

# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## 572<sup>nd</sup> BOARD MEETING MINUTES

---

**THURSDAY, 10 DECEMBER 2020**

---

### **BOARD MEETING LOCATION: ZOOM TELECONFERENCE AND WEBCAST**

#### **BOARD MEMBERS PRESENT:**

Longley, Dr. Karl                  Ramirez, Carmen                  Brar, Raji  
Kadara, Denise                  Bradford, Mark

#### **BOARD MEMBERS ABSENT:**

None

#### **STATE WATER BOARD MEMBERS PRESENT:**

Doduc, Tam

#### **STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PARTICIPATING IN THE MEETING:**

Jahr, Jessica                          Lancaster, David                          Toft-Dupuy, Bayley

#### **REGIONAL BOARD STAFF PARTICIPATING IN THE MEETING:**

Pulupa, Patrick	Howard, Dr. Meredith	Mello, Samantha
Laputz, Adam	Marshall, James	Smith, Bryan
Baum, John "JJ"	McClure, Daniel	Garver, Kelli
Snyder, Clint	Harvey, Dale	Coughlin, Gene
Rogers, Clay	Fuller, Jennie	Chow, Bob
Pagan, Jeremy		Brown, Janelle
Shelton, Brad		

#### **ADDITIONAL ATTENDEES PRESENT WHO WERE IDENTIFIED:**

Pena, Nichole	Webster, Debbie	Nishimoto, Debi
Burns, Kimberly	Clary, Jennifer	Nelson, Jonathan
Pruitt, Lisa	Kalua, Kaitlyn	Canada, Marie
Escobedo Garcia, Nataly	Bedore, Paul	

#### **AGENDA ITEM 1 – CALL TO ORDER:**

Chair Longley called the 572<sup>nd</sup> Board meeting to order and made introductions. Executive Officer Pulupa introduced staff. Member Raji Brar led the Pledge of Allegiance.

## **AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS**

### **Chair Longley submitted the following communications:**

- 22 October 2020, Participated in a CV-SALTS Executive Committee virtual meeting
- 27/28 October 2020, Participated in the Annual WQCC virtual meeting
- 2 November 2020, Participated in monthly Regional Boards Chairs' Meeting via MS Teams
- 13 November 2020, delivered a presentation to an audience put together by Lyles Engineering on Water Quality in the Central Valley via Zoom
- 7 December 2020, Participated in monthly Regional Boards Chairs' Meeting via MS Teams

### **Member Bradford submitted the following communications:**

- October 2020, Participated in the Annual WQCC virtual meeting

### **Member Kadara submitted the following communications:**

- October 2020, Participated in the Annual WQCC virtual meeting
- October 2020, Participated in a Racial Equity virtual meeting

### **Raji Brar submitted the following communications:**

- December 2020, Member Brar reported that she has been reappointed by the Governor to serve on the Board another four years

## **AGENDA ITEM 3 – State Water Board Liaison Update**

State Board Member Tam Doduc gave an update to the Board as follows:

- Adopted Toxicity provisions (a 20+ year effort) at the last State Board meeting.
- Considering a General Order for Winery discharges will go to the January 2021 Board meeting. Consideration was delayed to give stakeholders additional time to discuss changes.
- State Water Board is in the process of revising instructions to their Construction Stormwater Permit. Staff have conducted workshops to obtain stakeholder input and a staff draft has been released. There will be a formal State Water Board Workshop in March 2021 and potential consideration later in the year.
- Ms. Dudoc informed that her term is expiring on January 15, 2020. The Governor's office has been notified that she is not seeking another term.

- Ms. Doduc shared her heart-felt thoughts about Region 5, which is the largest Region in the State. The amount of issues covered range from hydraulic fracking to forestry issues, wildfires, agricultural runoff, environmental justice to the homeless. Ms. Doduc is always amazed at the commitment, dedication, and talents of staff, as well as the Board's leadership in tackling all these issues and balancing all the factors that evolve into good policy and good regulatory decision-making.
- Ms. Doduc said it has been an honor and privilege to work with the Regional Board over the years.
  - Chair Longley thanked Ms. Doduc for her service and said she was key to making the Regional Board part of the Water Board.
  - Member Kadara thanked Ms. Doduc for her service and said she has been an inspiration.
  - Member Rameriz thanked Ms. Doduc for always keeping Regional Board members apprised and connected with what is going on at State Board.

#### **AGENDA ITEM 4 – PUBLIC FORUM**

- Kim Burns (E&J Gallo Winery) – No comment.

#### **AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT**

##### **Executive Officer's Report**

Executive Officer Pulupa discussed ongoing responses to COVID-19 and provided updates on the current budget situation.

##### **COVID-19**

Consistent with State Policy directives, we are switching back into an even more restrictive plan in terms of operating our offices with limited staff. Nearly all the work is still being done by staff at home as we are adhering to social distancing protocols. The Board is still operating under limitations due to staff committed to contact tracing, as well as folks on furlough and at the same time we are being tasked with providing support to the Office of Enforcement for debris management, due to the epic fires we had this past year.

##### **Program Priorities**

Typically, in December the Program Priorities are brought to the Board for discussion. The document has been shared with the Board. It is less involved than it has been in the past, because we are going to be launching a strategic planning survey (part of the Board's strategic planning initiative) to get stakeholder input on what the Board's priorities should be for the next 5-7 years.

## **Comments Received from Board Members**

Chair Longley indicated he would like to receive a copy of the results.

Member Kadara stated she is glad the survey is going out and is very interested to have public input on what they think the Board's priorities should be and if they match up with Board's perception of priorities.

Member Bradford asked how the stakeholder list was developed. Executive Officer Pulupa explained that the Program Managers were asked who they interact with and they were put on a list that list was merged with the Lyris list. Social media platforms were also used to recruit interested parties.

## **Employee Recognition Awards**

Executive Officer Pulupa presented awards:

### Superior Accomplishment (Team) Award:

Confined Animals Unit in the Sacramento Office

- Charles Cárdenas, Engineering Geologist
- Elizabeth Reece, Scientific Aid

### Sustained Superior Accomplishment Award:

- Clint Snyder, Assistant Executive Officer in the Redding Office

## **AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING**

(THIS ITEM HAS BEEN MOVED TO THE 18/19 FEBRUARY 2021 BOARD MEETING)

## **AGENDA ITEM 13 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 9 THROUGH 12 (AGENDA ITEM 13 WAS HEARD BEFORE AGENDA ITEM 7)**

### **UNCONTESTED CALENDAR**

#### **AGENDA ITEM 9 – NPDES PERMIT**

- a. City of Shasta Lake, City of Shasta Lake WWTF, Shasta County – Consideration of Renewal (NPDES Permit CA0079511)

#### **AGENDA ITEM 10 – WASTE DISCHARGE REQUIREMENTS**

- a. Aerojet Rocketdyne, Inc, White Rock North Dump and Aerojet Waste Consolidation Unit Landfill, Sacramento County – New

- b. California Asbestos Monofill, Inc., California Asbestos Monofill, Calaveras County – Consideration of Revisions to Order 97-142
- c. County of Placer, Loomis Landfill, Placer County – Consideration of Revisions to Order R5-2004-004
- d. Kings Waste and Recycling Authority; Corcoran Landfill; Kings County – Revisions to Order R5-2014-0164
- e. Lehigh Southwest Cement Company and Calaveras Cement Company, Calaveras Cement Plant, Calaveras County – Consideration of Amendments to Order R5-2017-0077-01
- f. ~~Glenn Springs Holding Company, Former Occidental Chemical Company, San Joaquin County – Revisions to Order R5-2012-0106~~ (THIS WILL BE HEARD AT A FUTURE BOARD MEETING)
- g. Tasteful Selections, LLC, Tasteful Properties, LLC, and Way-Gin, LP; Tasteful Selections Arvin Facility; Kern County – New

#### **AGENDA ITEM 11 – RESCISSIONS**

- a. Fourstar Resources, LLC, Theta and Mitchel (M&B) Leases, McDonald Anticline Oil Field, Kern County – Waste Discharge Requirements Order 58-505
- b. Land O’ Lakes, Inc., Orland Cheese Processing Plant, Glenn County – Waste Discharge Requirements Order R5-2008-0046
- c. Madera County Maintenance District No. 37; La Vina Wastewater Treatment Facility, Madera County – Waste Discharge Requirements Order 95-157
- d. Thermalito Irrigation District, Water Treatment Plant, Butte County – Waste Discharge Requirements Order R5-2008-0065
- e. Univar Solutions USA Inc., In-Situ Chemical Oxidation Remediation; Fresno County – Waste Discharge Requirements Order R5-2015-0136

#### **AGENDA ITEM 12 – CHANGE OF NAME AND/OR OWNERSHIP**

- a. American Renewable Power, LLC, ARP-Loyalton Cogen, Sierra County – Waste Discharge Requirements, Order R5-2002-0174
- b. Bitney Springs LLC, Nevada City School of the Arts WWTF, Nevada County – Waste Discharge Requirements, Order 97-256
- c. Sutter Gold Mining Inc., Sutter Gold Mining, Lincoln Mine Project, Amador County – Waste Discharge Requirements Order 99-035

- d. Sutter Gold Mining Inc., Sutter Gold Mining, Lincoln Mine Project, Amador County – Waste Discharge Requirements Order R5-2007-0006

### **Late Revisions**

Assistant Executive Officer Laputz informed the Board that there were no late revisions and that the matter was now uncontested.

### **Legal Issues**

The Board Chair asked if there were any legal issues to consider. Attorney Lancaster stated that there were no outstanding legal issues on this agenda item.

#### **MOTION TO ADOPT** Agenda Item 13

Motion Made by: Vice-Chair Ramirez

Seconded by: Member Kadara

Roll Call Vote:

Member Bradford Yes

Member Brar Yes

Member Kadara Yes

Vice-Chair Ramirez Yes

Chair Longley Yes

Approved by Roll Call Vote of 5-0-0

### **AGENDA ITEM 7 – REVIEW OF DIAZINON AND CHLORPYRIFOS CONTROL PROGRAMS**

Sammantha Mello (Environmental Scientist, Sacramento) gave a staff presentation to the Board. Danny McClure (Senior Water Resource Control Engineer) answered questions from the Board. The purpose of this informational item was to update the Board on the effectiveness of the Diazinon and Chlorpyrifos Control Programs at reducing concentrations of diazinon and chlorpyrifos in surface waters throughout the Central Valley. Implementation of pesticide use regulations by the Department of Pesticide Regulation and county agricultural commissioners has also contributed to improved practices and reduced concentrations.

The following is a list of conclusions and recommendations moving forward based on review of these Control Programs:

- The Basin Plan Control Programs have been effective, so no changes to the Basin Plan are needed;
- Confined Animal Feeding Operations and Dairy Orders should be updated to reflect the monitoring requirements and management practice implementation requirements that were adopted as part of the Diazinon and Chlorpyrifos Control Program;

- Continuing to implement the Control Programs mainly through the Irrigated Lands Regulatory Program will continue to be effective;
- Samples should be collected from historically-listed waterbodies so they can be assessed for potential removal from the 303(d) list; and
- Updates on the Diazinon and Chlorpyrifos Control Programs should be provided only if data indicates any ongoing issues, and for efficiency, these updates should be integrated with updates on other pesticide issues.

### **Public Comments Received**

- Debbie Webster (Central Valley Clean Water Association) provided comments.

### **Comments Received from Board Members**

- Member Kadara asked Ms. Mello to explain how exceedances are being addressed.
  - Ms. Mello responded by stating that was the basis for updating the Confined Animal Feeding Operation and Dairy Orders because these are the areas where the exceedances are seen.
- Chair Longley asked if the Confined Animal Feeding Operation and Dairy Orders will be updated in the future.
  - Executive Officer Pulupa responded by stating the Bovine Order was adopted after the revisions to the Diazinon and Chlorpyrifos Control Program, which is why some of the requirements are already integrated into the Bovine Program. The contributions of diazinon and chlorpyrifos are mostly drift or overspray. Therefore, when Irrigation Land's Coalition monitoring sees a hit, it could potentially come from Dairy or Bovine acreage, which is why additional monitoring is going to be required.
  - In terms of the Dairy General Order, we have a package that is nearly ready to go and it will bring the Dairy Order into alignment with the Bovine Order. However, the Dairy General Order is still pending review in front of the State Water Board and the Regional Board is working to ensure that these processes are aligned.
- Chair Longley indicated that diazinon and chlorpyrifos are prohibited. He wanted to know what the replacement chemicals are and toxicity of those chemicals.
  - Executive Officer Pulupa responded that we look for neonicotinoids and toxicity.
  - Daniel McClure added that the Board also looks at pyrethroids, which are regulated under a separate, related control program.

## **AGENDA ITEM 8 – ADOPTION OF BOARD RESOLUTION**

Revisions to the Basin Plan Amendments for the Salt and Nitrate Control Program (CV-SALTS)

Jennifer Fuller (Senior Environmental Scientist, Sacramento) gave a presentation to the Board. The purpose was to request adoption of proposed revisions to the Salt and Nitrate Control Program for the Sacramento River Basin and San Joaquin River Basin and the Tulare Lake Basin Water Quality Control Plans.

### **Comments Received from Board Members**

Chair Longley and Member Kadara both indicated that this has been a long process, the stakeholder input was phenomenal, and it ended up serving the community well. Staff was highly commended for their efforts.

### **Public Comments on Agenda Item 8**

- Jonathan Nelson (Policy Director for Community Water Center) provided comments in support of the revisions to the Basin Plan Amendments for the Salt and Nitrate Control Program and thanked staff for their collaborative efforts in working together with the Community Water Center. Mr. Nelson indicated that a key part of the implementation of the Basin Plan Amendments is the Early Action Plans (EAPs). EAPs are designed to meet drinking water needs of the community and must be shaped by the communities that are most impacted by nitrates. We only have until March 8, 2020. CWC is concerned because some management zones expect a limited public comment period. CWC asks the Regional Board to engage early and find creative ways to make sure community engagement that needs to happen, does happen.
  - Executive Officer Pulupa responded by thanking CWC for its comments and by describing the process under which the Board will review EAPs.
  - Member Kadara indicated the March 8, 2020 deadline is approaching soon and that the Management Zones could be the ones to help contract for the help, along with the assistance of the Office of Public Participation. Member Kadara encouraged public participation via phones and Zoom to ensure the community has a voice and the opportunity to be involved in the decision-making process.
- Paul Bedore (With Robertson-Bryan, Inc. on behalf of the City of Roseville) provided positive comments on the work done by staff.
- Kaitlyn Kalua (Policy Manager for California Coastkeeper Alliance) provided positive comments in support of adoption of the Basin Plan Amendments.
- Jennifer Clary (Clean Water Action) provided positive comments in support of adoption of the Basin Plan Amendments and commented on the importance of the consultation process.



- Debbie Webster (Central Valley Clean Water Association) provided comments and thanked the Board for the stakeholder process.
- Nataly Escobedo Garcia (Leadership Counsel for Justice and Accountability) provided positive comments in support of adoption of the Basin Plan Amendments and commented on the importance of the consultation process.

### **Additional Comments Received from Board Members**

- Chair Longley, noting that some of the Environmental Justice stakeholders qualified their supportive comments, asked for clarification on these qualifications and then asked for an explanation as to a document being developed by the State Water Board’s SAFER program.
  - Executive Officer Pulupa responded by stating that, in addition to the concerns over EAP implementation, some groups are concerned that small systems impacted by nitrate contamination have made infrastructure investments, such as drilling new wells. State Board decided an separate document should be developed to better coordinate the resources between the programs. Executive Officer Pulupa committed to keep working on this and keep engaging until we figure this out, in collaboration with State Board and their funding mechanisms and the communities that are affected.
- Executive Officer Pulupa appreciates everyone coming forward on this item and recommends adoption of this item and moving it forward to State Board for consideration. Executive Officer Pulupa noted that Board staff are currently working on the Notice to Comply for salinity, which will be mailed out early January 2021. Many of the program pieces are moving forward, and adopting the Resolution today will keep the ball rolling.
- Members Bradford and Rameriz thanked Member Kadara for the comments she made and thanked the stakeholders for their input.

There were revisions and late revisions to this item.

**MOTION TO ADOPT** Agenda Item 8 (with late revisions)

Motion Made by: Member Bradford

Seconded by: Member Kadara

Roll Call Vote:

Member Bradford Yes

Member Brar Yes

Member Kadara Yes

Vice-Chair Ramirez Yes

Chair Longley Yes

Approved by Roll Call Vote of 5-0-0

## **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

## **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. F075868; 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. F075851; 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. F078327; Fresno Superior Court Case No. 16-CECG-03036).
- f. WDRs Order R5-2019-0008 (Stone Ranch) – Sandridge Partners, L.P. v. Cal. Reg'l Water Quality Control Bd. – Central Valley Region (Fresno Superior Court Case No. 19CECG02306).
- g. Valley Water Management Company v. Central Valley Reg'l Water Quality Control Bd., (Kern County Superior Court Case No. BCV-19-101750).

## **REPORT OUT ON CLOSED SESSION ITEMS**

Chair Longley indicated that the Board met in Executive session and discussed issues pertaining to the above litigation that the Board is engaged in.

## **Meeting Adjourned**

Board meeting adjourned at 12:55 P.M. to the 18/19 February 2021 Board Meeting.