

## Minutes of Meeting

9:00 a.m., Thursday,  
December 10, 2009  
Regional Water Board Office  
5550 Skylane Blvd., Ste A  
Santa Rosa, CA 95403

*Board Meeting audio recordings are available at [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast). Click on board meetings.*

### **i. Pledge of Allegiance**

Mike Dunker led the pledge of Allegiance.

### **ii. Roll Call and Introductions**

Board Members Present: Geoffrey Hales, John Corbett, Mike Dunker, William Massey, and David Noren

Absent: Carol Dean and Heidi Harris

Regional Water Board staff: Catherine Kuhlman, Luis Rivera, Samantha Olson, Kim Niemeyer, Robert Klamt, David Leland, Matt St. John, Patti Corsie, Drew Bayless, and Jean Lockett

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

William Massey reported that he spoke with state and local elected officials regarding west county sewers. Mr. Massey stated that he would recuse himself on any items before the Board regarding west county sewers.

David Noren reported that he spoke with Sonoma County Farm Bureau regarding the Laguna TMDL development and the pending Dairy Permit.

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

Tam Doduc reported that in 2009 the State Board adopted:

- a new Recycled Water Policy,
- a new water quality Enforcement Policy with an ACL calculation, and
- a new Construction Stormwater Permit.

Ms. Doduc stated that in 2010 the State Water Board staff will be working on:

- the Cooling Policy for power plants,

- a new framework or new approach for septic regulations,
- working with the US Forest Service to address timber operations in a statewide approach, and
- the Industrial Stormwater Permit, Caltrans Stormwater Permit, and the MS4 Phase 2 Stormwater Permit.

Ms. Doduc thanked the Board and its staff for all of their hard work in 2009. She stated that she looked forward to working with Board and its staff in 2010.

**v. Public Forum:**

Comments were taken from:

Virginia Porter, representing Russian River Watershed Association

1. Approval of Meeting Minutes: September and October 2009

Motion: John Corbett moved to adopt the September minutes with changes and the October minutes as presented. William Massey seconded the motions. Motion passed unanimously.

**Uncontested Items**

2. Public Hearing on Order No. R1-2009-0090, to consider Waste Discharge Requirements for **Smith River Rancheria** Wastewater Treatment Facility WDID No. 1A03126RDN (*Roy O'Connor*)
3. Public Hearing on Order No. R1-2009-0115, to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for Discharges in Violation of Clean Water Act, Section 401, Water Quality Certification in the matter of **California Department of Transportation** (Caltrans) Hardscrabble Creek Bridge Replacement Project WDID No. 1A06056WNDN
4. Public Hearing on Order No. R1-2009-0099, to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for Mandatory Minimum Penalties for Violation of Waste Discharge Requirements Order Nos. 99-59 and R1-2006-0020, in the matter of **Town of Scotia Company**, LLC Wastewater Treatment Facility and Cogeneration Plant, NPDES No. CA0006017, WDID No. 1B83104OHUM
5. Public Hearing on Order No. R1-2009-0105, to consider adoption of **General Waste Discharge Requirements, Mitigated Negative Declaration and Environmental Checklist for in-Situ Soil and Groundwater Remediation at sites with Volatile Organic Compounds, and/or Metals** within the North Coast Region
6. Public Hearing on Order No. R1-2009-0094, to consider renewal of National Pollutant Discharge Elimination System Permit, **Humboldt County Resort Improvement District No. 1**, Shelter Cove WWTF, WDID No. 1B84086OHUM

7. Public Hearing on Order R1-2009-0114 to consider short term renewal of Order No. R1-2004-0015, Categorical Waiver for Discharges Related to **Timber Harvest Activities on Federal Lands Managed** by the United States Department of Agriculture, Forest Service, in the North Coast Region
8. Public Hearing on Order No. R1-2009-0019, to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for violation of Waste Discharge Requirements in the matter of **City of Ferndale Wastewater Collection, Treatment, and Disposal Facility**, WDID No. 1B83136OHUM
9. Public Hearing on Order No. R1-2009-0103, to consider adoption of Waste Discharge Requirements for the **Geysers Power Company LLC, Calpine Corporation At The Geysers**, Buckeye and Wildhorse Development Project, WDID NO. 1B86002RSON

Motion: Mike Dunker moved to adopt the Uncontested Items. William Massey seconded the motion. Motion passed unanimously.

### Updates

#### 10. **Klamath River TMDL** – Water Quality Modeling Technical Analysis Update

Matt St. John briefed the Board on the continuing status of the Klamath River TMDL. Mr. St. John introduced the rest of the technical team: Ben Coop with EPA Region 10 of Seattle Washington, Dan Turner with the Organ Department of Environmental Quality, and Andrew Parker with Tetrattech, who also gave presentations. The overview of the presentation were:

- Comments on model
- Team's response
- Use of models for TMDL development and establishing water quality standards
- Model revisions & results
- Specific comments & responses, and
- Next steps before the March 24 and 25, 2010 Board Meeting.

Comments were taken from:

Tim Hemstreet, representing Pacificorp  
Daniel Myers, representing Sierra Club

#### 11. **Recycled Water Policy** - pertaining to the North Coast Regional Water Board

Jonathan Bishop, Chief Deputy Director of the State Water Board, gave the presentation on the Recycled Water Policy. Mr. Bishop gave a brief history of the Recycled Water Policy and took questions from the Board.

Comments were taken from:

Colleen Ferwald, public  
Brenda Adelman, representing Russian River Watershed Protection Committee  
Virginia Porter, representing Russian River Watershed Association

### **Public Hearing**

12. Public Hearing on Order No. R1-2009-0107 to consider a proposed Cease and Desist Order requiring the **Russian River County Sanitation District and Sonoma County Water Agency** Wastewater Treatment Facility to Cease and Desist from discharging or threatening to discharge effluent in violation of Waste Discharge Requirements Regional Board Order No. R1-2009-0003, NPDES No. CA0024058, WDID No. 1B82045OSON

William Massey recused him self from this item.

This item was removed from the agenda due to the lack of a quorum.

### **Information Items**

#### **13. Update on Timber**

Robert Klamt, Chief of the Timber and Nonpoint Source Division, provided an update on the Board's timber program. Mr. Klamt gave an overview of the program resources and workload, with a brief description of the basic tasks, including participation in review and inspection of timber harvest plans on both federal and non-federal lands. Mr. Klamt also provided a status update on the development of Waste Discharge Requirements for road maintenance and erosion control for the Green Diamond Resources Company as well as the status of the Waiver of WDRs for the US Forest Service. The US Forest Service waiver includes other nonpoint source activities in addition to timber harvest. Both items are slated for consideration for adoption by the Board this spring. Mr. Klamt also talked briefly about the State Water Board's effort to develop a statewide regulatory mechanism for the US Forest Service.

#### **14. Executive Officer's Report**

Ms. Kuhlman referenced the articles on enforcement and the Freshwater TMDL in the Executive Officer's report. She gave the Board an overview of the January 2010 board meeting agenda and stated that there will be several presentations on items that the Board requested to hear.

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

David Noren requested information on the new State Water Board Stormwater Permit.

#### **16. Other Items of Interest**

This item was not discussed

#### **17. Closed Session**

There were no reports from closed session.

There being no further business to come before the Regional Water Board, the meeting adjourned at 12:45 p.m. The next Regional Water Board Meeting is scheduled for January 21, 2010, in Santa Rosa, California.

Chairperson \_\_\_\_\_

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