

IMPORTANT NOTICE
REGARDING THE 3 DECEMBER 2004 BOARD MEETING

Due to a lack of quorum, the following items will not be heard at the December Board meeting and will be heard at a later date:

Contested Items:

- Item 1 – Approval of October minutes
- Item 11 – Placer County Department of Facility Services, Placer County
- Item 12 – City of Auburn, Wastewater Treatment Plant, Placer County

Uncontested Items:

- Item 13 - Lake County Sanitation District
- Item 14 – Uncontested NPDES Permits
- Item 15 – Uncontested Change of Name and/or Ownership
- Item 16 – Uncontested Rescissions
- Item 17 – Uncontested Waste Discharge Requirements

The following Agenda items will be presented to the remaining Board Members, but no action will be taken:

- Item 8 – General NPDES Permit for Existing Concentrated Animal Feeding Operations
(Milk Cow Dairies)
- Item 9 – Mr. Nick Petsas, Lake Berryessa Enterprises, Inc. II, dba Putah Creek Resort, Napa
County
- Item 10 – Wastewater Regionalization, Placer and Nevada Counties



Public Meeting

Central Valley Regional Water Quality Control Board

Friday – 3 December 2004 8:30 a.m.
Central Valley Regional Water
Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

The purpose of this meeting is for the Board to obtain testimony and information from concerned and affected parties and to make decisions based on the information received.

Persons who want to submit written comments or evidence on any agenda item must comply with the **Meeting Procedures** described at the end of the listing of **Agenda** items. Persons wishing to speak at the meeting should complete an attendance card and provide it to staff. Although otherwise filling out the attendance card is voluntary, we do appreciate receiving a card from all persons in attendance.

Persons applying for, or actively supporting or opposing, waste discharge requirements before the Board must comply with legal requirements if they or their agents have or propose contributing more than \$250 to a Board member for an election campaign. Contact the Board office for details if you fall into this category.

Items showing times will begin no sooner than indicated. Items are numbered for identification purposes only and may not be considered in order. They may, however, be delayed by previous items. Closed Session business is normally conducted during the lunch break, although the Board may adjourn to Closed Session at any time. Depending on the extent of Closed Session items, the lunch break may be lengthy. The Board Chair will announce prior to any Closed Session the anticipated time that the public session will resume.

Technical questions regarding agenda items should be directed to the responsible staff person whose name and direct phone number are indicated by the agenda item. If no staff person is listed, or for general questions and requests for agenda material, please contact Janice Tanaka at (916) 464-4839.

The facility is accessible to people with disabilities. Individuals requiring special accommodations are requested to contact Ms. Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Board agendas and the approved minutes of Board meetings are posted on the Regional Board's website at http://www.swrcb.ca.gov/rwqcb5/board_meetings.

Copies of the items to be considered by the Board may be downloaded from the following Website, <http://www.swrcb.ca.gov/rwqcb5/tentative> organized by agenda item number.

A listing of pending applications for Water Quality Certifications, pursuant to section 401 of the Federal Clean Water Act, may be obtained from the Regional Board's Web Page at http://www.swrcb.ca.gov/rwqcb5/public_notices or by calling Pat Gillum at (916) 464-4709.

The **Agenda** for this meeting begins on the next page.

TIME LIMITATIONS

In order to move the Board meeting along in a timely manner, and assure time for adequate consideration of items later in the Agenda, the Chair may enforce maximum time limitations on each item. The goal is to complete all presentations, cross-examination, Board deliberation and voting within the allotted time. Allotted times are listed on the agenda following each item. Please consider the allotted time when preparing your presentations. Items with specific times listed will not be heard before that time but may be heard later.

BOARD QUORUM ISSUES

As of November 15th it is uncertain whether there will be a quorum of Board members available for the December 2004 meeting. Without a quorum, the Board will be unable to take final action on any item. However, even without a quorum, the Board can proceed with certain matters:

- The items on the draft General NPDES Permit for Dairies and Wastewater Regionalization will be held.
- Hearing panels using available Board members can be held to gather testimony on Item Nos. 9, 11 and 12. Testimony from the Hearing Panels would be used by the Board in a continuation of the hearings at a later Board meeting to make a final decision on these items.
- No action would be taken on Uncontested Calendar items.

3 December 2004 – 8:30 a.m.

1. Introductions, approval of minutes, approval of 2005 Board Meeting calendar, and pledge of allegiance.
2. Resolutions of Appreciation
3. Meeting Rules and Procedures
4. [Executive Officer's Report](#)
5. Board Member Communication
6. 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 (5 minute time limit per subject) 8:30 a.m.*
7. The Board will be asked to approve items 13 through 17 with no discussion if no one is here to testify about them; see pages 3 & 4 for a description/listing of items

NPDES PERMITS – THIS AGENDA ITEM WILL START NO EARLIER THAN 9:00 A.M.

8. General NPDES Permit for Existing Concentrated Animal Feeding Operations (Milk Cow Dairies) – *Workshop to Receive Comments on Administrative Draft Order* (Polly Lowry (916-464-4601) (**Time Limit – 180 minutes**))

ENFORCEMENT – **THE FOLLOWING AGENDA ITEMS WILL START NO EARLIER THAN 1:00 PM.

9. **Mr. Nick Petsas, Lake Berryessa Enterprises, Inc. II, dba Putah Creek Resort, Napa County – *Consideration of Administrative Civil Liability Order* [Guy Childs (916) 464-4648] (**Time Limit – 45 minutes**)

OTHER BUSINESS

10. **Wastewater Regionalization, Placer and Nevada Counties – *Information Item* [Richard McHenry (916) 464-4757] (**Time Limit – 60 minutes**)

ENFORCEMENT

11. ****Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1, Wastewater Treatment Plant, Placer County – *Continuation of Hearing to Consider NPDES Permit Renewal and Cease and Desist Order* [Richard McHenry (916) 464-4655] (Time Limit – 90 minutes)**
12. ****City of Auburn, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order* [Melissa Hall (916) 464-4757] (Time Limit – 60 minutes)**

UNCONTESTED ITEMS CALENDAR

Uncontested items are expected to be routine and noncontroversial; recommendations will be acted on without discussion. If any interested party, Board, or staff member requests discussion, the item may be removed from the Uncontested Items Calendar and taken up in the regular agenda order, or in an order determined by the Board Chair – 8:30 a.m.

ENFORCEMENT

13. Lake County Sanitation District, Kelseyville County Water Works District No. 3, Lake County – *Consideration of a Cease and Desist Order* [Guy Childs (916) 464-4648]

NPDES PERMITS

14. Uncontested NPDES Permits
 - a. The Boeing Company, Southern Groundwater Study Area Extraction and Treatment System, Inactive Rancho Cordova Test Site, Sacramento County (new)
 - b. Sierra Pacific Industries, Camino Lumber Mill, El Dorado County (renewal)
 - c. Sewerage Commission-Oroville Region, Waste Water Treatment Plant, Butte County (renewal)
 - d. South Feather Water and Power Agency, Miners Ranch Water Treatment Plant, Butte County (renewal)
 - e. Indian Valley Health Care District, Geothermal Space Heating System, Plumas County (renewal)
 - f. U.S. Department of Interior, Fish and Wildlife Service, Livingston Stone National Fish Hatchery, Winter Run Rearing Facility, Shasta County (renewal)

WASTE DISCHARGE REQUIREMENTS

15. Uncontested Change of Name and/or Ownership
 - a. Forest Springs Mobile Home Community, Alfred F. Tucker, James H. Tucker, and Jerald A. Tucker, DBA Forest Springs Associates, Nevada County, Order No. 88-106
 - b. Don Stanley and O'Neill Beverages Co., LLC, O'Neill Vintners & Distillers, Fresno County, Order No. 95-014
 - c. Don Stanley and O'Neill Beverages Co., LLC, O'Neill Vintners & Distillers SI, Fresno County, Order No. 5-01-141
16. Uncontested Rescissions
 - a. Drilling and Production Company, SCT Lease, Tejon Oil Field, Kern County, Resolution No. 70-191
 - b. Loren F. Vinson Livestock, Inc., Tehama County, Order No. 85-101
 - c. Woolery Livestock Transportation, Inc., Shasta Livestock Auction, Inc., and Robert Jones, Shasta County, Order No. 86-181
 - d. City of Modesto, Grayson Park Well 295, Stanislaus County, Order No. 98-122
 - e. Shasta Paper Company, Inc., Shasta County, Order No. 5-00-082
 - f. Dan Garcia, Curtis Gray, Yuba River Properties, and Dan Garcia Sand and Gravel, Yuba County, Order No. 5-00-103
 - g. Fernand Larranaga dba Larranaga Trucking, Larranaga Pit and Alturas Ranches, LLC, Modoc County, Order No. 5-01-201
 - h. Harter Packing Company, Tut Brothers Farms, LLC, Lomo Cold Storage, a California General Partnership, Richland Ranches Ltd of California, a California Corporation, and Harter Tomato Products Company, Sutter County, Order No. 5-00-252

17. Uncontested Waste Discharge Requirements

- a. Musco Family Olive Company and The Studley Company, Class II Surface Impoundments, Tracy Plant, San Joaquin County (revision)
- ~~b. The Ranch Sewer Maintenance District, Individual Septic Systems, Sacramento County (revision)~~ **REMOVED**
- c. City of Avenal and Madera Disposal Systems, Inc., for Construction and Operation, City of Avenal Municipal Solid Waste Landfill, Kings County (revision)
- ~~d. K&M Recycle America and County of Yolo, Planning and Public Works Department, K&M Recycling Facility, Green Waste Composting Facility, Yolo County (new)~~ **REMOVED**

18. The Regional Board may meet in closed session on Thursday or Friday to consider personnel matters [Authority: Government Code Section 11126(a)]; to deliberate on a decision to be reached based upon evidence introduced in a hearing [Authority: Government Code Section 11126(c)(3)]; or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code Section 11126(e)]. Litigation items that may be discussed are:

- a. CVRWQCB, et al. v. Aerojet-General Corp., et al, Sacramento Co. Sup. Ct. No. 286073, consolidated with Nos. 288302 and 291981; CVRWQCB, et al. v. Aerojet-General Corp., et al., USDC (EDCal) No. CIV-S-86-0064-EJG (consolidated with U.S. v. Aerojet-General Corp., et al., USDC (EDCal) No. CIV-S-86-0063-EJG. (Aerojet Cleanup)
- b. American States Water Co., et al., v. CVRWQCB, et al., Sacramento Co. Sup. Ct. No. 99AS05947. (Aerojet Cleanup-water supply)
- c. Sacramento Regional Co. Sanitation Dist. v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 98CS01702.
- d. State of Calif., CVRWQCB, et al. v. Iron Mountain Mines, Inc., et al., USDC (EDCal) No. CIV-S-91-1167-DFL-PAN and U.S. v. Iron Mountain Mines, Inc., et al., USDC (EDCal) No. S-91-0768 DFL/JFM. (IMM Cleanup)
- e. State of Calif. ex rel CIWMB, et al. v. Edward J. Filbin, et al. (Westley Tire Fire).
- f. San Francisco Baykeeper, Inc., et al. v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 99CS02722. (Toxic Hot Spots)
- g. Coalition for Alternatives to Kiefer Landfill v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 01CS00728. (Landfill WDRs)
- h. CVRWQCB v. A Greener Globe Corp., et al., Placer Co. Sup. Ct. No. SCV11383. (Landfill WDRs)
- i. CVRWQCB v. Sonora Mining Corp., et al., Tuolumne Co. Sup. Ct. No. CV 486 (Jamestown Mine).
- j. Original Sixteen to One Mine, Inc. v. CVRWQCB, Sierra Co. Sup. Ct. No. 5511. (NPDES permit)
- k. City of Brentwood v. CVRWQCB, Contra Costa Co. Sup. Ct. No. 2-0160. (MMP Order)
- l. State of Calif., City of Lodi v. M&P Investments, et al., USDC (EDCal) No. CIV S-00-2441 FCD. (Lodi PCE plumes)
- m. City of Merced, et al., v. R.A. Fields, CVRWQCB, U.S. Court of Appeals (Ninth Cir.) D.C. No. CV-F 92-5627 (REC/DLB) EDCal; City of Merced, et al., v. R.A. Fields, et al., USDC (EDCal) No. CV-F 92-5627 REC/DLB. (Merced PCE plumes)
- n. National Park Service, El Portal WWTF, Administrative Civil Liability Order No. 5-01-031. (NPDES discharge)
- o. Deltakeeper, et al v. CVRWQCB, Sacramento Co. Sup. Ct. No. 03CS00032 (Ag Waiver CEQA lawsuit).
- p. City of Stockton v. SWRCB et al., San Joaquin Co. Sup. Ct. No. CVO20665 (NPDES permit).
- q. City of Vacaville v. SWRCB et al., Solano Co. Sup. Ct. No. FCSO20945 (NPDES permit).
- r. Petition of City of Chico, Butte County, Edmund and Juli Johnson, California Park Association Review of Cleanup and Abatement Order No. R5-2003-0707, SWRCB/OCC File A-1575, A-1575 (a), A-1575 (b), A-1575(c) (Humboldt Road Burn Dump).
- s. County of Sacramento v. SWRCB and CVRWQCB, Sacramento Co. Sup. Ct. No. 03CS01521
- t. State of California, CVRWQCB v. AKT Development Corporation and Sunridge Development, LLC.(Referral to AG).
- u. California Farm Bureau v. SWRCB and CVRWQCB, Sacramento Co. Sup. Ct., 04CS00264 (2004 Ag Waiver lawsuit)
- v. Deltakeeper et al v. CVRWQCB and SWRCB, Sacramento Co. Sup. Ct., 04CS00235 (2004 Ag Waiver lawsuit)
- w. City of Vacaville v. SWRCB and CVRWQCB and California Association of Sanitation Agencies v. SWRCB and CVRWQCB, Contra Costa Co. Sup. Ct., Case No. CIV MSN03-0956.(NPDES permit)
- x. Kern Ridge Growers, LLC v. SWRCB and CVRWQCB, Kern Co. Sup. Ct., Case No. S-1500-CV 252327NFT.
- y. Petition of UC Davis, Review of NPDES Permit and Cease and Desist Order (Order Nos. R5-2003-003 and R5-2003-004) (NPDES Permit revisions, filed April 19, 2004).
- z. Petition of City of Manteca, Review of NPDES permit and Cease and Desist Order (Order Nos. R5-2004-0028 and R5-2004-0029) (NPDES permit, filed April 19, 2004).
- aa. Petition of City of Galt, SWRCB/OCC File A-1627 (NPDES permit)
- bb. Deltakeeper et al v. SWRCB and CVRWQCB, Sac. Co. Sup. Ct (2004 Timber Waiver Lawsuit).
- cc. Ameripride Services, Inc. v. CVRWQCB, et al., Sacramento Co. Sup. Ct. No.04CS00426 (PCE plume)
- dd. Petitions regarding Lodi PCE sites SWRCB/OCC File A-1639, 1639(a), 1639(b), 1639(c) (Review of Cleanup and

Abatement Order2004-0043)

- ee. Petitions of Butte Environmental Council, SWRCB/OCC File A-1657 and A-1657 (a) (Review of Remedial Action Plans and Waste Discharge Requirements at the Humboldt Road Burn Dump)
- ff. MANA v. State Water Resources Control Board and Regional Water Quality Control Board, Sac. County Superior Court No. 04CS00871
- gg. City of Woodland v. SWRCB and CVRWQCB, Yolo County. Sup. Ct.. Case No. PT04-759 (NPDES Permit R5-2003-0031 and CDO R5-2003-0032, and SWRCB Order WQO 2004-0010)
- hh. DeltaKeeper, et al. v. SWRCB and CVRWQCB, Sacramento Co. Sup Ct. Case No. 04CS01228 (Roseville Reclamation Permit)
- ii. City of Yuba City v. SWRCB and RWQCB (NPDES Permit)