB, and Region 1 staff comprised the regular meeting attendants. Board of Forestry (BOF), and Regions 3 and 5 staff attended some of the meetings. Region 6 could not assign staff to participate in the meetings. Although California Department of Fish and Game (CDF&G) is not a signatory to the MOU, CDF&G was invited, but rarely attended. California Geological Survey was frequently represented.

The Workgroup created a summary table that contains the problems, solutions, ways to implement the solutions, and impediments to implementation. A summary table was developed that is divided into five major sections: key concepts, education, data availability, the CWE process, and current CWE assessments in timber plans. Numbering is used only to help facilitate further discussion and does not imply ranking or importance. Although there were no formal procedures for interactions between group members, all documents were developed by consensus. In instances where disagreements between the agencies were apparent they were noted.

Richard Gienger participated in the discussion.

**2. PUBLIC HEARING: Order No. R1-2004-0084, to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability, Order No. R1-2004-0045 Issued on May 27, 2004, and/or Take Other Enforcement Action in the Matter of Jon and Deann Green, JCG Construction and Green Right O'Way Constructors, Inc. (Continuation of Item 2)**

Ms. Michaelson summarized that although Mr. Green did not like the state and federal regulations, it is not the issue in this hearing. She briefly summarized the statements of those who testified on Mr. Green's behalf earlier in the hearing. She stated that the Regional Water Board staff did not have sufficient evidence that the waters were contaminated due to Mr. Green's activities. And that the Greens do not have the ability to pay for the fine that the Board is considering in today's hearing. She requested that the Board reject the proposed ACL Order that the staff has put before them for consideration.

Erik Spiess suggested to the Board that they treat the DFG report as rebuttal evidence only. The subpoenas for the Department of Fish and Game, personal and the biological assessment lab and other witnesses subpoenaed, but did not appear on Mr. Green's behalf, he suggested that the attorney gave insufficient notice. He recommends that the subpoenas be quashed.

After a lengthy discussion on whether to accept the Department of Fish and Game report and the subpoenas issued to witness the made a motion to

MOTION: John Corbett moved to quash the three subpoenas issued to witnesses and that the Fish and Game Biological and Physical Habitat Assessment Report and references to it in Mr. Mullen's report be considered for

rebuttal purposes only. Gerald Cochran seconded the motion. The Motion passed unanimously.

Mr. Spiess suggested the following findings for the Regional Water Board to consider.

*Finding 8* - The date should be September 15th – not December 15th.

*Reword Finding 10* - On several site inspections conducted after issuance of the CAO, Regional Water Board staff observed evidence of sediment discharges from the site into receiving waters. Regional Water Board staff estimate that the minimum volume of sediment delivered to waters of the state from the active erosion sites is approximately 420 cubic yards (yd<sup>3</sup>), based on measurements made by staff on November 14, 2003. Further measurements conducted by staff on September 2, 2004 indicate that at least 620 cubic yards of sediment have been delivered to receiving waters through winter 2003-04. (new wording: These discharges have been deposited as fine sediment in waters of the state. These fine sediments are deleterious to beneficial uses, particularly fish habitat. As Dan Torquemada, NMFS investigator, remarked, the Dischargers' activity makes this site one of the top five worst among hundreds in his experience. As documented by the Regional Water Board Staff Report, on numerous occasions staff observed sediment discharges into waters of the state from the Dischargers' fill slopes. The discharges have harmed fish habitat. According to Mr. Dennis Halligan, fisheries biologist, the Dischargers' actions have erased three classes of salmonids in Scott Creek downstream of the Class III watercourse directly impacted by the clearing and filling. The sediment erosion from the Dischargers' land-clearing activities and fill slopes discharges are therefore deleterious to fish, wildlife, or other beneficial uses in violation of the Basin Plan.) Pursuant to Section 13350 of the Water Code, waste discharges to waters of the State in violation of a CAO are subject to potential fines of up to \$10 per gallon (\$2020 per cubic yard).

*Reword Finding 13(f)* - Ability to Pay and Ability to Continue in Business:

The Regional Water Board received evidentiary documents and testimony concerning the Dischargers' ability to pay. As stated above, Section 13350(e)(1)(A) of the CWC requires that the Regional Water Board impose a minimum liability of \$780,000 unless it makes findings that justify reducing the amount. Accordingly, the CWC imposes the burden of justifying a lesser amount of civil liability on the Dischargers. Green Right 'O Way Constructors, Inc., as shown in its tax return, possesses considerable assets in addition to the roughly \$1.2 million of personal assets reported by Jon and Deann Green. Additionally, the Dischargers own more than 500 acres of land in Mendocino County. Jon Green is identified as sole owner of JCG Construction, and Jon and Deann Green are identified as the only employees of the corporation Green Right O'Way Constructors, Inc. The Dischargers have asserted that their financial resources are exhausted, but have not provided sufficient justification. Without such justification, the Regional Water Board cannot lower the amount of civil liability based on ability to pay.

*New Finding 13(g)* – Other Matters as Justice May Require

Regional Water Board staff costs, as of the hearing date on this matter, approach \$100,000.

Regional Water Board staff recommend reducing the minimum required penalty of \$780,000, as set forth in finding 11 above, to more consistently reflect penalties issued by this Board for similar violations in this Region.

*New Finding 17* - The Regional Water Board did not consider the Biological and Physical Habitat Assessment Report in Response to an Inland Waters Pollution Spill, dated August 11, 2003, but was offered by Ms. Sue Michaelsen, attorney for the Dischargers, to rebut Regional Water Board staff's case. Except for that limited use as rebuttal evidence, the Regional Water Board excludes the Report, together with any references to it (such as those in Mr. Mullin's Arrest/Investigation Report dated August 21, 2003) from the record on this ACL Order.

Ms. Schaffner suggested that the language regarding the loss of salmonid classes be changed to read "have likely resulted in the losses of three classes" rather than "erased."

MOTION: John Corbett moved to amend the ACL Order No. R1-2004-0084, as suggested by Mr. Spiess and Ms. Schaffner, and also increase the proposed \$200,000 civil liability by \$50,000. Gerald Cochran seconded the motion. Motion passed.

Roll Call:

Richard Grundy	Yes
John Corbett	Yes
Bev Wasson	Yes
Dina Moore	Yes
Gerald Cochran	Yes
William Massey	Yes

#### **17. Violation Report**

The report was submitted as written.

#### **18. Board Member Requests for Future Agenda Items**

There were no requests.

#### **19. Monthly Report to the Board**

The report was submitted, as written.

#### **20. Other Items of Interest**

None.

There being no further business to come before the Regional Water Board, the meeting adjourned at 7:25 p.m. The next scheduled Regional Water Board meeting will be held on January 26, 2005.

Jean Lockett, Executive Secretary, recorded the Minutes of the November 26, 2005, North Coast Regional Water Quality Control Board meeting.

Chairman \_\_\_\_\_

Date: \_\_\_\_\_