

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
4/5 May 2006  
477th Regular Board Meeting  
11020 Sun Center, Suite 200  
Rancho Cordova, CA 95670

**THURSDAY, 16 MARCH 2006**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Linda Adams, Vice Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members, Tam Doduc, Chair, State Water Resources Control Board

**BOARD MEMBERS ABSENT**

Christopher Cabaldon

**STAFF PRESENT**

Pamela Creedon, Ken Landau, Jack DelConte, James Pedri, Janice Tanaka, Frances McChesney, David Boyers, Dave Carlson, Wendy Wyels, Karen Clementsen, James Rohrbach, Richard McHenry, Alex Baillie, Guy Childs, Melissa Hall,

**OTHERS PRESENT**

Bill Jennings, CA Sportfishing Alliance  
Carrie McNeil, DeltaKeeper  
Warren Tellefson, CVCWA  
David Cory, SJR Exchange Contractors  
Chris Sanders, Calpine  
Nancy Miller, SWRCB  
Nancy Price, Alliance for Democracy  
Gail Delihant, Asm Aghazarian's office  
Michael Hill-Weld, Nevada County  
Nathan Beason, Nevada County  
Gordon Platenga, Nevada County  
Doug Farrell, Nevada County  
Steven Stiles, Nevada County  
Peggy Risch, Mt Shasta Ecology Ctr.

Michele Berditschensky, Mt Shasta Ecology Ctr.  
Robert Curry, Pit River Tribe  
Sharon Elune, Pit River Tribe  
Cecelia Silvas, Pit River Tribe  
Ross Montgomery, Pit River Tribe  
Bill Thomas, South SJ Water Quality  
Andy Kopania, City of Chico  
Ijaz Jamall, Risk-Based Decisions, Inc.  
Aidan McLane, Humboldt Road  
Randy Nelson, Humboldt Road  
Virginia Drake, Humboldt Road  
Jeff Scharff, Humboldt Road

**EXECUTIVE OFFICER'S REPORT**

The Executive Officer presented the Sustained Superior Achievement Award to Melissa Hall.

Ms. Creedon discussed the addenda to the EO Report:

- Dr. David Sunding, Director of the Hilmar Cheese SEP, has recommended Dr. Yorham Rubin as co-director for the SEP. Hilmar Cheese and the Executive Officer have approved this selection.
- No timely petitions have been received by the State Water Board concerning the Hilmar Cheese settlement, so the settlement is final. Ms. Creedon will participate in a 10 May meeting on the SEP.
- On 26 April Ms. Creedon attended a meeting concerning exceedances of selenium concentrations within the Grasslands Bypass Project.

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- Draft General WDRs for existing dairies have been released for review. Meetings are being held with various interest groups. It is anticipated that a tentative Order will be released for formal review in June, with consideration of adoption planned for September.
- Michael Boccadoro has submitted two letters regarding food-processing residuals. Copies are being provided to Board members.

Chairman Schneider commented regarding Addendum 4 (Irrigated Lands Program) that the UCD contract work appears to be providing some of the best data, partly due to the consistency provided by their trained staff. There is wide variation between the UCD and Coalition data. UCD finds more toxicity in the water column, while Coalitions find more toxicity in the sediment. This may be due to differences in sampling locations (UCD samples higher in watersheds, while Coalitions sample more in main water bodies.), indicating the need to sample in both locations.

Chairman Schneider also discussed non-compliers and the need for program accountability. There is considerable emphasis on maps to identify coalition participants or non-participants, but this significantly increases staff time. This will be an issue for the June meeting. The program needs accountability and the Board can only enforce on individual farmers, not on coalitions.

Al Brizard commented that water quality sampling ten years ago would have shown more problems.

The Chair commented that the County Agricultural Commissioners and Department of Pesticide Regulation have done much to improve water quality, but there is a ways to go.

Dr. Longley stated that some sediment toxicity is the result of legacy pesticides, and we need to find a way to deal with them. The TIC is trying to define a toxicity "hit" and follow up protocols. He personally prefers a forensic approach that moves upstream.

Al Brizard requested that EO Report Addenda be provided on Thursdays with discussion planned for Friday to allow Board members to review the documents overnight.

#### **BOARD MEMBER COMMUNICATIONS**

Dr. Longley reported that he had presented the Salinity Report to the State Board on Tuesday and has had lots of public contacts concerning salinity. He and Dan Odenweller will be speaking about salinity to anyone who will listen.

Dan Odenweller said that he had contacts regarding salinity similar to the contacts reported by Dr. Longley. He also participated in the Central Valley Fish Facilities technical meetings.

Chairman Schneider reported that he had attended the Water Quality Coordinating Committee meeting.

#### **PUBLIC FORUM**

Bill Jennings, CalSPA, repeated comments presented earlier to the State Water Board. New Regional Board management is reversing 20 years of water quality progress. In the NPDES Program three seniors have left and staff is transferring or leaving. The kinder, gentler, more permissive approach is not effective. Work is being outsourced to TetraTech, which is producing substandard, cookie cutter work that must be rewritten. USEPA has threatened withdrawal of contractor support if the Board does not cooperate. An etymologist is now reviewing TetraTech permits. The regulated community is ecstatic, but this will lead to legal battles and will be a confirmation issue.

Carrie McNeil, DeltaKeeper, expressed concern about policy shifts that protect the polluter. There is a loss of scientific background with the changes in staffing. TetraTech "rent-a-cops" from out of state don't understand California issues and laws. The Executive Officer was a previous TetraTech supervisor, which is suspicious. The Board cannot give assurances that water quality is being protected.

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Chairman Schneider stated that these issues cannot be fully addressed here, but some public discussion is needed.

Al Brizard commented that Board members are not as free as members of the public in speaking on these types of issues.

Pamela Creedon stated that it is unclear where all these statements are coming from. She is working to protect the overall staff. It is offensive to think that only a select few staff can write NPDES Permits. She did this work as a staff member and can do it as EO. The Office of Chief Counsel reviews all work to assure it is legal. Many of the staff changes were to accommodate requests for staff reassignment for professional development and promotional preparation.

Soapy Mulholland commented that it is the Board's responsibility to select the EO, and the EO's responsibility to run the staff. The Board should not micromanage staff work.

Kate Hart commented that she supports the EO and staff. Mr. Jennings and Ms. McNeil have been supportive of Board work. She can't see why everyone can't work together to improve water quality and avoid litigation.

Chairman Schneider said that in a democracy people have the right to speak. He believes the changes will ultimately improve the process. Three months is too soon to evaluate Ms. Creedon's performance.

Warren Tellefson, CVCWA, noted that the State Water Board had just adopted general Sanitary Sewer Overflow WDRs requiring Internet reporting of overflows to a centralized database, and development of sewer system management plans over the next two to three years. There will be some overlap between existing Region 5 WDRs and the new General WDRs, which CVCWA would like to help resolve.

David Corey stated that his recent trip to Mexico showed how bad water quality could be without the Regional Board. Stakeholders continue to work on the Ag waiver with a good and admirable commitment.

Tam Doduc, State Water Board Chair, said that it had been a long time since a State Board member had attended a Region 5 Board meeting, and she intended to appoint a new liaison to Region 5 with new State Board member appointments. Thanks to Karl Longley for salinity report and recommendation for a follow-up joint State and Regional Board Meeting. The SSO Permit was adopted. The Stormwater Task Force Report will be the basis for much future discussion. Belated congratulations to Ms. Creedon for her appointment as EO. Ms. Doduc has tremendous respect for Ms. Creedon's abilities, decisiveness, and integrity, and looks forward to working with her to improve water quality.

#### **OTHER BUSINESS**

##### **California Integrated Water Quality System (CIQWS) Database – *Consideration of Resolution Supporting CIWQS***

A public meeting was held. Nancy Miller presented the staff report. Bill Jennings and Carrie McNeil presented additional information.

**R5-2006-0032**

MOTION: By Ms. Adams, seconded by Mr. Longley to adopt the resolution with revisions. Unanimously approved.

##### **Irrigated Lands Program – *Discussion of Basin Planning, Waste Discharge Requirements, and Conditional Waiver Regulatory Alternatives***

A public meeting was held. Frances McChesney presented the staff report. Bill Thomas, Carrie McNeil, David Cory, and Bill Jennings gave additional information. This item was for the Board's information. No action was taken.

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**FRIDAY, 17 MARCH 2006****BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Linda Adams, Vice Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members.

**STAFF PRESENT**

Pamela Creedon, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Boyers, Bill Croyle, Wendy Wyels, Jerry Bruns, Victor Izzo, Howard Hold, Kelly Briggs, and Lori Weber.

**OTHERS PRESENT**

Karna Harrigfeld, Bonzi Inc.  
Brian Terrell, Bonzi Inc.  
Gloria Mas, DA – San Joaquin Co.

Michael Vinding, Tuolumne Co.  
Mark Adams, Jamestown Mine  
Bob Lossius, Lake County

**PUBLIC FORUM**

Mark Adams introduced himself as administrator of the Jamestown and Lincoln Trusts. He will be working with the Board on many issues in the future.

**UNCONTESTED CALENDAR****ENFORCEMENT*****Guenoc Winery, Inc., Guenoc Winery, Lake County - Consideration of Revised Waste Discharge Requirements and Adoption of a New Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2006-0037** MOTION: By Mr. Cabaldon, seconded by Mr. Odenweller to adopt the Waste Discharge Requirements. Unanimously approved.

**R5-2006-0038** MOTION: By Mr. Cabaldon, seconded by Mr. Odenweller to adopt the Cease and Desist Order. Unanimously approved by role call vote.

***Canada Cove Limited Partnership, French Camp Golf and RV Park Facility, San Joaquin County – Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2006-0039** MOTION: By Mr. Brizard, seconded by Mr. Cabaldon to adopt the NPDES Permit. Unanimously approved as revised.

**R5-2006-0040** MOTION: By Ms. Adams, seconded by Mr. Brizard to adopt the Cease and Desist Order. Unanimously approved by role call vote.

**WASTE DISCHARGE REQUIREMENTS**

Uncontested Rescissions **R5-2006-0041**

- a. American Yeast Corporation, Kern County

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- b. American Yeast Corporation, Kern County
- c. Wheelabrator Hudson Energy Company, Inc., Anderson Cogeneration Plant, Shasta County

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**Uncontested Waste Discharge Requirements**

- a. California Dept. of Water Resources, Fremont Weir Sediment Removal Project, Yolo & Sutter County **R5-2006-0042**
- b. California, Dept. of Park and Recreation, Calaveras Big Trees State Park Wastewater Treatment Facility, Calaveras County **R5-2006-0043**
- c. Berryessa Garbage Service, Inc., Steele Canyon Landfill, Class III Landfill, Post-Closure Maintenance and Corrective Action, Napa County **R5-2006-0044**
- d. Calaveras County, Post-Closure Maintenance of Red Hill Landfill Facility, Class III Landfill & Class II Surface Impoundments, Calaveras County **R5-2006-0045**
- e. County of Kern, for Closure and Post-Closure Maintenance, Lost Hills Sanitary Landfill, Kern County **R5-2006-0046**
- f. SK Foods and Colusa County Canning Company, Williams Tomato Processing Facility, Colusa County **R5-2006-0047**
- g. Jamestown Trust I, through it's Trustee, County of Tuolumne, Robert Cameron, Gary Wilson, Discharge of Mine Wastewater to Harvard Mine Pit, Tuolumne County **R5-2006-0048**
- h. Jim and Peggy Schaefer, San Joaquin Hills Ranch – Reservoirs, Kern County **R5-2006-0049**
- i. SOC Resources, Inc., Jones Lease, Mount Poso Oil Field, Kern County **R5-2006-0050**
- j. SOC Resources, Inc., Vedder-USL Lease, Mount Poso Oil Field, Kern County **R5-2006-0051**

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Cabaldon, seconded by Ms. Mulholland to adopt the proposed orders. Unanimously approved.

**CONTESTED CALENDAR****ENFORCEMENT**

**Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Stanislaus County – Consideration of a Resolution Requiring Payment of \$50,000 as Described by the Stipulated Judgment**

**R5-2006-0036** MOTION: By Mr. Longley, seconded by Mr. Betancourt to adopt the Resolution. Unanimously approved.

**OTHER BUSINESS****Regional Board Enforcement Program – An Information Item**

A public meeting was held. Kelly Briggs presented the staff report. This was an information item. The Board took no action.

**Amendment to the Basin Plan for the Control of Nutrients in Clear Lake – Workshop to Receive Comments**

Lori Weber presented the staff report. This was an information item. The Board took no action.

**The Board met in closed session to discuss ongoing litigation.**

**The meeting was adjourned at 11:00 a.m. to the 22/23 June Regular Board Meeting.**