

MINUTES OF BOARD MEETING
 February 18, 2016 9:00 a.m.
 February 19, 2016 8:30 a.m.
 Central Valley Regional Water Board
 11020 Sun Center Drive, Suite 200



THURSDAY, FEBRUARY 18, 9:00 A.M.
CALL TO ORDER

Chair, Dr. Longley called to order the 542nd Board Meeting of the California Regional Water Quality Control Board, Central Valley Region at 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Ramirez, Carmen
Schneider, Robert			

BOARD MEMBERS ABSENT

None			
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STATE BOARD MEMBERS PRESENT

Tam Doduc			
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STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT

Deeringer, Andrew	Okamoto, Mayumi	Pulupa, Patrick	Yu, Stephanie
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STAFF PRESENT

Altevogt, Andrew	Cooke, Janis	L'Heureux, Robert	Patteson, Doug
Childs, Guy	Creedon, Pamela	MacDonald, Alex	Rodgers, Clay
Andam, Lani	Herbst, Charlene	McConnell, Sue	Smith, Bryan
Black, Stewart	Hold, Howard	Meeks, Glenn	Snyder, Clint
Braidman, Brett	Lanfranchi-Kiran	Morgan, Nichole	Tran, Julie
Buford, Pam	Laputz, Adam	Morris, Patrick	Wyels, Wendy
Busby, Robert	Lavy, Tom	Palmer, Josh	
Chilcott, Jeanne			

OTHERS PRESENT

Beggs, Robert	Cativiela, J.P.	Nasr Kosmo	Olson, Anne
Bishop, Erica	Cho, Juliet	Nasr, Lola	Rempel, Jenny
Brown, Kevin	Daly, Michael	Neuschmid, Eric	Rufer, Chris
Busch, Tim	DiGiorgio, Carol	Nosacka, John	Sweet, Keith
Carlson, Shane	Kozmo, Nazar	O'Brien, Art	Waterman, Joe
Beggs, Robert	Leikan, Dennis	Oliveira, Ross	Webster, Debbie
Castanos, Kristen	Miliband, Wes		

APPROVAL OF DECEMBER 10/11, 2015 BOARD MEETING MINUTES

*Motion to approve minutes with corrections
Made by, Member Costantino
Seconded by Vice-Chair Kadara
Member Costantino-Yes
Member Ramirez-Yes
Member Schneider-Yes
Vice-Chair Kadara-Yes
Chair Longley-Yes
Approved by Roll Call Vote of 5-0-0*

AGENDA ITEM 3 BOARD MEMBER COMMUNICATIONS

Bob Schneider spoke about Flint Michigan and the water quality there. He said this brought up thoughts of some of the issues we face, like nitrates in San Joaquin Valley, etc. People cannot drink the water there and what is happening in the oil fields and some of the injections, etc. He said it is complex working on water quality. He thanked staff at the State Board and Regional Board for the hard working that they are doing in preserving water quality.

Chair Longley said that the State Board adopted a resolution on Human Right to Safe Drinking Water. He said that the Regional Board will also be considering a resolution which is very specific to the Region 5 area.

He is involved as a faculty and staff member representing the California State University's effort to address Human Right to Water and Prop Funding. He attended a meeting last week at State Board where discussion was to bring safe drinking water systems to disadvantaged communities

In December and January he attended the CV SALTS Executive Committee meetings

On January 7, together with Executive Officer Pamela Creedon and Adam Laputz (AEO), met with the new water division Director at USEPA, Tomas Torres. He also met with Deputy Administrator, Alexis Strauss regarding USEPA Region 9 and State Agency cooperation on the continuance of the annual workshop presented by the California BioResource Alliance..

On January 12 Chair Longley attended the Food Safety Meeting in Rancho Cordova
On January 28-29, he was a moderator at the Multi-State Salinity Coalition Symposium in Las Vegas

Vice-Chair Denise Kadara said that she attended the Food and Safety expert panel meeting on oil fields and use of recycled WATER ON CROPS

She is now participating quarterly with the Tulare Lake Basin Water Study for disadvantaged communities, serving as a member of the oversight committee, addressing outreach, etc.

She has also spoken with the State Board staff on drinking water Issues in disadvantaged communities like Allensworth

AGENDA ITEM 4 PUBLIC FORUM

Jenny Rempel (Community Water Center) Thanked the Board for its support through the Central Valley Disadvantaged Community, Water Quality grants program, with the Supplemental Environmental Program (SEP) managed by the Rose Foundation.

AGENDA ITEM 5 STATE BOARD LIAISON UPDATE

State Board Member Tam Doduc thanked Chair Longley for recognizing the Human Right to Water resolution

She said that the State Board also adopted another resolution on developing beneficial use categories and

Definitions for tribal traditional use, tribal cultural use, tribal subsistence fishing. She said that the State Board has directed staff to work with stakeholders and come back at the end of summer with a status report. She said that at the State Board meeting in March, the issue of oil and gas stimulation, which the State Water Board adopted last year, ground water monitoring in areas with oil and gas well stimulation.

AGENDA ITEM 6

EXECUTIVE OFFICER'S REPORT

Chair Longley said that looking at the Executive Officer's Report is a great reflection of good work being accomplished by staff.

AGENDA ITEM 23

OTHER BUSINESS

Update for FY 2016/2017 – *Informational item only* (Agenda item 23 was moved from Friday)

Executive Officer Pamela Creedon presented a report on proposed program priorities for 2016-2017 fiscal year Patrick Pulupa (Attorney III) and Clint Snyder (Assistant Executive Officer in the Redding office) answered questions for the Board

The Board adopted agenda items 10 through 14 as uncontested items.

AGENDA ITEM 10

NPDES PERMITS

Olivehurst Public Utility District, Wastewater Treatment Facility, Yuba County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0077836)*

AGENDA ITEM 11

Lincoln Center Environmental Remediation Trust, Groundwater Treatment System, San Joaquin County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0084255)*

AGENDA ITEM 12

NPDES PERMIT/TIME SCHEDULE ORDER

City of Jackson, Wastewater Treatment Plant, Amador County – *Consideration of Order Amending NPDES Permit Time Schedule Order R5-2015-0003 (NPDES Permit CA0079391)*

AGENDA ITEM 13

NPDES PERMIT/CEASE AND DESIST ORDER

Chester Public Utility District, Chester Sewage Treatment Plant, Plumas County *Consideration of NPDES Permit Renewal (NPDES Permit CA0077747) and Adoption of Cease and Desist Order*

AGENDA ITEM 14

WASTE DISCHARGE REQUIREMENTS

City of Woodland, Water Pollution Control Facility, Yolo County – *Consideration of Order Amending Waste Discharge Requirements Order R5-2014-0120 (NPDES Permit CA0079391)*

Motion to adopt agenda items 10 through 14 with late revisions on agenda items, 10, 12 and 13,

Made by Vice-Chair Kadara

Seconded by Member Costantino

Member Costantino -Yes

Member Schneider-Yes

Member Ramirez -Yes

Vice-Chair Kadara-Yes

Chair Longley-Yes

Approved by Roll Call Vote of 5-0-0

AGENDA ITEM 7

Delta Mercury Control Program Progress Report- *Informational Item*

Janis Cooke presented the staff report on the Delta Mercury Control Program. Nasr (Represents Water) and Debbie Webster (CVCWA) made additional comments. Jeanne Chilcott, Supervisor in the Delta TMDL Program answered questions for the Board

LUNCH AND CLOSED SESSION

The Board recessed for lunch at 11:55 a.m. to discuss State Board’s tentative order on East San Joaquin petitions.

RESUME BOARD MEETING AT 1:08 P.M.

AGENDA ITEM 8

City of Tracy Desalination and Green Energy Project – *Informational Item Only*

Steve Bayley, (City of Tracy) gave a presentation on Desalination and Green Energy Project. (Reduction of salinity of the City’s wastewater effluent

AGENDA ITEM 9

Status of Proposed General Order for Confined Bovine Feeding Operations – *Informational Item Only*

Charlene Herbst presented the staff report. Clay Rodgers (AEO in the Fresno Office) and Patrick Pulupa (Attorney III) answered questions for the Board. Jenny Rempel (Community Water Center) and J.P. Cativiela (Dairy CARES) made additional comments.

AGENDA ITEM 25

Annual Enforcement Update – *Informational Item Only* (Agenda item 25 was moved to Thursday)

Robert L’Heureux, Senior Water Resources Control Engineer and Enforcement Coordinator for the Central Valley Region presented the staff report on the enforcement program. Nasr Kozmo (Private Citizen) made additional comments

AGENDA ITEM 15

ENFORCEMENT

The Morning Star Packing Company L.P. and Fred Global, The Morning Star Tomato Packing Plant, Colusa County. *Consideration of Cease and Desist Order*

Board Member Carmen Ramirez disclosed that she had potential conflict of interest with agenda items 15 and 16 She said that she has a family member who is employed by Morning Star. She recused herself and left the dias and the meeting room

No one was present to contest agenda item 15. Kristin Castanos (Attorney for the Morning Star Company) asked that the late revisions that were circulated yesterday, be included in the records

The Board adopted the order based on records on file and the late revisions
Chair Longley asked Andrew Deeringer, (Legal Counsel) to give an update or background on the Cease and Desist Order. Andrew said that there were no objections to the late revisions and deferred to Adam Laputz, (AEO) to elaborate. AEO Laputz said that there were no objections to the late revisions and recommended adoption of the cease and desist order

*Motion to adopt Cease and Desist Order with late revisions,
Made by Member Schneider
Seconded by Vice-Chair Kadara
Member Schneider-Yes
Member Costantino -Yes
Vice -Chair Kadara-Yes
Chair Longley- Yes
Approved by Roll Call Vote of 4-0-0*

AGENDA ITEM 16

The Morning Star Packing Company, L.P., The Morning Star Tomato Packing Plant, Colusa County. –
Consideration of Administrative Civil Liability Order

Andrew Deeringer (Attorney for Advisory Team) informed the Board that the discharger has stipulated its ability to pay the assessed penalty amount and has reserved its right to challenge to pay if the Board decides to increase that penalty beyond the assessed amount. Also, the parties have reached a stipulation as to the economic benefit stemming from the cooling pond expansion and the selling pond expansion.

Testimony by the Prosecution Team:

Wendy Wyels, Supervising Engineer in the Compliance and Enforcement section, and Howard Hold, Senior Engineering Geologist presented the staff reports.

Testimony by the Discharger

Kristen Castanos, (Attorney for Morning Star), Robert Beggs, Art O'Brien, Chris Rufer (Owner of Morning Star)

Cross Examination of Discharger by the Prosecution Team as follows

Mayumi Okamoto (Attorney for the Prosecution team cross examined the dischargers as follows:

Chris Rufer
Mr. Olivera
Robert Beggs

Adam Laputz (AEO), Andrew Altevogt (AEO), Patrick Pulupa (Attorney III) and Andrew Deeringer (Attorney for the Advisory Team) answered questions for the Board

*Motion to adopt Administrative Civil Liability
Made by Vice-Chair Kadara
Seconded by Member Schneider
Member Schneider-Yes
Member Costantino-No
Vice-Chair Kadara -Yes
Chair Longley-Yes
Approved by Roll Call Vote of 3-1-0*

Board Meeting adjourned at 6:30 p.m.to the next day

FRIDAY, FEBRUARY 19 – 8:30 A.M.

CALL TO ORDER

Chair, Dr. Longley called to order the 542nd Board Meeting of the California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise	Longley, Karl, Chair	Ramirez, Carmen
Schneider, Robert			

BOARD MEMBERS ABSENT

None			
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STATE BOARD STAFF /OFFICE OF ENFORCEMENT

Deeringer, Andrew	Pulupa, Patrick	Yu, Stephanie
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STAFF PRESENT

Altevogt, Andrew	Creedon, Pamela	L'Heureux, Robert	Snyder, Clint
Bracamonte, Linda	Fogut, Tessa	McClure, Danny	Taylor, James
Buford, Pam	Hartzell, Marty	Morgan, Nichole	Thibodeaux -Yost, Singleton
Chicott, Jeanne	King, David	Newman, Brian	Wass, Lonnie
Chow, Bob	Lanfranchi, Kiran	Pyle, Jeff	
Cole, Selina	Laputz, Adam	Rodgers, Clay	
Cooke, Janis	Lavy, Tom	Sherrell, Trey	
Coster, Lynn	Wilson, Angela	Smith, Bryan	

OTHERS PRESENT

Allen, Richard	Granquist, Nicole	Laubranson, Brian	Shu, Jeffrey
Bass, Brenda	Grovhoug, Tom	Louie, Stephen	Singhasemanon, Nan
Busse, Mike	Hansen, Anthea	Madden, Dan	Smith, Lynda
Carnew, Shawn	Hansen, John	Melton, Lyndel	Tamayo, Dave
Cory, David	Hlubik, Steve	Mosley, Michael	Teerlink, Jennifer
Davis, Rachel	Houdesheldt, Bruce	Nazar, Kosmo	Turner, Melissa
Duncan, David	Johnson, Michael	Okoro, Melanie	Upadhyay, Vyomini
Dunham, Tess	Kear, Adam	Ortega, Ric	Webster, Debbie
Farmsworth, Gregg	Kiser, Tim	Peltier, Jean-Mari	
Fong, Stephanie	Koza, Mike	Quinonez, Nicole	
Giddings, Jeffrey	Kubiak, Rachel	Rust, Tim	
Goodrich, Keith			

AGENDA ITEM 19

BOARD MEMBER COMMUNICATIONS

Chair Longley said that Vice-Chair Kadara and he attended the Regional Board's Chair's meeting. At the last Chair's meeting the Budgets process was discussed in detail. He said that one of the items on the agenda was the compensation for the Regional Board Members. Since 1970 around the time that the Board was founded, the Regional Board Members have been paid \$100.00 per diem for attending Board meetings. He said that hopefully, this compensation will go up to \$500.00 per diem, plus one day for preparation.

AGENDA ITEM 20

PUBLIC FORUM

No one came forward to speak

AGENDA ITEM 21

EXECUTIVE OFFICER'S REPORT

Adam Laputz, Assistant Executive Officer mentioned that there will be a potential Wetlands tour at Atwell Island as part of the April 21/22 Board meeting. The Wetlands tour will be on April 20. He said that only some Board

Members have responded and he requested all Board Members to respond at their earliest. He will send out another reminder to gauge the Board's interest.

Adam also proposed a workshop on CV Salts to talk about salts and nutrient management plan. This workshop will be scheduled one day before the regular June Board meeting.

Executive Officer Creedon presented Superior Accomplishment awards to the following staff:

- Lynn Coster, Environmental Scientist in the Redding office
- James D. Marshall, Senior Water Resources Control Engineer in the Sacramento office
- Jeffrey Pyle, Engineering Geologist in the Fresno office
- Trey Sherrell, Environmental Scientist in the Redding office

AGENDA ITEM 22

The Board adopted uncontested agenda items 30 through 34

UNCONTESTED ITEMS

AGENDA ITEM 30

ENFORCEMENT

Recology Hay Road, Jepson Prairie Organics as a dba of Recology Hay Road, Recology Hay Road Landfill, Solano County – *Consideration of a Resolution to Amend Water Code Section 13301 Order R5-2014-0117*

AGENDA ITEM 31

NPDES PERMIT

City of Grass Valley, Wastewater Treatment Plant, Nevada County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0079898)*

AGENDA ITEM 32

WASTE DISCHARGE REQUIREMENTS

- a. County of Sacramento Department of Waste Management and Recycling, Kiefer Landfill, Sacramento County, Order R5-2007-0107 (*Revision*)
- b. Growers within the Sacramento River Watershed that are Members of a Third-Party Group, Order R5-2014-0030 (*Revision*)
- c. Growers within the Central Valley Region that are Members of a Third-Party Group; Orders R5-2012-0116, R5-2013-0120, R5-2014-0001, R5-2014-0002, R5-2014-0029, R5-2014-0030 R5-2015-0095 (*Revision*)

AGENDA ITEM 33

WASTE DISCHARGE REQUIREMENTS – RESCISSIONS

- a. Cedar Creek Mobile Home Park, Shasta County, Order 93-014
- b. Clark Pacific, Spreckles Sugar Company, Yolo County, Order R5-2003-0047
- c. Graeagle Meadows Townhomes, Plumas County, Order 92-135
- d. Paradise Pines Elementary School, Butte County, Order 85-100
- e. Santa Fe Aggregates, Inc., Sanger Plant, Fresno County, Order 79-021
- f. Tucker Oaks East Subdivision, Shasta County, Order 87-187
- g. Whitehawk Ranch Mutual Water Company, Plumas County, Order 92-127

AGENDA ITEM 34

CHANGE OF NAME/OWNERSHIP

- a. Ballantine Produce Company, Inc., Ballantine Reedley Packing Facility, Fresno County, Order 91-005
- b. Jamie Mendoza, former Cozzi Ranch Swine Facility, Merced County, Order 93-073
- c. Soper Pit Gravel Processing, Plumas County, Order 96-242
- d. Thiara Brothers Orchards Prune Dehydrator, Butte County, Order 98-181
- e. Bottle Rock Power LLC, Bottle Rock Power Plant LLC Francisco Geothermal Steamfield, Lake County, Order 99-01
- f. Interstate 5 Utility Company, I-5 and Hwy 58 WWTF, Kern County, Order R5-2007-0152
- g. Sierra Pine Limited, Sierra Pine - Ampine Division, Amador County, Order R5-2008-0167-01

Member Costantino said that even though he was from Grass Valley he is not in the Waste Water Treatment plants district.

Assistant Executive Officer, Andrew Altevogt explained to the Board on the late revisions on agenda item 30

Motion to adopt uncontested items 30 through 34 with late revisions on agenda item 30

Made by Member Costantino

Seconded by Member Ramirez

Member Costantino-Yes

Member Ramirez-Yes

Member Schneider-Yes

Vice-Chair Kadara-Yes

Chair Longley-Yes

Approved by Roll Call Vote of 5-0-0

CONTESTED CALENDAR

AGENDA ITEM 23

OTHER BUSINESS

Update for FY 2016/2017 — *Informational item only* [~~Executive Officer Pamela Creedon (916) 464-4839~~]

(Agenda item 23 was moved to Thursday)

AGENDA ITEM 24

Groundwater Quality Strategy – Update to the Groundwater Quality Protection Strategy for the Central Valley Region, a “Roadmap” and summary of implementation – *Informational Item Only*

Pam Buford presented the staff report. Executive Officer Creedon, Clay Rodgers (AEO in the Fresno Office) and Patrick Pulupa (Attorney III) answered questions for the Board

AGENDA ITEM 25

Annual Enforcement Update – *Informational Item Only* **(Agenda item 25 was moved to Thursday)**

AGENDA ITEM 26

Development of a Basin Plan Amendment and TMDL for the Control of Pyrethroid Pesticide Discharges – *Board Workshop*

Tessa Fojut, Environmental Scientist in the Sacramento office, presented the staff report on Technical Issues. Danny McClure, Senior Engineer in the Sacramento office presented the staff report on Implementation Alternatives. Jeanne Chilcott, Patrick Pulupa, (Attorney III) Pamela Creedon (EO) and Adam Laputz (AEO) briefed the Board on the use of a phased approach and gave clarifying answers to the Board.

Pyrethroid Working Group Panel:

- Tess Dunham, (Somach Simmons & Dunn)
- Jeffrey Giddings, (Compliance Services International)
- Dr. Richard Allen, (Valent USA Corporation)

Discharger Panel:

- Lynda Dorm, (Regional San)
- Dave Tamayo, (Sacramento County Stormwater Program)
- Debbie Webster, (CVCWA)
- Bruce Houdesheldt, (Northern California Water Association)

Agency Panel:

- Stephen Louie, (California Department of Fish and Wildlife)
- Dr. Donald Weston, (University of California, Berkeley)
- Dr. Melanie Okoro, (U.S. Department of Commerce, NOAA Fisheries)

Department of Pesticide Regulation Panel:

- Jennifer Teerlink, (Department of Pesticide Regulations)
- David Duncan (Department of Pesticide Regulations)

Closed Session and Lunch

The Board recessed for lunch at 1:08 p.m. to discuss pending petition (agenda item f in the closed session section of the agenda), Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116. The Board would also discuss personnel issues.

Board meeting resumed at 2:08 p.m.

AGENDA ITEM 27

Delta Regional Monitoring Program Supplemental Environmental Project Program – *Consideration of Resolution to Enable the Delta Regional Monitoring Program Implementing Agency to Utilize Supplemental Environmental Project Funding*

Robert L'Heureux, Senior Water Resource Control Engineer, presented the staff report. Executive Officer Creedon and Patrick Pulupa (Attorney III) gave clarifying answers to the Board.

*Motion to adopt Resolution
 Made by Member Schneider
 Seconded by Member Costantino
 Member Schneider-Yes
 Member Costantino-Yes
 Member Ramirez -Yes
 Vice-Chair Kadara-Yes
 Chair Longley-Yes
 Approved by Roll Call Vote of 5-0-0*

AGENDA ITEM 28

NPDES PERMIT

City of Turlock Regional Water Quality Control Facility and City of Modesto Water Quality Control Facility, North Valley Regional Recycled Water Program, Stanislaus County – *Consideration of New NPDES Permit (NPDES Permit CA0085316)*

Tyson Pelkofer, Staff Engineer, presented the staff report. Executive Officer Creedon and Adam Laputz, (AEO) answered questions for the Board

Comments by North Valley Recycling

Dan Madden (City of Turlock)
William Wong (City of Modesto)

Interested Parties

Michael Mosley, (Bureau of Reclamation)
Lynda Smith (Metropolitan Water District)

*Motion to adopt NPDES Permit with late revisions
 Made by Member Costantino
 Seconded by Vice-Chair Kadara
 Member Costantino -Yes
 Member Ramirez -Yes
 Member Schneider-Yes
 Vice-Chair Kadara-Yes
 Chair Longley-Yes
 Approved by Roll Call Vote of 5-0-0*

AGENDA ITEM 29

OTHER BUSINESS

Election of Chair and Vice-Chair

Board members deliberated

Member Ramirez said that she would like to open the discussion to see if other Members were interested to be Chair. She said that her schedule does not allow her to be Chair this year. Member Costantino said that this was a busy year for him but at some point he would like to be Chair. This year, he would like to support Chair Longley to continue as Chair. Chair Longley said that he would like to continue as Chair for another year. Bob Schneider and Denise Kadara recommended that Dr. Longley should continue as Chair this year.

*Motion to appoint Dr. Longley as Chair
Made by Member Schneider
Seconded by Member Ramirez
Member Schneider –Yes
Member Ramirez -Yes
Member Costantino-Yes
Vice-Chair Kadara-Yes
Chair Longley-Yes
Approved by Roll Call Vote of 5-0-0*

ELECTION OF VICE-CHAIR

Jon Costantino said that Denise Kadara has done a great job this past year and that he would nominate her to continue her role as Vice-Chair. Bob Schneider said that he supports that motion. Her further thanked Chair Longley and Vice-Chair Kadara for doing such a great job last year. Carmen Ramirez said that she agrees with Mr. Schneider.

*Motion to appoint Vice-Chair Denise Kadara
Made by Member Costantino
Seconded by Member Schneider
Member Costantino -Yes
Member Schneider-Yes
Member Ramirez-Yes
Vice-Chair Kadara-Yes
Chair Longley-Yes
Approved by Roll Call Vote of 5-0-0*

The meeting adjourned at 3:20 p.m. to the March 9 Board Workshop in Bakersfield, California