

## Central Valley Regional Water Quality Control Board

### MEETING NOTICE AND AGENDA – REVISED 30 JANUARY 2024

**FRIDAY, 16 FEBRUARY 2024 - 9:00 A.M.**

**Central Valley Water Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670**

**(In-Person and via Video and Teleconference)**

#### **HOW TO ATTEND THIS MEETING:**

This meeting will occur with both a physical meeting location and an option for the public to participate remotely. A majority of the Board Members will be physically present at the noticed meeting location above, consistent with the requirements of the Bagley-Keene Open Meeting Act. Any person desiring to receive future notices about changes to the date, time, location, or format of the public hearing should sign up for the [GovDelivery e-mail list](#) at

([https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg5\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.html)).

Additional information for those wishing to attend remotely can be found below:



#### **TO WATCH AND LISTEN TO THE WEBCAST (NOT PARTICIPATING):**

If you do not need to participate but would like to remotely watch and listen in to this meeting, please use the “PUBLIC MEETING WEBCAST” link below.

#### **16 February 2024:**

YouTube Link - [YOUTUBE LIVESTREAM LINK](#)

[https://www.youtube.com/watch?v=EPL\\_ET4-CXc](https://www.youtube.com/watch?v=EPL_ET4-CXc)



**TO PARTICIPATE IN THE MEETING (via ZOOM):**

Persons wishing to participate in the meeting via video or teleconference will need to contact the Board by email to receive a Zoom Meeting ID and password prior to the meeting by doing the following:

Send an email to [Agenda5@Waterboards.ca.gov](mailto:Agenda5@Waterboards.ca.gov)

In the Subject line, indicate: **Agenda Item Number(s)** you are interested in.

In the body of the email indicate:

- Your name
- Who you represent (i.e., self, another person, an organization)
- Identify whether you intend to participate via videoconference (your computer microphone and speaker) or by telephone
- If calling in by telephone, please provide the last three digits of the telephone number you will be calling from

The Board will respond to your email with the Zoom Meeting ID and password for the meeting. If you do not send an email by **5:00 p.m. on Thursday, February 15**, it is possible you will need to begin watching the webcast available on YouTube. You cannot participate in the Zoom meeting until you receive an email with the Zoom ID and password.

Additional information on attending the meeting can be found on the [Regional Board Meeting Calendar webpage](#) at

([https://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/)).

Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's [Tentative Orders web page](#) at

([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/)).

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated on the agenda item. For general questions, to request a special accommodation, or to request interpreter services, please send an e-mail to [agenda5@waterboards.ca.gov](mailto:agenda5@waterboards.ca.gov) or call (916) 464-3291. Please request special accommodations or interpreter services at least 10 business days in advance of the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**FRIDAY, 16 FEBRUARY 2024, 9:00 a.m.**

## **BOARD BUSINESS**

1. Roll Call and Declaration of a Quorum.
2. Introductions, Pledge of Allegiance, Meeting Rules.

3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
4. State Water Board Liaison Update.
5. Public Forum – Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting or pending before the Board.
6. [Executive Officer's Report.](#)
7. [Consideration of Minutes from the December 2023 Board Meeting.](#)
8. [Consideration of Uncontested Items – The Board will consider agenda items 13 through 17.](#)

## **CONTESTED/DISCUSSION ITEMS**

### **Waste Discharge Requirements**

9. [Bronco Wine Company, Bronco Winery, Stanislaus County – Consideration of Revised Waste Discharge Requirements Order No. 96-247 \[Scott Armstrong \(916\) 464-4616\]](#)
10. [Forward Inc., Forward Landfill, San Joaquin County – Consideration of Revised Waste Discharge Requirements Order No. R5-2014-0006 \[Stephani Gisi \(916\) 464-4607\]](#)

**THIS ITEM WAS MOVED TO THE CONSENT CALENDAR**

### **~~National Pollutant Discharge Elimination System (NPDES)~~**

- ~~11. American Valley Community Services District, American Valley Wastewater Treatment Plant, Plumas County – Consideration of NPDES Permit Renewal (NPDES Permit 0078981) [Matthew Richter (916) 464-4745]~~

### **Election of Chair and Vice Chair**

12. [Election of Chair and Vice Chair \[Mindy Maxwell \(916\) 464-4839\]](#)

## **UNCONTESTED CALENDAR**

(Cal. Code Regs., tit. 23, section 647.2, subd. (f).) Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar.

### **OTHER BUSINESS (AGENDA ITEM 13)**

- a. [City of Lemoore and Leprino Foods Company, River Ranch Recycled Water Project, Kings County – Consideration of Resolution Adopting Negative](#)

[Declaration for the River Ranch Recycled Water Project \[Katie Carpenter \(559\) 445-5551\]](#)

#### **WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 14)**

- a. [Aqua Clear Farms, Inc. and Hatch Investments Limited Partnership, Aqua Clear Farms, Solano County – Consideration of Revised Waste Discharge Requirements Order No. R5-2014-0105](#)
- b. [Bear Valley Community Services District, Bear Valley Community Services District Wastewater Treatment Facility, Kern County – Consideration of revised Waste Discharge Requirements Order No. R5-2015-0011](#)
- c. [Kings Waste and Recycling Authority, Houston Avenue Landfill, Kings County – Consideration of Revised Waste Discharge Requirements Order No. R5-2017-0054.](#)
- d. [City of Lemoore and Leprino Foods Company, River Ranch Recycled Water Project, Kings County – Consideration of revised Waste Discharge Requirements Order No. R5-2019-0008](#)

#### **NPDES PERMITS (AGENDA ITEM 15)**

##### **THIS ITEM WAS MOVED FROM THE CONTESTED CALENDAR**

11. [American Valley Community Services District, American Valley Wastewater Treatment Plant, Plumas County – Consideration of NPDES Permit Renewal \(NPDES Permit 0078981\)](#)
- a. [City of Dunsmuir, Dunsmuir Wastewater Treatment Plant, Shasta and Siskiyou Counties – Consideration of NPDES Permit Renewal \(NPDES Order No. CA0078441\)](#)

#### **RESCISSIONS (AGENDA ITEM 16)**

- a. Camp Sierra Improvement Association, Camp Sierra Association, and the United States Forest Service, Camp Sierra Wastewater Treatment Facility, Fresno County – Waste Discharge Requirements Order No. 5-00-199

#### **CHANGE OF NAME (AGENDA ITEM 17)**

- a. Oroville Landfill Properties, Oroville Class III Wood Waste Landfill, Butte County – Waste Discharge Requirements Order No. R5-2013-0067
- b. West Almanor CSD, Lake Almanor West, Plumas County – Waste Discharge Requirements Order No. 97-254

#### **CLOSED SESSION**

The Board may meet in closed session to consider personnel matters (Gov. Code, section 11126 subd. (a)); to deliberate on a decision to be reached based upon evidence

introduced in a hearing (id., section 11126, subd. (c)(3)); or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (id., section 11126, subd. (e)). Current litigation involving the Board is listed below.

**Litigation filed against the Central Valley Water Board and/or the State Water Board:**

- a. Malaga County Water District Litigation (various proceedings):
  - i. 2013 ACLO to Malaga County Water Dist. for Mandatory Minimum Penalties – Malaga Cnty. Water Dist. v. Central Valley Water Bd. et al. (5DCA Case No. F084875; Madera Superior Court Case No. MCV071280 [originally filed in Fresno Superior as Case No. 14-CECG-03576]).
  - ii. 2014 NPDES Permit and CDO to Malaga County Water Dist. – Malaga Cnty. Water Dist. v. State Water Res. Control Bd., et al. (5DCA Case No. F084854; Madera Superior Court Case No. MCV071279 [originally filed in Fresno Superior Court as Case No. 14-CECG-03919]).
  - iii. 2016 ACLO to Malaga County Water Dist. – Malaga Cnty. Water Dist. v. Central Valley Reg'l Water Quality Bd., et al. (5DCA Case No. F084746; Fresno Superior Court Case No. 16-CECG-03036).
- b. Existing Milk Cow Dairy WDRs General Orders R5-2007-0037, R5-2013-0122 – Asociación de Gente Unida por el Agua et al. v. Central Valley Water Bd. (3DCA Case No. C066410; Sacramento Superior Court Case No. 34-2008-00003604).
- c. Eastern San Joaquin/Irrigated Lands Regulatory Program – State Water Board Order No. WQ 2018-0002, modifying Central Valley Water Board WDRs General Order No. R5-2012-0116 (Growers within Eastern San Joaquin River Watershed that are Members of Third-Party Group) [State Water Board File Nos. A-2239(a)-(c)] (3DCA Case No. C093513):
  - i. Monterey Coastkeeper, et al. v. Central Coast Reg'l Water Quality Control Bd., et al. (Sacramento Superior Court Case No. 34-2017-80002655);
  - ii. Environmental Law Found. v. State Water Res. Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002851);
  - iii. Protectores del Agua Subterr?nea v. State Water Res. Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002852); and
  - iv. Monterey Coastkeeper, et al. v. Central Valley Reg'l Water Quality Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002853).
- d. Valley Water Management Company v. Central Valley Reg'l Water Quality Control Bd., (Kern County Superior Court Case No. BCV-19-101750).

**Litigation filed by the Central Valley Water Board against other parties:**

- e. Aerojet Cleanup – Central Valley Water Bd., et al. v. Aerojet-General Corp., et al. (Sacramento Superior Court Case No. 286073, consolidated w/ Case Nos. 288302 and 291981); Central Valley Water Bd., et al. v. Aerojet-General Corp., et al. (EDCA Case No. CIV-S-86-0064-EJG), consolidated w/ U.S. v. Aerojet-General Corp. et al. (EDCA Case No. CIV-S-86-0063-EJG).

- f. Orland Sand and Gravel Facility – People ex rel. Central Valley Water Bd., et al. v. Orland Sand and Gravel Corp., et al. (Glenn Superior Court Case No. 15CV01436).
- g. Iron Mountain Mine Cleanup – Central Valley Water Board et al. v. Iron Mountain Mines, Inc. et al. (EDCal, Case No. CIV-S-91-1167-DFL-PAN) and U.S. v. Iron Mountain Mines, Inc. et al., (EDCal, Case No. S-91-0768 DFL/JFM).
- h. Original Sixteen-to-One Mine Mandatory Minimum Penalties – Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County. Sup.Ct., Case No. 7019).
- i. Orland Sand and Gravel Facility – Central Valley Water Board, et al. v. Dale Roy Bogart, et al. (Glenn County Superior Court Case No. 22CV2833).

**Petitions for Review of Central Valley Water Board Actions filed with State Water Board:**

- j. Irrigated Lands General WDRs for Individ. Growers, Order R5-2013-0100 – Petition by Kern River Watershed Coalition Auth. and Paramount Farming Co., LLC (State Water Board File No. A-2269).
- k. Tulare Lake Basin Area Irrigated Lands General WDRs, Order R5-2013-0120 – Petitions by Southern San Joaquin Valley Water Quality Coalition, et al., Michael and Yvonne LaSalle, and Asociación de Gente Unida por el Agua (AGUA), et al. (State Water Board File Nos. A-2278(a)-(c)).
- l. Sacramento River Watershed Irrigated Lands General WDRs Order R5-2014-0030 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2302).
- m. San Joaquin Cnty. and Delta Area Irrigated Lands General WDRs Order R5-2014-0029 – Petition by California Sportfishing Alliance, et al. (State Water Board File No. A-2301).
- n. West San Joaquin River Watershed Irrigated Lands General WDRs, Order R5-2014-0002 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2292).
- o. CDO R5-2015-0093 to Valley Water Mgmt. Co. – Petitions by Valley Water Mgmt. Co., Clean Water Action, and the Central California Environmental Justice Network (State Water Board File Nos. A-2418(a), A-2418(b), and A-2418(c)).
- p. Original Sixteen to One Mine, Inc., ACLO R5-2017-0115 – Petition filed by Original Sixteen to One Mine, Inc. (State Water Board File No. A-2586).
- q. Reissued WDRs General Order for Existing Dairies, Order R5-2013-0122 – Petition filed by Asociación de Gente Unida por el Agua and Environmental Law Foundation (State Water Board File No. A-2283(b)).
- r. Technical Reporting Order R5-2023-0801 – Petition filed by Charles McKenry and Jean McKenry Trust and McKenry Drapery Services, Inc. (State Water Board File No. A-2637).

## Acronym Key

**3DCA** - 3rd District Court of Appeal  
**5DCA** - 5th District Court of Appeal  
**ACLO** - Administrative Civil Liability Order  
**CAO** - Cleanup and Abatement Order  
**CDO** - Cease and Desist Order  
**EDCA** - U.S. District Court for the Eastern District of California  
**MRP** - Monitoring and Reporting Program  
**WDRs** - Waste Discharge Requirements

## MEETING PROCEDURES

The Central Valley Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders and Amendments. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item. The statutes and regulations that govern the Central Valley Water Board's meetings are on the State Water Board's [Laws and Regulations web page at](https://www.waterboards.ca.gov/laws_regulations/)

([https://www.waterboards.ca.gov/laws\\_regulations/](https://www.waterboards.ca.gov/laws_regulations/)).

General Meeting Rules and the Procedures applicable to Central Valley Water Board Meetings can be found on the Central Valley Water Board's [Rules and Procedures web page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html) at

([https://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/mtgprocd.html](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html)).

All persons may speak at a Central Valley Water Board meeting and are expected to orally summarize their written submittals. Oral presentations will be limited in time by the Board Chair, and a timer may be used. Where speakers can be grouped by affiliation or interest, such groups are expected to select a spokesperson and to not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not be admitted. Any person requesting to submit late materials must demonstrate compelling cause, and the Chair must find that the admission of the late materials would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule to avoid severe hardship.

## ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to [agenda5@waterboards.ca.gov](mailto:agenda5@waterboards.ca.gov) ([agenda5@waterboards.ca.gov](mailto:agenda5@waterboards.ca.gov)) at least 24 hours in advance.

## PETITION PROCEDURE

Any person aggrieved by an action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320

and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the issuance of the Order, except that if the thirtieth day following the issuance of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board's [Water Quality Petitions web page](#) at

([https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)).

Or it will be provided upon request.