

AGENDA – (updated 10/31/2016)
Public Meeting
Central Valley Regional
Water Quality Control Board



Central Valley Regional Water Board
Fresno Office
1685 E Street
Fresno, CA 93706-2007
Thursday, November 3, 2016 – 9:00 a.m.
Friday, November 4, 2016 – 9:00 a.m.

THIS MEETING WILL NOT BE WEBCAST

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify.
- The Board asks that anyone speaking to the Board complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- A quorum of the Board will not be present. A panel of Board members will conduct the hearings and will recommend final action for the full Board to take on each item. The full Board will vote on whether to take such action at a subsequent Board meeting.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Board agendas and the minutes of prior meetings are posted on the Board's website at: http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or klanfranchi@waterboards.ca.gov

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-Rizzardi 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.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: http://www.waterboards.ca.gov/centralvalley/public_notices/ or can be obtained by calling the Board at: (916) 464-3291.

ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at Board meetings. Please e-mail presentations to the Board's webmaster at webmaster5@waterboards.ca.gov at least 24 hours in advance or bring your files either on a USB flash drive or CD-ROM and give them to Board staff before the start of the meeting.

THURSDAY NOVEMBER 3, 2016 – 9:00 A.M.
1685 “E” Street
Fresno, CA 93706-2007

1. Introductions, Pledge of Allegiance
2. Meeting Rules and Procedures
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. **There will be no voting or formal action taken**
4. 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*

ACL PANEL HEARINGS

5. ~~Daniel D. & Marie Ruth Singh, Fresno County – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Henry Jones, (559) 445-5584]~~
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA
6. [Baldev & Kamaljit Batth, Fresno County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Eric Warren, (559) 445-5035]
7. [Alex V. & Vera A. Kobets, Fresno County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Henry Jones, (559) 445-5584]
8. ~~Jim & Vera Kurnosoff, as Individuals and in their representative capacity as trustees for the J & V Revocable Trust, Fresno County – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [David Sholes, (559) 445-6279]~~
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA
9. [Gurmail Kaur, Madera County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Brett Stevens, (916) 464-4642]
10. [Joseph Magdic Jr., Madera County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Wesley Ouimette, (916) 464-4667]
11. [William and Maria Egleston, Merced County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Terry Bechtel, (916) 464-4720]
12. [Brooks & Arlene Rushing, as Individuals and in Their Representative Capacity as Trustees for the Brooks J & Arlene J Rushing Trust, Stanislaus County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Wesley Ouimette, (916) 464-4667]
13. [William R. Sinks et al., Madera County](#) – Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability [Brett Stevens, (916) 464-4642]

FRIDAY, NOVEMBER 4, 2016 – 9:00 A.M.
1685 “E” Street
Fresno, CA 93706-2007

14. Introductions, Pledge of Allegiance
15. Meeting Rules and Procedures
16. 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. **There will be no voting or formal action taken**
17. 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*

ACL PANEL HEARINGS

18. [Gilbert & Enedina Marroquin, Tulare County](#) – *Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability* [Eric Warren, (559) 445-5035]
19. [Emma J. Bounds, as an Individual and as Trustee for the Bounds Family Trust, Madera County](#) – *Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability* [Brett Stevens, (916) 464-4642]
20. [Joe Silveira, Merced County](#) – *Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability* [Wesley Ouimette, (916) 464-4667]
21. [Singh Farms, LLC, Madera County](#) – *Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability* [Brett Stevens, (916) 464-4642]
22. [Victor Produce, Inc., Merced County](#) – *Panel Hearing to Consider Recommending that the Central Valley Water Board Impose Administrative Civil Liability* [Terry Bechtel, (916) 464-4720]

CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a)), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3).), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)).
Current litigation involving the Board:

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

- a. Cleanup and Abatement Order Issued for the Cleanup of Dixon Park in 2005 – *ConAgra Foods and Monfort, Inc. v. Central Valley Water Board* (Solano County Sup. Ct., Case No. FCS027420)
- b. NPDES Permit Issued to Sacramento Regional Wastewater Treatment Plant in 2010 – *California Sportfishing Protection Alliance v. Central Valley Water Board et al.* (Sacramento County Sup. Ct., Case No. 34-2013-80001358)
- c. Administrative Civil Liability Orders R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119 and 13267 Order Requiring Monitoring of the Sweeney Dairy – *James G. Sweeney, et al. v. State Water Board, et al.* (Fresno County Sup. Ct., Case No. 15CEG02063)
- d. Administrative Civil Liability Order Issued to Henry Tosta Dairy in 2013 – *Henry J. Tosta, et al. v. Central Valley Water Board, et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318863-CU-WM-STK)
- e. Administrative Civil Liability Order Issued for Mandatory Minimum Penalties to Malaga County Water District in 2013 – *Malaga County Water District v. Central Valley Water Board et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03576, removed to Madera County Sup. Ct., Case No. MCV071280)
- f. Dairy General Waste Discharge Requirements, Reissued in 2013 – *Asociación de Gente Unida por el Agua et al. v. Central Valley Water Board* (Ca. Ct. of Appeal. 3rd DCA, Case No. C066410; Sacramento County Sup. Ct., Case No. 34-2008-00003604)
- g. Cleanup and Abatement Order Issued for Cleanup of Walker Mine in 2014 – *Atlantic Richfield Company v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2014-80001875)
- h. Cleanup and Abatement Order Issued for Cleanup of Mt. Diablo Mercury Mine in 2014 – *Sunoco, Inc. v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2016-80002282)
- i. NPDES Permit and Cease and Desist Order Issued to Malaga County Water District in 2014 – *Malaga County Water District v. State Water Resources Control Board, et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03919, removed to Madera County Sup. Ct., Case No. MCV071279)
- j. 13267 Order Issued to Modus, Inc. in 2015 – *Modus, Inc. v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; Central Valley Water Board* (Fresno County Sup. Ct., Case No. 15CECG03668)
- k. Administrative Civil Liability Order Issued to Christopher Cordes, Eddie Axner, and Eddie Axner Construction, Inc. in 2015 – *Eddie Axner Construction, Inc. and Eddie Axner v. Central Valley Water Board* (Shasta County Sup. Ct., Case No. 183576)
- l. Administrative Civil Liability Order Issued to Morning Star Packing Company, L.P., in 2016 – *Morning Star Packing Company, L.P. v. Central Valley Water Board, et al.* (Colusa County Sup. Ct., Case No. 24162)

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

- m. Aerojet Cleanup – *Central Valley Water Board et al. v. Aerojet-General Corp. et al.* (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); *Central Valley Water Board et al. v. Aerojet-General Corp. et al.* (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with *U.S. v. Aerojet-General Corp. et al.*, (EDCal, Case No. CIV-S-86-0063-EJG)
- n. Bonzi Landfill – *Central Valley Water Board v. Ma-Ru Holding Company et al.* (Stanislaus County Sup. Ct., Case No. 643740)
- o. Injunctive Relief for Tosta Dairy – *Central Valley Water Board v. Henry J. Tosta et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318144-CU-MC-STK)
- p. Orland Sand and Gravel Facility – *People ex rel. Central Valley Water Board, Dept. of Fish and Wildlife v. Orland Sand and Gravel Corp. et al.* (Glenn County Sup. Ct., Case No. 15CV01436)
- q. Greener Globe Landfill – *People ex rel. Central Valley Water Board v. A Greener Globe Corporation* (Placer County Sup. Ct., Case No. SCV13231)

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

- r. City of Stockton, WDRs Order R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order R5-2014-0071 (State Water Board File No. A-2315)
- s. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238)
- t. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- u. Irrigated Lands General Waste Discharge Requirements for Individual Growers, Order R5-2013-0100 – Petition filed by Kern River Watershed Coalition Authority and Paramount Farming Company, LLC (State Water Board File No. A-2269)
- v. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2302)
- w. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2301)

- x. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed 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) through (c))
- y. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2292)
- z. Valley Water Management Company, Cease and Desist Order R5-2015-0093 – Petitions filed by Valley Water Management Company, Clean Water Action, and the Central California Environmental Justice Network (State Water Board File Nos. A-2148(a), A-2148(b), and A-2148(c))
- aa. Malaga County Water Dist., ACL Order R5-2016-0022 – Petition filed by Malaga County Water Dist. (State Water Board File No. A-2479)
- bb. Sacramento County Sanitation District, WDRs Order R5-2016-0020 [NPDES No. CA0077682] – Petition filed by California Sportfishing Protection Alliance (State Water Board File No. A-2480)
- cc. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2016-0038 [NPDES No. CA0077712] – Petition filed by California Sportfishing Protection Alliance (State Water Board File No. A-2490)

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 at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

MEETING PROCEDURE

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 can be found at:
http://www.waterboards.ca.gov/laws_regulations/

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 generally be admitted. Any person requesting to submit late materials must demonstrate good 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.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

The regulations for adjudicative proceedings are found in California Code of Regulations, title 23, sections 648 et seq. An adjudicative proceeding is a hearing to receive evidence for the determination of facts pursuant to which the Board formulates and issues a decision.

Evidence: Adjudicative hearings are not conducted according to the technical rules of evidence; the Board will accept any evidence that is reasonably relevant. It is the policy of the Board to discourage the introduction of surprise testimony and exhibits. Hearsay evidence may be used to supplement or explain other evidence.

Designated Parties: Designated Parties are persons named in a proposed order, anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board's Prosecution Team. Designated Parties have the right to call and examine witnesses, receive witness lists from other Designated Parties, introduce exhibits, cross-examine opposing witnesses, rebut evidence, make or oppose evidentiary objections, and make opening and/or closing statements.

Interested Persons: All persons who wish to participate in the hearing but who are not Designated Parties are Interested Persons. Interested Persons may present non-evidentiary policy statements or comments, either orally or in writing, but will not be subject to cross-examination. Interested Parties may be asked to respond to clarifying questions from the Board, staff, or others.

Order of Proceeding: for adjudicative hearings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Testimony by Board staff, followed by testimony by Designated Parties named in the Complaint, followed by testimony of other Designated Parties
- Cross-examination of Board staff, followed by cross-examination of Designated Parties named in the Complaint, followed by cross-examination of other Designated Parties
- Statements of Interested Persons
- Closing statement by Designated Parties other than those named in the Complaint, then closing statement by Designated Parties named in the Order or Permit, followed by closing statement by Board staff
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Hearing Panel

If the Parties are proposing a settlement, the Hearing Panel will conduct the hearing in two phases. In the first phase, the Hearing Panel will consider the proposed settlement. The Designated Parties named in the Complaint and the Board's Prosecution Team will have a combined total of 10 minutes (which they may divide as they see fit) to present the proposed settlement to the Hearing Panel. The Hearing Panel will then solicit input from any other Designated Parties, Interested Persons, and the Board's Advisory Team. The Board Chair will then close the settlement phase of the hearing and the Hearing Panel will deliberate. If the Hearing Panel decides not to accept the proposed settlement, the Hearing Panel will conduct a second phase of the hearing, which will follow in the order outlined above.

Closing statements are not to be used to introduce new evidence or testimony. Persons wishing to introduce exhibits (i.e., maps, charts, photographs) must leave them with the Board.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

The primary duty of the Central Valley Water Board is to protect the quality of the waters within the Central Valley Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic, and industrial waste discharges. Specific responsibilities and procedures of the Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act.

BOARD MEMBERS	CITY OF RESIDENCE	TERM EXPIRES
Jon Costantino	Grass Valley	9/30/2019
Carmen L. Ramirez*	Atwater	9/30/2017
Karl E. Longley	Fresno	9/30/2017
Robert Schneider	Davis	9/30/2018
Denise Kadara	Allensworth	9/30/2018

*Public member in accordance with Water Code section 13201(c)

Pamela C. Creedon, **Executive Officer**
 Kiran Lanfranchi-Rizzardi, **Administrative Assistant II/Clerk to the Board**
 Patrick Pulupa, **Attorney III**
 Stephanie Yu, **Attorney III**
 Andrew Deeringer, **Attorney I**

SACRAMENTO OFFICE

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Adam Laputz
 Andrew Altevogt
 Linda Bracamonte

Supervisors:

Bob Chow
 Brett Braidman
 Brian Newman
 David King
 Jeanne Chilcott
 Nichole Morgan
 Robert Busby
 Stewart Black
 Sue McConnell
 Wendy Wyels

Seniors:

Anne Littlejohn	Kari Holmes
Brett Stevens	Marie McCrink
Charlene Herbst	Marty Hartzell
Cori Condon	Michelle Wood
Daniel McClure	Patrick Morris
Elizabeth Lee	Scott Armstrong
Gerald Djuth	Steve Rosenbaum
Howard Hold	Steven Meeks
Jim Marshall	Susan Fregien
Josh Palmer	
Joe Mello	

FRESNO OFFICE

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Clay Rodgers

Supervisors:

Dale Harvey
 Doug Patteson
 Lonnie Wass

Seniors:

Alan Cregan	Russell Walls
Dale Essary	Scott Hatton
Daniel Carlson	Shelton Gray
David Sholes	Warren Gross
Matt Scroggins	
Ron Holcomb	

REDDING OFFICE

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Clint Snyder

Supervisors:

Bryan Smith
 Angela Wilson

Seniors:

Ben Letton	Jeremy Pagan
George Day	Kate Burger
George Low	
Lynn Coster	