

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

**15 OCTOBER 2004**

**ITEM:** 5  
**SUBJECT:** Executive Officer's Report

**DISCUSSION:**

**CEQA REPORTING**

***Mokelumne Bluffs Tentative Subdivision, Amador County***

On 22 June 2004, staff provided comments on an "Expanded Initial Study" for the Mokelumne Bluffs Tentative Map Rezoning and General Plan Amendment. According to the project description, an approximate 135-acre parcel would be subdivided into a 95 lot residential subdivision. Of the 95 lots, 93 would be designated for single-family homes on one-acre lots. The remaining two lots would allow development of low-income affordable housing, in the form of multi-family townhouses. Domestic wastewater would be disposed of through individual septic systems, while a larger community septic system is proposed for the townhouse sites. Staff informed the project proponent of the potential need for the following permits: Waste Discharge Requirements, Construction Storm water Permit, Water Quality Certification-Wetlands, and a Dewatering Permit. In addition, staff suggested that instead of installing individual septic systems, the applicant consider sending domestic wastewater to the nearby AWA Gayla Manor wastewater treatment and disposal facility. (JSK)

***Forest Ranch, Placer County***

On 7 July 2004, staff provided comments to a Draft Environmental Impact Report (EIR) for a proposed housing development project on 2,615 acres northeast of Foresthill. The development would consist of 2,213 residential units, an 18-hole golf course with clubhouse, and other recreational facilities. The Draft EIR indicated that at final build out, a new Wastewater Treatment Facility (WWTF) would serve 2,157 equivalent dwelling units with an average dry weather flow of 540,000 gallons per day. The Draft EIR doesn't describe the wastewater disposal methods associated with the other 56 units, but staff indicated that if wastewater generated from the 56 units is treated and disposed of via on-site septic systems, those systems must be designed and constructed to ensure that water quality is protected. Finally, staff indicated that the developer must submit a Report of Waste Discharge, and may need to apply for a Construction Storm Water Permit, Water Quality Certification-Wetlands, and a Dewatering Permit. (GJC)

***Ironhouse Sanitary District, Contra Costa County***

On 9 September 2004, staff provided comments on a Notice of Preparation for a Subsequent Environmental Impact Report (SEIR) for a proposed expansion to the Ironhouse Wastewater Treatment Facility. The proposed project would increase daily influent flows from 2.2 mgd to over 8 mgd to accommodate growth in the Oakley area over the next 20 years. Three alternatives are proposed for analysis: expansion to 8.6 mgd and with reclamation; expansion to 8.6 mgd with reclamation and surface water discharge; and expansion to 8.6 mgd with surface water discharge only. Staff's comment focused on requesting a complete and detailed analysis of the potential for surface water and groundwater quality impacts and whether the project would comply with the Basin Plan. Staff's comments noted that a) total land disposal must be fully evaluated before discharge to surface water is considered; b) Federal law prohibits discharges of additional mass to a 303(d) listed water body that would further impair a water body not meeting water quality standards; and c) additional loading from a new surface water discharge may not cause or contribute to further impairment in the San Joaquin River section within the Delta. The discharger recently completed studies to determine whether the existing facility has degraded groundwater quality and impacted the beneficial uses of the Contra Costa Canal. Therefore, staff requested that the results of the studies, Regional Board staff's comments, and comments from Contra Costa Water District be carefully considered in analyzing impacts to groundwater quality associated with all alternatives, and that the SEIR incorporate appropriate mitigation measures. (ALO)

***Calaveras Big Trees State Park Visitor Center Project, Calaveras County***

On 26 August 2004, staff provided comments on an "Initial Study and Mitigation Negative Declaration" for the State Department of Parks and Recreation visitor center project at Calaveras Big Trees State Park. The proposed project includes a new visitor center with connections to existing utility systems and the enhancement of existing visitor amenities through minor changes, additions, and improvements. Staff informed the project proponent that if the addition of a new visitor center will increase wastewater flows into the current wastewater treatment and disposal system above what is allowed by the current WDRs, then the Discharger must submit a Report of Waste Discharge for the higher flows. In addition, staff informed the project proponent of the potential need for other permits: Construction Storm water Permit, Water Quality Certification-Wetlands, and a Dewatering Permit. (JSK)

***Tuscany Hills Project, Calaveras County***

On 26 August 2004, staff provided comments to a Draft Environmental Impact Report for the proposed Tuscany Hills project, near the communities of Copper Cove and Copperopolis in Calaveras County. The project would subdivide approximately 1,113 acres into 335 residential lots, and include three marinas, a golf course, and open space. It appears that no decision has been made regarding treatment and disposal of domestic wastewater. The document states that the project applicant is reserving the right to either (a) fund improvements to the existing Calaveras County Water District Copper Cove wastewater treatment plant, or (b) construct a new wastewater reclamation plant. Staff indicated that the WDRs for the Copper Cove WWTP may have to be updated if it is to accept wastewater from Tuscany Hills, and that if a new wastewater reclamation plant was constructed, then the project proponent must submit a Report of Waste Discharge and obtain WDRs prior to discharging waste. Additionally, the use of reclaimed water must comply with the Department of Health Services' Title 22 requirements. Finally, staff indicated that the project proponent may need to apply for a Construction Storm water Permit, Water Quality Certification-Wetlands, and a Dewatering Permit. (JSK)

**WATERSHED ACTIVITIES*****Estrogenic Endocrine Disrupting Chemicals: Surface Water Ambient Monitoring Program (SWAMP) Project Update.***

Evidence is accumulating that documents the occurrence of endocrine disrupting chemicals in surface waters across the nation. Estrogenic endocrine disrupting chemicals (EEDCs), compounds that mimic or interfere with the reproductive function of estrogen, can have variable effects on fish, ranging from behavioral changes to feminization of males. Studies outside of California have observed such effects when exposing fish in the laboratory to water samples collected from some municipal wastewater treatment plant effluents. Sacramento River Watershed staff is working with UC Davis, US EPA Cincinnati, US EPA Region 9, and staff from the North Coast RWQCB to develop procedures to screen ambient waters for effects of EEDC's on fish. The focus of the method development includes testing of waters from effluent dominated waterways. This project is funded by SWAMP. (RWH)

**GRANTS AND FUNDING*****Agricultural Water Quality Grant Program (AWQGP) Update***

On August 26th, the State Board adopted the guidelines for the AWQGP. A Solicitation Notice for proposals was posted on the State Board's website September 8th. Proposals will be due on November 10th with reviews conducted during December 2004. Application Assistance Workshops for the AWQGP were held on September 16th at the Regional Board's Rancho Cordova office and September 17th at the Fresno office. The workshops consisted of a presentation by State Board staff on an overview of the AWQGP, and the new Online Financial Application Assistance Submittal Tool (FAAST). Jeanne Chilcott presented an overview of Region 5's priorities that included information from the Watershed Management Initiative chapter, TMDLs, and Agricultural Discharges, which includes the Irrigated Lands – Conditional Waiver Program.

State and Regional Board Program staffs are committed to present funding recommendations to the State Board in March 2005 for monitoring projects, July 2005 for the first phase of implementation projects, and September 2005 for the final phase of implementation projects. (Implementation is being phased since funding authority is not available to do all projects at one time.) Of the \$46.4-million available, \$5.5-million will be directed toward TMDL implementation projects (319h federal funds), \$11-million will be available for monitoring (Prop 40 funds), and \$29.5-million will be available for implementation projects (Prop 50 funds). (PDB)

***Integrated Regional Water Management Grant Program (IRWM) Update***

The intent of the Integrated Regional Water Management Grant Program is to encourage integrated regional strategies for management of water resources and to provide funding, through competitive grants, for projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. The IRWM Grant Program is administered jointly by Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) and is intended to promote a new model for water management.

Draft IRWM Grant Program Guidelines are currently posted on the SWRCB website for public review and comment ending 30 September 2004. The draft guidelines establish the process that DWR and the SWRCB will use to jointly administer the IRWM Grant Program. The purpose of these guidelines is to establish the process that the DWR and the SWRCB will use to jointly solicit applications, evaluate proposals, and award grants under the IRWM Grant Program. Public Workshops to solicit comments were held 31 August in Ontario and 9 September in Sacramento. Available funding is approximately \$380 million which will be distributed in two funding cycles. Tentative schedule for approval of the final guidelines is November 2004, and release of a solicitation package for the first funding cycle (approximately \$160 million) is December 2004. The date for the second funding cycle (approximately \$220 million) has not been determined.

## ENFORCEMENT

### ***Redding Sports Park, Redding, Shasta County***

On 2 September 2004, the State Water Resources Control Board (SWRCB) dismissed the petition submitted by the City of Redding and Dale Construction regarding the Administrative Civil Liability (ACL) Order for the Redding Sports Park.

The Central Valley Regional Water Quality Control Board issued an ACL Order to the City of Redding in the amount of \$450,000 on 29 January 2004. The ACL Order was issued for violations of the Clean Water Act, California Water Code, and the General Storm Water Permit for Construction Activities. The enforcement action was the result of inadequate erosion and sediment control measures at the Redding Sports Park and the resulting discharge of sediment-laden water to Clover Creek and the Stillwater wetlands during 2002 and 2003. The City of Redding and Dale Construction filed a petition to the SWRCB on 3 March 2004, requesting a review of the ACL Order. The SWRCB concluded that the petition failed to raise substantial issues that were appropriate for review by the SWRCB.

### ***Heritage Dairy, Solano County***

In response to a November 2003 discharge of 1.3 million gallons of wastewater from the Heritage Dairy to surface waters, the Executive Officer issued an Administrative Civil Liability Complaint proposing a liability in the amount of \$90,000. The dairy signed a settlement agreeing to pay this amount over time and this agreement was sent to interested parties for comment. Following the end of a 30-day comment period, the settlement was finalized on 17 September 2004. (RJS)

### ***Kautz Vineyards Inc., John and Gail Kautz Hay Station Ranch, Ironstone Vineyards, Calaveras County***

On 13 July 2004, the Executive Officer issued Cleanup and Abatement Order No. R5-2004-0712 to Kautz Vineyards and the Ironstone Vineyards for failure to comply with Waste Discharge Requirements (WDRs) Order No. R5-2004-0712. Violations of the WDRs include exceedence of the total dissolved solids and pH effluent limitations, and spray irrigation of winery wastewater during periods of precipitation. The C&A requires the Discharger to: (1) submit a Feasibility Study (FS) describing an evaluation of alternative winery wastewater system improvements to comply with the WDRs; (2) submit a One-Time Groundwater Sampling Event Workplan for areas considered feasible for the storage and disposal of winery wastewater; (3) submit a Site Evaluation Study describing a study undertaken to evaluate feasible alternative sites to the current 4.5 acre land disposal area; (4) submit a Winter Storage Evaluation Report; (5) submit a Groundwater Sampling Report; and (6) submit Report of Waste Discharge. The Discharger has agreed to the scope and schedule set forth in the C&A. (JSK)

### ***Weimar Institute, Placer County***

At its 4 June 2004 meeting, the Regional Board adopted a \$15,000 ACL Order against the Weimar Institute for failure to submit a Report of Waste Discharge (RWD). The Discharger did not pay the ACL Order within the 30-day period required by the Water Code, and staff is working with counsel to refer that matter to the Attorney General or pursue collection in Superior Court. In addition, immediately following the Board hearing, the Discharger's consultant indicated that the RWD would be submitted by the end of June. After numerous contacts by staff, the RWD was finally submitted in mid-August 2004; however, it was incomplete. Staff has since submitted a letter to the Discharger describing the additional information needed. (GJC)

### ***Putah Creek Resort, Napa County***

The Putah Creek Resort has a long history of non-compliance with its WDRs, the latest issues being a lack of capacity in the storage ponds, surfacing of wastewater from beneath a pond berm, severe erosion of another pond berm, and failure to install groundwater monitoring wells. On 30 July 2004, the Executive Officer issued a Water Code Section 13267 Order requiring the Discharger to submit a number of reports, including (a) results of daily inspections of the wastewater ponds, (b) a report documenting the installation of vegetative mats on berm at Pond No. 1, (c) a water balance demonstrating whether or not the facility has adequate storage and disposal capacity, (d) a report documenting the installation of a bentonite seal around piping in the berm at Pond No. 1, (e) a report discussing results of soil borings within/around the berm at Pond No. 1, and (f) a Revised Groundwater Monitoring Installation Report and Well Installation Report of Results. On 26 August 2004, staff inspected the facility and observed the drilling of borings to determine the integrity of the pond berms. On 1 September 2004 the Discharger submitted the water balance, and requested an extension for the installation of the vegetative mats and the sealing of the overflow piping. (GJC)

### ***Amador Regional Sanitation Authority (ARSA), City of Ione, Portlock International, Ltd, and Castle Oaks Golf Course and Development, Calaveras County***

On 9 September 2004, staff issued a Notice of Violation (NOV) to the Discharger for failure to comply with Revised Cleanup and Abatement Order No. 5-01-704. The revised C&A required the Discharger to submit certain technical reports necessary to bring its system into compliance with its Water Reclamation Requirements. The Discharger failed to submit quarterly

status reports, an adequate water balance, a long-term wastewater disposal plan, and a Title 22 Engineering Report. At this point, it is unclear whether the Discharger has enough storage and disposal capacity for its current or permitted flows. The NOV requires the Discharger to immediately begin submitting quarterly status reports, and submit a new water balance, long term wastewater disposal plan, and Title 22 Engineering Report by various dates, ending with 30 December 2004. The outcome of these reports will strongly indicate ARSA's ability to provide wastewater services for the growth in the Sutter Creek area. (JSK)

***Teichert Aggregates Perkins Plant, Sacramento County***

On 5 August 2004, the Executive Officer issued Cleanup and Abatement Order No. R5 2004-0713 to Teichert Aggregates for its Perkins Plant. Within 30 days, Teichert filed a petition for review of the C&A with the State Board. The C&A requires that the Discharger investigate soil contamination and/or groundwater degradation associated with discharge of concrete wastewater to an unlined pond; discharge of mercury to a septic system and an unlined pond; and discharge of septic tank effluent to a seepage pit. If the investigations show groundwater degradation or a threat to groundwater quality, the Discharger is required to submit remediation plan(s) as appropriate. The C&A also includes a scope and schedule for source control to prevent further releases of concrete wastewater to land. The Discharger's petition states that some of the deadlines contained in the C&A are unreasonable and objects to the requirements to investigate/remediate the groundwater degradation at the concrete wastewater pond and mercury-impacted area. (ALO)

**SITE CLEANUP**

***Former Goss Jewett Facility, Sacramento, Sacramento County***

On 17 June 2003, the Executive Officer issued Cleanup and Abatement Order R5-2003-0702 to the former Goss Jewett Company (GJC) and the current and former property owner. GJC distributed chemicals and supplies to commercial laundry and dry cleaning facilities. A leaking nozzle on an above-ground storage tank released perchloroethylene (PCE) to the environment. A soil vapor extraction (SVE) system installed in March 2003 has removed about 2,867 pounds of PCE and continues to remove about one pound of PCE per day. Since issuance of the 2003 CAO, the Responsible Parties have largely defined the extent of the GJC plume, completed a Feasibility Study for soil and groundwater cleanup, and in August 2004 submitted a Cleanup Plan that proposes increasing the blower strength on the SVE system and installing a Dual Density Circulation well as a pilot study for groundwater remediation. Site assessments have shown that the plume from the GJC site merges with a plume from an upgradient source. Staff is investigating potential upgradient sources and has requested a soil vapor survey at a former dry cleaner site. (GJD)

***Former Service Cleaners, The County Fair Mall, Woodland, Yolo County***

On 23 April 2004, the Regional Board issued Cleanup and Abatement Order No. R5 2004 0044 (Order) to Pacific Life Insurance Company (Pacific Life), Roebbelen Land Company (Roebbelen), and several other parties for the former Service Cleaners at 1296 East Gibson Road, Suite C in Woodland. The Order was issued because the former owners and/or operators of the dry cleaning business were not cleaning up the tetrachloroethene pollution in soil and groundwater. On 21 May, Pacific Life filed a petition of the Order but requested the State Board hold the petition in abeyance. Pacific Life and Roebbelen have agreed to work together and share costs for the site cleanup. On 10 September 2004, the Executive Officer issued a letter approving the Soil Cleanup Plan, which consists of restarting the soil vapor extraction system and conducting a rebound evaluation in three months. (DLL)

***City of Lodi, San Joaquin County***

On 23 April 2004, the Regional Board issued Cleanup and Abatement Order No. R5 2004 0043 (Order) to various Dischargers, including the City of Lodi, for investigation and cleanup of wastes related to dry cleaning and other operations in the Central Plume Area in Lodi. Part of the investigational activities called for in the Order required that indoor air sampling be performed to help determine if the tetrachloroethene (PCE) pollution in the soil and groundwater was adversely impacting indoor air in the buildings overlying the pollution. The City of Lodi, on behalf of the Lodi Central Plume Area Dischargers completed its indoor air assessment for residences, schools and business in, and near, the source area of the PCE plume. The PCE levels in the indoor air at one residence and one business (a health club) exceeded target cancer risk levels and were near the acute risk level. In order to abate the problem, the Dischargers have agreed to a cost sharing arrangement to fund an expansion of the pilot SVE system and restart the system. A work plan for the system expansion has been submitted and is under review. (DAA)

***Former Chevron Bulk Terminal, Rio Vista, Solano County***

On 23 August 2004, a Cleanup Plan was approved for the former Chevron bulk fuel terminal in Rio Vista. Standard Oil Company, which later became Chevron and more recently ChevronTexaco, operated a petroleum product distribution facility at the site from the early 1920s until 1974. Several former above-ground storage tanks at the site contained diesel, gasoline and aviation fuels. Other hydrocarbons, such as lubricating oils, also were stored at the site. Since 1996, Chevron conducted

several site assessments and found petroleum contamination at the site mostly consists of gas and diesel fuel in shallow soils less than seven feet deep. Chevron is proposing excavating all soil containing greater than 1,000 mg/kg of total petroleum hydrocarbons, which should remove 96% of the hydrocarbon mass. However, because the site is on the banks of the Sacramento River, concerns regarding infiltration from the river will make it necessary to leave some contamination in place. The excavation is scheduled to be completed by the end of October 2004. (GJD)

#### ***Titan 1B Site Cleanup, Sutter County***

The Titan 1-B missile facility is located on the north flank of the Sutter Buttes, approximately six miles west of the town of Pennington in Sutter County. Between 1962 and 1965 the site housed three Titan missiles in 160-foot deep silos. Cleanup activities to date have included metal debris and lead-contaminated soil removal, groundwater extraction and treatment for lead removal, and the in place abandonment of four large fuel tanks and associated lines.

A Titan 1-B Public Participation meeting was held in the Boy Scout Bldg. in the nearby town of Live Oak in July 2004. The meeting was attended by approximately 25 members of the public. Regional Board staff and U. S. Army Corp of Engineers (USACE) personnel were present at the meeting and a Hindu speaking USACE employee was there to serve as an interpreter for local Sikh residents. Site information, facility history, and the status of site remediation activities and closure were presented using poster boards, and historical reports. The agency representatives were available to discuss questions and concerns of the public in an open conversation forum. Overall, the attendees appeared to be primarily interested in the historical perspective of the Titan 1 program and the Sutter Buttes facility. (BET)

#### ***New Energy Peaking Plant Planned at Cleanup Site, Fresno, Fresno County***

The Kings River Conservation District (KRCD) has plans to construct an energy peaking plant on an eighteen acre portion of the former Producers Cotton Oil Facility (Producers) located at 2611 E. North Avenue in Fresno, Fresno County. Prior investigations at the subject site revealed that benzene, toluene, ethylbenzene, and xylenes (BTEX) and hexane were present in soil in an on-site unlined surface impoundment previously utilized by Producers for plant operations related disposal. In an attempt to remediate the site, Producers excavated the impoundment and spread the affected soil over the subject parcel to aerate. After reviewing a proposed closure report from KRCD which detailed work it performed at the subject site which included collecting and analyzing surface soil samples where the affected soil was previously spread, staff concurred with KRCD's request to close the site. A no further action letter was issued to KRCD on 25 August 2004. (AM)

#### ***Closure of Waste Pond, Traver, Tulare County***

Zacky Farms, Incorporated, submitted a request for closure for their former feedlot site located at 4107 Avenue 360, Traver, Tulare County. The subject site has an unlined surface impoundment that was previously used for plant operations associated disposal. Previous investigations at the site indicated that elevated concentrations of chlorides and total petroleum hydrocarbons as motor oil were present in soil samples collected from the impoundment. After reviewing Zacky farms supporting documents regarding their request to close the site, staff concurred with the recommendation to close the facility. On 19 August 2004 staff issued a no further action letter for the site. (AM)

#### ***Glennville, Kern County***

A 500-gallon and a 250-gallon underground storage tank (UST) were removed at the Glennville Shopping Center on 19 August 2004. These tanks were remnants of the original gasoline station that occupied the property in approximately the 1960s or 1970s. No significant quantities of petroleum hydrocarbons were found in soil samples collected beneath the USTs. Approximately 300 cubic yards of petroleum-impacted soil, which was related to a 6000-gallon UST removed in August 2002, were also over-excavated and disposed of at an off-site location.

A number of Glennville residents, as part of a lawsuit settlement with several oil companies, formed the Glennville Mutual Water Company (GMWC). The GMWC intends to construct a community water supply system with funds received from the lawsuit settlement. Regional Board staff is planning to meet with representatives of the GMWC to determine if the RWQCB can assist in development of the community water supply system. (GJI)

#### ***West Hills Oil Fire, San Joaquin, Fresno County***

On 21 June 2004, a fire ignited while fuel was being loaded at the subject facility. Approximately 5,000 to 6,000 gallons of petroleum product, primarily diesel fuel, was released. Since the release, multiple agencies, including the Regional Board, have been involved in the oversight of cleanup activities and rebuilding issues for the facility. On 9 September 2004, a meeting was conducted at the RWQCB office in Fresno to discuss site status and to determine which agency would retain lead agency status. The meeting was called by Congressman Cal Dooley's office. In attendance was a representative from Congressman Dooley's office, Fresno County Supervisor Phil Larson, U.S. EPA personnel, Fresno County Environmental Health Department personnel, West Hills Oil Company owners and their consultants, Conoco/Phillips representatives, and Regional Board staff. To facilitate the cleanup process and to expedite the facility's reopening, US EPA will assume lead agency status with the Regional Board and Fresno County acting as supporting agencies. (AM)

## WASTE DISCHARGES TO LAND

### ***Kellogg Garden Products, San Joaquin County***

Kellogg Supply stores soil amendments in an outside area; storm water falling on the piles flows into a storage pond and generates wastewater with high Total Dissolved Solids (TDS) concentrations. Data generated to date indicates the wastewater is classified as designated waste. The Discharger is currently regulated under the Waste Discharge to Land Program, but under its current operating conditions, should be regulated under the Title 27 program. During a 24 August meeting and in a 9 September letter, the Discharger was informed that it could remain in the Waste Discharge to Land program by reducing the TDS concentrations, and was allowed the opportunity to either evaluate facility improvements such that designated waste is not discharged or to comply with the conditions of Title 27. To better evaluate the discharge, better characterization of the groundwater monitoring network and wastewater is required. Therefore, the Discharger was required to submit a groundwater monitoring well workplan and staff prepared a draft revised Monitoring and Reporting Program. (TRO)

### ***Musco Family Olive Company, San Joaquin County***

On 2 August, Musco submitted a report of waste discharge in support of a material change in the nature of its discharge of olive processing wastewater to land. The report articulates Musco's conceptual long-term compliance plan and describes Musco's proposal to treat all of its industrial wastewater to a level suitable for agricultural use on valley floor farmlands. Staff commented on the report, identifying where additional information is necessary. On 19 August, Musco requested an extension of the 3 September deadline for payment of the proposed administrative civil liability of \$493,500 issued 6 August for violations of Time Schedule Order Nos. R5-2002-0014 and R-5-2002-0014-R01. On 2 September, the Executive Officer agreed to extend the deadline but informed Musco that, in the event that the matter could not be resolved at an 18 October meeting with Regional Board staff, the item would be brought to the Regional Board for hearing at its December meeting. (JLK)

### ***California Olive Growers, Madera County***

California Olive Growers (COG) operates an olive and tomato processing facility near the City of Madera. Originally operated by Oberti Olives, it was later acquired by Tri-Valley Growers (TVG), who eventually filed for bankruptcy in 1999. The facility was then acquired by COG, a non-profit agricultural cooperative of olive growers. Groundwater in the area has been impacted by saline olive brine wastewater discharges to approximately 160 acres of unlined ponds. The facility is regulated by several Orders, including a pre-purchase agreement, "Agreement for Reciprocal Covenants", executed between the Board, TVG and COG. COG's Board of Directors hired First Western Marketing of Fresno with its president, Tom Lindemann, to operate and manage the plant. To finance operations approximately \$6M in loans from various agencies and banks has been acquired. Each loan has required the Regional Board to provide a letter of subrogation and stating that COG was in compliance. Recently, the State Controllers office contacted staff regarding the COG operation indicating that they were \$100,000 behind in loan payments on a \$500,000 loan from Trade & Commerce. COG also owes outstanding annual fees currently totaling \$23,000. A levee failure in one of the wastewater ponds in May 2003 resulted in several landowners filing a \$5M civil suit for damages. On 16 Aug COG terminated First Western Marketing, took over the plant, confiscated all files, initiated an investigation, and is "currently preparing to file legal actions against the former management team." Javier Garcia, president and chairperson of COG said that "Money was coming the way it should, but bills were not being paid and finances were not being accounted for," in a newspaper article dated 24 Aug. In a subsequent article dated 25 Aug, Tom Lindemann agreed there are financial problems, but denied all allegations. On 26 Aug, First Western Marketing Inc., filed a lawsuit against COG and its board of directors for \$4.5M plus punitive damages for First Western Management and also for defamation and slander for an additional \$7.5M in general damages for First Western Marketing and \$3M in general damages for Tom Lindemann. COG has retained Jerry Sullivan, previously with Lindsay Olive Growers, to act as interim manager and oversee operations. Fresno staff met with Mr. Sullivan on 25 Aug. to review plant operations, file information and concerns and will visit the facility in the next few days with Mr. Sullivan. COG has indicated that they intend to continue olive and tomato processing. (SRG)

### ***Wine Institute Report on Land Application of Winery Wastewater and Proposed Guidelines***

By 14 September letter, Regional Board staff provided preliminary comments on the Wine Institute's August 2003 technical report, Land Application of Winery Stillage and Non-Stillage Process Water Study Results and Proposed Guidelines prepared by Kennedy/Jenks Consultants. The Report describes the results of two years of field study on test plots at two winery sites (one with and one without distillation) in the San Joaquin Valley. Based on evaluation of the study results and literature review, the Report technically analyzes the science essential for effective land treatment practices and proposes a set of draft revised guidelines to promote effective treatment. The guidelines are specific to disposal of stillage and non-stillage winery wastewater in spreading basins. The Wine Institute would like the Regional Board, after the documentation behind revised guidelines has been thoroughly analyzed, to ultimately amend the Region's basin plans and incorporate the guidelines. Part of that analysis will include a review of the science in the Report by a panel of independent scientists on contract with the State Water Resources Control Board. Staff's preliminary comments address issues pertaining to interpretation of study

results, attenuation of waste constituents and byproducts in the deep vadose zone, proposed guidelines, and consistency with water quality policy. (JLK)

***Caruthers Raisin Packing Co., Inc., Fresno County***

Caruthers Raisin Packing Co., Inc. owns and operates a raisin processing facility and discharges high-strength food-processing wastewater to land adjacent to its facility. In 1993, the Discharger submitted an incomplete Report of Waste Discharge (RWD). The RWD was never completed and the discharge is not regulated by waste discharge requirements. In October 2003, staff inspected the discharge in response to an odor nuisance complaint and subsequently directed it to re-submit a RWD by February 2004. While the Discharger has abated the nuisance conditions, it has yet to submit the RWD. In August 2004, the Discharger was cited for violation of Water Code Section 13264 and again directed to submit a complete RWD. The Discharger has retained an engineering consultant and indicated it will submit the RWD this November. (HA)

**SPILLS**

***Calaveras County Water District Copper Cove Wastewater Treatment Plant, Calaveras County***

On 30 July and 4 August, two separate spills occurred within the Copper Cove wastewater collection system; the first resulting in approximately 1,000 gallons of wastewater being spilled into Lake Tulloch, the second resulting in approximately 822 gallons spilled to land and a surface drainage course. The Discharger's spill reports indicate that it is planning to make physical improvements to the collection system to help prevent spills, and if spills do occur, prevent any spills from entering surface drainages and surface waters. On 9 September 2004, staff issued a Notice of Violation which requires the submittal of (a) a Sanitary Sewer System Operation, Maintenance, Overflow Prevention, and Response Plan (SSSOP) for the entire Copper Cove WWTP collection system, and (b) a report fully describing the improvements that will be made to the collections system. (JSK)

***Morningstar Packing Company, Colusa County***

On 13 September 2004, the Department of Fish and Game (DFG) notified staff of suspected discharges of tomato processing wastewater from the Morningstar Packing Company facility to a Glenn-Colusa Irrigation District (GCID) drain. The drain conveys water into the Colusa National Wildlife Refuge. According to DFG staff, there have been at least two fish kills in the drain since August 2004, and refuge staff are concerned that the dead fish are an indirect vector for botulism in the refuge waterfowl. Although there was evidence of a past spill at one of Morningstar's irrigation areas on 12 September, neither DFG nor GCID staff directly observed any spill at that time. Morningstar staff informed both DFG and Regional Board staff that no such spills had occurred from the facility. However, GCID subsequently reported that its staff observed a release from a Morningstar irrigation ditch into the GCID drain on the morning of 21 September. On 23 September, Regional Board staff inspected Morningstar's irrigation areas and observed the reported site of the spill. Although there was no illegal discharge at that time, staff concluded that there was significant evidence of a spill. Staff is working with DFG and GCID to complete the investigation and determine the appropriate enforcement action. (ALO)

***City of Sacramento Combined System, Sacramento County***

On 19 September 2004, during a heavy rainstorm, sewage and storm water from the City of Sacramento's combined collection system overflowed onto several streets and also flooded property in the Land Park and East Sacramento areas. In response to a citizen complaint on 20 September 2004, Regional Board became informed of the overflows. Staff conducted an inspection of some of the impacted areas and found significant evidence of sewage debris in streets and on lawn areas in the Land Park area. City crews were conducting cleanup efforts, but the City had not posted notices or restricted access to the contaminated areas, particularly those areas with high public access. Staff noted children, and adults walking children in strollers and/or dogs through sewage debris. A baseball team was practicing in a park in the vicinity of sewage debris. Newspaper accounts indicate that the overflows might have been caused by several factors, including the magnitude of the storm event and the possibility of a computer system malfunction. Staff will conduct further investigation to determine the need for additional action. (KYN)

**DREDGING**

***Trapper Slough Levee Project, San Joaquin County***

After an early June levee break on Lower Jones Tract, the State Department of Water Resources (DWR) worked with the U.S. Army Corps of Engineers, Caltrans and others to raise and armor the Trapper Slough Levee. The levee was raised to protect State Highway 4 and contain the floodwaters in Jones Tract. The material used for raising the levee was obtained from a Roberts Island dredge material disposal site that is owned and operated by the Port of Stockton (Port).

Staff has met twice with the Port and DWR to express concerns about the potential water quality impacts from the use of dredge materials at the Trapper Slough levee and to discuss possible mitigation measures. DWR and the Port have developed

a draft proposal for a mitigation plan, and staff is in the process of developing a monitoring reporting program that would be used to assess the effectiveness of the mitigation plan.

The draft mitigation plan includes grading of the surface of the levee toward Jones Tract to prevent ponding of water on and leaching of metals from the dredge material. The material would then be compacted. Erosion control measures will be applied on the Trapper Slough side of the levee after it has been graded to a slope of 2H:1V and compacted.

The draft Monitoring and Reporting Program includes at a minimum: periodic inspections of the grading and slope protection measures implemented as a part of the mitigation plan; collection of baseline water quality data from Trapper Slough and the adjacent portion of Middle River, collection of water quality data (within Trapper Slough and the surface water runoff from the levee) during the wet season, monitoring of the vadose zone beneath the levee, and reporting of the monitoring results. (SYM)

Thomas R. Pinkos  
Executive Officer  
15 October 2004

Addenda that follow:

1. Personnel and Administration
2. Program Reports: Irrigated Lands
3. Public Outreach
4. Completed Site Cleanups (UST)

Attachments

1. Line Item Report
2. Fund Report
3. Summary Report



**Addendum 1****PERSONNEL AND ADMINISTRATION****August and September 2004****PERSONNEL (Recruitment Efforts)**

<u>TOTAL POSITIONS</u>	<u>VACANCIES</u>	<u>GAINED</u>	<u>LOST</u>
247.2	40.6	1	2

New Hires – Joshua Grover, Environmental Scientist, transferred from SWRCB

Separations – Danette Coonce, Office Technician, 8/5/04 Fresno – retired  
 Les Obata, Sanitary Engineering Associate, 9/30/04 Fresno – retired

Promotions – Kelly Briggs, Senior Environmental Scientist-Sacramento– Enforcement Coordinator  
 David Sholes, Senior Engineering Geologist – Fresno – Ag & Planning  
 Jim Pedri, Principal Engineer, Assistant Executive Officer - Redding

**RECRUITING**

Continuing with our recruitment for 40.6 positions

**TRAINING**

<u>STAFF CLASSES GIVEN</u>	<u>NO. ATTENDED</u>
Advanced Course on Negotiation/Facilitating in a Collaborative	2
Environmental Policy Making & Analysis	1
Hazwopper Refresher Training	1
Hydrosphere Conjunctive Simulations of Flow and Transport	1
Risk Assessment Workshop	1
Science and Art of Leadership	3
Water Resource Enforcement Workshop	1

**Central Valley Regional Water Control Board  
Fiscal Report Based on July 2004 Expenditures  
(An average of 8% should have been expended to date)**

**Personal Services** –

- Our personal services budget is \$19.5 million. We spent 8% in July.

**Operating Expenses** –

In July State Board did not post any operating expenses. The State Budget had not passed and the accounting staff was trying to close our financial records for FY 03/04. We expect this to be updated when the August reports are produced.

**Fund Issues** -

State Board is very insistent that we not overspend any of our fund sources in FY04/05.

<i>Key Fund Sources</i>	<i>Percent Expended</i>
<i>General Fund</i>	<i>0%</i>
<i>Federal Funds</i>	<i>2%</i>
<i>Waste Discharge Permit Fund</i>	<i>5.7%</i>
<i>Prop 40 &amp; 50 Bond</i>	<i>8%</i>

**FY 04/05 Update**

- At this time we only have preliminary budget numbers for FY 04/05. State Board is still trying to finalize the budget and incorporate all the changes. It is expected that this will be done by November.
- We have received 13 new positions to work on our AG Waiver program. We are in the process of advertising and recruiting for those positions.
- We are working within our three office to determine the distribution of these new resources
- Continuing to monitor the Loaned Timber Harvest positions for Region 1. Our Timber Harvest Program manager is identifying work to be shifted to Region 1 until positions become vacant and can be shifted.
- Prioritizing our equipment needs so that we can submit our purchase orders as soon as possible. It appears that this year most of our funds will be needed for copiers.
- State Board is going through a fund verification process to realign resources within all organizations. This exercise should be completed by November. We do not anticipate any significant impacts.

**Addendum 2****PROGRAM REPORTS*****IRRIGATED LANDS CONDITIONAL WAIVER PROGRAM*****Phase I Monitoring Status**

UC Davis completed and submitted a draft Phase I report for review and comment. Staff has provided comments on the draft and will be working with UC Davis staff to complete the revised draft report. The revised draft report will be available to the Technical Advisory Committee (TAC) for review and comment by the end of October. A TAC meeting will be scheduled in early November to discuss comments.

**Phase II Monitoring**

The Phase II Monitoring Program for the 2004 Irrigation Season was completed on 16 August 2004 in the South San Joaquin River watersheds and on 16 September 2004 in the other watersheds. Staff provided information to the Coalition Groups when toxicity was observed at a monitoring site. The Phase II data will be posted on the Regional Board website as soon as the final data are available. This information will also be entered into the SWAMP data management system.

**Environmental Impact Report**

A staff review of the submittals for the Request for Qualifications (RFQ) for the Preparation of an Environmental Impact Report has been completed. Interviews with three environmental firms who were responsive to the RFQ were scheduled for the week of October 4-8.

**Post cards and Brochures*****County Agricultural Commissioner's Information Request***

Staff remains committed to querying all of the County Agricultural Commissioners (CACs) for their Restricted Use Material Permit holder information. Most recently, staff has received information from Glenn County, and has also received replies from Solano, Yolo and Stanislaus Counties but has not yet received data. Staff will continue to work closely with the CACs and, as necessary, the California Department of Pesticide Regulation (DPR) to obtain the most recent restricted use permit data for all counties within the Central Valley Region. These data will be used to send outreach materials, post cards, brochures and encourage growers to sign up for the electronic mail service. Staff will continue to work with these entities and Coalition Group representatives as the process of querying a subset of growers in each of the counties is initiated.

**Watershed Evaluation Reports (WER) and Monitoring and Reporting Program (MRP) Plans**

Staff is in the process of finalizing their review of the WERs and MRP Plans submitted by each of the Coalition Groups and individuals as a condition of the Irrigated Lands Conditional Waivers. Following are the most recent updates on each of the Coalition Groups.

***Sacramento Valley Water Quality Coalition (SVWQC)***

On 1 April 2004, the SVWQC submitted its WER and MRP Plan for compliance with the Conditional Waiver. On 12 April, the SVWQC met with staff to present its proposed monitoring approach. Staff sent written "preliminary discussion points" on the WER and MRP Plan to SVWQC representatives to facilitate discussion for the second meeting between staff and the Coalition held 27 April. On 25 June, the SVWQC submitted supplemental information designed to build upon the MRP Plan submitted 1 April. Staff comments and areas where further information was needed were detailed in a matrix sent to the SVWQC on 29 July, along with a request that the SVWQC provide, by no later than 13 August, a written schedule by which the group would respond to all or portions of the comments in the matrix and provide further information. The SVWQC responded on 13 August, providing a list of monitoring sites, a map, and responses to comments in the matrix, and indicated that more detailed maps and additional information would be provided by 3 September. Additional responses to staff comments and information were submitted on 3 September. A meeting was held between staff and Coalition representatives on 8 September 2004 to discuss some key issues (e.g., QAPPs, monitoring phases, etc.). Additional information was submitted by the SVWQC on 21 September. Staff is completing its review of the supplemental information and responses to

comments provided in August and September. Staff is planning to meet with the Coalition prior to the October Board meeting to resolve outstanding issues and will work towards plan approval as soon as possible.

*San Joaquin Delta Water Quality Coalition (SJDWQC)*

Regional Board staff received additional information on the Coalition WER & MRP Plan submittal on 9 September 2004. The Coalition representatives are working with the Regional Board staff to identify additional monitoring sites. The Coalition will be determining a funding mechanism to conduct additional monitoring at sites in the Coalition area.

*Southern San Joaquin Valley Water Quality Coalition (SSJWQC)*

The SSJWQC submitted four WERs and MRP Plans for the Kings River, Kaweah River, Tule River, and Kern River Sub-watershed groups that comprise the Coalition. Regional Board staff reviewed the WERs and MRP Plans and in a meeting on 20 May 2004, provided comments regarding the need for additional information to members of the SSJWQC and sub-watershed group representatives in order to conclude the review of the reports and deem the sub-watershed group WERs and MRP Plans complete. Each of the sub-watershed groups responded to Regional Board staff comments and provided additional information by submitting addenda to their WERs and MRP Plans. Staff reviewed this information and on 13 August, 7 September, and 9 September 2004, the sent letters to the Kings, Kaweah, Tule, and Kern River sub-watershed groups respectively that deemed the WERs and MRP Plans complete. On 16 September 2004, the Executive Officer sent a letter to the SSJWQC of approving the Coalition's WER and MRP Plans.

The SSJWQC has proposed 14 monitoring sites to characterize discharges from irrigated lands within the 4,400,000 acres of the Tulare Lake Basin that comprise the geographic boundaries of the Coalition. To date, all of the sub-watershed groups have commenced surface water monitoring. (AF)

*East San Joaquin Water Quality Coalition (ESJWQC)*

Regional Board staff received additional information on the ESJWQC WER & MRP Plan on 8 September 2004. Staff and Coalition representatives will be working with the Water Districts in the East San Joaquin Valley to identify additional monitoring sites. The Coalition will be determining a funding mechanism to conduct the additional monitoring sites in the Delta.

*Westside San Joaquin River Watershed Coalition (WSJWQC)*

The WSJWQC received Regional Board Executive Officer approval on its WER and MRP Plan on 30 July 2004. Regional Board staff received additional information and clarification on the Westside Wetland Subgroup on 15 September 2004. Regional Board staff is currently reviewing the additional information. Staff anticipates recommending the WSJWQC WER & MRP Plan that includes the Wetland Subgroup for Executive Officer approval prior to the October Board meeting.

*Westlands Coalition*

The Westlands Coalition received Executive Officer approval on 8 September 2004.

*Root Creek Sub-Watershed Water Quality Coalition (RCWQC)*

On 1 April 2004, the RCWQC submitted a draft WER and MRP Plan for 39 square miles of the San Joaquin River Basin, in southeastern Madera County. At the time of the 1 April submission, RCWQC was still forming and evolving, so the resultant boundaries of the watershed coalition group and its participants were not completely defined. Consequently, the 1 April draft submittal was provisional in nature and scope. Regional Board staff requested an amended WER and MRP Plan be submitted, to replace the draft 1 April 2004 submittal; as a result, RCWQC submitted an amended WER and MRPP on 17 June 2004. Meetings and telephone conversations were held through August and September with the RCWQC coalition consultant to address outstanding issues. Staff is scheduled to field check proposed storm water monitoring sites with RCWQC's consultant on 24 September 2004. Staff anticipates that a provisional approval may be granted to RCWQC if a commitment to address remaining outstanding issues can be adequately addressed by RCWQC in a timely manner (i.e., inventory of management practices, implementation plan, and laboratory QA manual).

**California Rice Commission (CRC)**

A rice specific Monitoring and Reporting Program Order has been completed by staff and is being distributed internally for review. On 21 September 2004 staff met with the CRC to review aquatic toxicity databases. A follow-up meeting with the CRC was held on 23 September 2004 to discuss the MRP Order. Staff anticipates sending a draft MRP Order to the CRC for comments by the end of September 2004. In addition, CRC received the Executive Officer approval to begin monitoring on 28 September 2004.

**Addendum 3****PUBLIC OUTREACH**

On 7 August, David Sholes and Kerry Elliott, participated at the Merced River Fair by providing information on citizen monitoring and demonstrating the Enviroscape Watershed model. The fair was organized by the California Alliance with Family Farmers.

On 11 August, Lonnie Wass was requested to be available to answer questions at a joint Assembly/Senate subcommittee on air issues regarding dairies. Mr. Wass answered questions regarding waste production of dairies.

On 12 August, Lonnie Wass spoke at a town hall meeting in Wasco, Kern County. Several new dairies are planned in the Wasco area, and Mr. Wass presented information regarding waste generated by the addition of 104,000 cows, and permitting requirements.

On 16 August, Pam Buford attended the monthly meeting of the Chowchilla-Fresno Rivers Watershed Group. The focus of the meeting was developing information and ideas on how to engage stakeholders within the watershed.

On 17 August, James Taylor participated in the Former McClellan Air Force Base Restoration Advisory Board (RAB) meeting at the North Highlands Recreation and Park District in North Highlands. This is a public meeting where agencies inform the public of cleanup issues at Department of Defense facilities and enlist their comments. The main topics for the meeting were the Phase III Groundwater Expansion and the Operable Unit D Cleanup Analysis. (JDT)

On 24 August, Pam Buford met with representatives from Tulare County Redevelopment Agency, Tulare County Public Works, Karen Brown, Department of Water Resources, and Nettie Drake, California Watershed Council to discuss potential funding sources and partnerships for projects within Tulare County.

On 25 August, Dennis Heiman participated in the monthly meeting of the Greater Battle Creek Working Group, held in Red Bluff.

On 25 August, Pam Buford attended the monthly meeting of the Central Sierra Watershed Committee and provided an update on the Prop. 50 Integrated Regional Water Management Plan grant.

On 26 August, Jo Anne Kipps and Alexis Phillips-Dowell met with Sonya Harrigfeld, Interim Director of Stanislaus County Division of Environmental Resources, and her staff regarding the County's regulation of food-processing residue land application sites and the reasons why these sites are subject to Regional Board regulation and are currently being evaluated by Regional Board staff.

On 26 August, Pam Buford attended the Cantua Salt Creek CRMP meeting. The focus of the meeting was to discuss proposals received for the development of the Salt and Martinez Creeks Watershed Assessment.

On 31 August, Beth Doolittle-Norby attended a TAC meeting for the Cow Creek Watershed Management Plan at the offices of Western Shasta RCD in Anderson.

On 1 September, Regional Board staff met with residents of the Lake of the Pines community in Nevada County to discuss proposed wastewater treatment plant upgrades and compliance alternatives. Also in attendance were staff of the Nevada County Sanitation District, County Supervisor Sue Horne, and the County's engineering consultant, Kennedy/Jenks. A question-and-answer session followed an overview of the proposed project by Kennedy/Jenks and a summary of permitting issues by Regional Board staff.

On 8 September, Emily Alejandrino gave a presentation on the General NPDES Permit for the discharge of aquatic pesticides for aquatic weed control in waters of the U.S. at Western Farm Service's annual Vegetation Management Seminar in Sacramento.

On 9 September, Bill Croyle, Shakoora Azimi and Rudy Schnagl attended a meeting with West San Joaquin River Watershed Coalition. Staff discussed the additional information submitted by the Wetlands subgroup and how the various components and subgroups of the Coalition will work together to meet the Conditional Waiver requirements.

On 9 September, the Fresno office hosted a listening session for the Prop. 50 Integrated Regional Water Management Plan grant draft guidelines workshop. The workshop was audio cast from the Cal EPA building and the Fresno office made facilities available for those who could not travel to Sacramento or did not have the necessary internet connection to listen.

On 13 September, Guy Chetelat discussed RWQCB review of timber harvest plans at the Big Chico Creek Alliance meeting in Chico.

On 14 September, Guy Chetelat and Dennis Heiman participated in the Cottonwood Creek Watershed Group TAC meeting for the watershed management strategy.

On 15 September, Beth Doolittle-Norby attended a Bear Creek Watershed Assessment TAC meeting at Western Shasta RCD in Anderson. The Regional Board is managing the SWRCB contract for a Proposition 13-funded grant to develop a Watershed Assessment for the Bear Creek watershed in Shasta County.

On 15 September, Danna Berchtold participated in a Construction Planning and Management Storm Water workshop sponsored by the City of Rocklin. The class covered storm water regulations, General Permit requirements, common storm water management problems, storm water BMPs, and the Regional Board's expectations for effective storm water management. Over 80 contractors, builders, developers, engineers, and municipal staff attended the training class.

On 16 September, Regional Board staff and Board members Brizard and Longley met with representatives of the Wine Institute in Modesto to discuss the Institute's recently released report on land application of winery stillage and non-stillage process water study results and proposed guidelines.

On 20 September, Bill Croyle and Shakoora Azimi attended the Sacramento River Watershed Coalition meeting in Woodland. Staff provided a status of the Coalition WER & MRP submittal and major issues that need to be addressed by the Coalition prior to receiving an approval.

On 20 September, Amanda Smith gave a presentation on water quality issues related to rice field discharges to the California Rice Commission's Rice Leadership Development Class in Sacramento.

On 20 September, Beth Doolittle-Norby attended a meeting at the City of Redding to discuss the status of the Lower Sulphur Creek Re-Alignment project.

On 22 September, Beth Doolittle-Norby attended a TAC meeting for the Shasta West Watershed Assessment at the offices of Western Shasta RCD in Anderson.

On 23 September, Danna Berchtold gave a presentation at a construction pre-wet season workshop sponsored by the Cities of Woodland and Davis and Yolo County. The class was held in the City of Woodland and covered the municipalities' Phase II construction programs, storm water regulations and storm water Best Management Practices for construction projects.

**COMPLETED SITE CLEANUPS**

**No Further Action Required - Underground Storage Tanks (UST)**

Following are sites where Board staff has determined that investigation and remediation work may be discontinued, no further action is required, and any residual hydrocarbons remaining do not pose a threat to human health and safety or anticipated future beneficial uses of water. This determination is based on site-specific information provided by the responsible party, and that the information provided was accurate and representative of site conditions. Article 11, Division 3, Chapter 16, Title 23 of the California Code of Regulations requires public notification when the Board determines that corrective actions have been completed and that no further action is required at a leaking underground storage tank site. This document serves to provide public notification.

For more information regarding a site, the appropriate office personnel should be contacted: Fresno (559) 445-5116, Redding (530) 224-4845, and Sacramento (916) 464-4602

**FRESNO OFFICE**

**Fresno County**

*76 Service Station No. 4915, 104 South Fowler Ave, Fowler*

Dispensers and associated piping were upgraded in 1998 and gasoline was detected in soils beneath the dispensers. Approximately 50 cubic yards of impacted soil were removed. Six borings were drilled at the site in November 2003. Soil and groundwater samples were collected. Trace concentrations of BTEX were detected in groundwater. Based on the results of the investigation, there are about 73 pounds of TPHg and 0.16 pounds of MTBE remaining in the subsurface at the site. The site was closed as low risk. (JWH)

*Caltrans Coalinga Maintenance Station, 780 Elm Street, Coalinga*

One 550-gallon gasoline UST, one 250-gallon waste oil UST, and one 1,000-gallon diesel UST were removed in April 1988. Petroleum hydrocarbons were detected in soil samples collected beneath all three of the USTs. Six borings were drilled to depths of up to 80 feet. Petroleum hydrocarbon concentrations were shown to attenuate with depth. No oxygenates were detected. A 30-day soil vapor extraction pilot test was performed in March and April 2004. Only low concentrations of petroleum hydrocarbons were detected in soil vapor. Groundwater is expected to be at a depth of 330 feet and should not be impacted by the release. The site was closed as low risk. (JWH)

*Mary's Place, 4010 West Whitesbridge, Fresno*

One 1,000-gallon gasoline UST was removed in 1990 and gasoline was detected in soil beneath the UST. Three soil borings drilled to depths of 45 feet indicated gasoline concentrations attenuated with depth. Five borings were drilled to depths of up to 60 feet in May 2004 and BTEX concentrations were greatly reduced from the 1990 investigation. No oxygenates were detected. No petroleum hydrocarbons were detected below a depth of 50 feet. The depth to water in the vicinity of the site is expected to be 77 feet. An estimated 600 pounds of gasoline remain at the site. The former UST area is expected to be paved over as part of a Highway widening project. The site was closed as low risk. (JWH)

*World Oil #49, 1635 Second Street, Selma*

Five gasoline USTs were removed in June 1987. Gasoline was detected in soil beneath 2 of the USTs. Monitoring wells were installed and floating product was found to be present. Additional wells were installed during 1996 and 1997 and gasoline was detected in soil and groundwater. Groundwater was encountered at a depth of 45 feet. Soil vapor extraction and air sparging was performed at the site from June 2000 to March 2001; and again between March 2003 and November 2003. An estimated 8,200 pounds of gasoline was removed from the subsurface. During the most recent quarterly groundwater monitoring event performed in February 2004, no petroleum hydrocarbons were detected in any of the groundwater monitoring wells. (JWH)

**SACRAMENTO OFFICE**

**Calaveras County**

*Martin Fischer Logging, 1165 Skull Flat Road, West Point*

In April 1992 two 1,000-gallon gasoline USTs were removed. Soil samples collected after the tank pull contained elevated concentrations of some petroleum constituents however no benzene or MTBE were detected. The spoils pile soil samples did not contain fuel hydrocarbons suggesting no significant soil contamination. Groundwater from a domestic well 22 feet from the former UST was sampled and no petroleum contamination was detected. If there were significant contamination at this site it is likely there would be at least trace contamination in the domestic well. The surrounding area is sparsely populated and there are no wells likely to be impacted by any residual soil contamination from this site. It is likely that water quality objectives beneath the site will be achieved in a reasonable period of time through the process of natural attenuation and further investigation or active remedial action is unnecessary. (KTL)

### **El Dorado County**

*Toms Sierra #18, 118 Main Street, Placerville*

During June/July 2000 four underground storage tanks (USTs) and their associated piping were removed from the site. The gasoline tanks appeared in good condition, but the waste oil tank contained numerous holes. From June 2002 through February 2004 various episodes of soil and groundwater investigation occurred, which included the installation of five soil borings with three ultimately being completed as groundwater monitoring wells. The last groundwater sampling event for all wells found only 71 ppb TPHg, 0.9 ppb ethylbenzene, and 2.9 ppb MTBE. The three wells were properly abandoned on 2 July 2004. Based on site conditions, the minimal residual soil, localized groundwater plume, and continued natural attenuation, this site does not pose a threat to human health or water quality. (PGM)

### **Sutter County**

*Former Jones Rest Home, 2915 Monroe Road, Yuba City*

In April 2004, a 4,000-gallon UST was properly abandoned in place at the subject site. Sporadic investigations from 1994 through 2004 revealed minimal fuel impacts to soil near the southwest end of the UST. Additional borings were all non-detect. No groundwater impact was identified. Two nearby receptors (domestic supply wells) were sampled, and both were non-detect. The source has been removed (UST) and natural attenuation will degrade localized residual soil impact. This site poses no threat to human health and safety or to water quality. (MRL)

*Associated Transport, Wilber/C Streets (442 B Street), Yuba City*

During 1992 and 1994 three USTs were removed from this site, including one 10,000-gallon gasoline UST, one 1000-gallon waste oil tank, and one 1,500-gallon gasoline tank. Contamination was identified, prompting investigation and corrective action work. The lateral and vertical extent of contamination was adequately defined by drilling and sampling several soil borings, and installing nine groundwater monitoring wells. Soil and groundwater contamination was effectively remediated, using a combination of soil excavation, groundwater extraction, and groundwater sparging/soil vapor extraction. Post remedial monitoring shows no remaining groundwater plume. All monitoring and remediation system wells have been properly abandoned/destroyed. The remaining conditions do not pose a threat to human health or water quality. (MRL)

*Yuba City Truck Stop, 4142 Highway 99, Yuba City*

Four 10,000-gallon USTs (gasoline and diesel fuel tanks) and associated piping and dispensers were removed from the site in April 1999. Soil contamination was identified during tank removal activities. The lateral and vertical extent of contamination was adequately defined by site investigation work; including drilling and sampling eight soil borings with grab groundwater sampling, and sampling two domestic wells. Approximately 3,000 cubic yards of contaminated soil were removed, treated on-site and used as fill material for a new station building. About 33,810-gallons of contaminated groundwater was extracted and hauled off-site for disposal. A single source zone monitoring well was placed in the excavation cavity during and sampling of this well demonstrated a stable and decreasing contaminant trend. The source zone monitoring well was properly abandoned. The remaining conditions do not pose a threat to human health or water quality. (MRL)

*Former Palace Meats, 350 Bridge Street, Yuba City*

While preparing for a property sale, three USTs were identified on the property. Slightly elevated TPHg and TPHd concentrations were detected in soil samples. No BTEX or fuel oxygenates were identified. During August and November 2003 five soil borings were installed near the USTs, including groundwater sampling at four locations. Slightly elevated TPHd concentrations were identified at 15 feet below ground surface in one soil boring (adjacent



to the USTs) and no groundwater impact was identified. All USTs have been properly abandoned in-place (filled with inert material). Residual soil contamination does not pose a threat to water quality or human health. (MRL)

### **Yuba County**

#### *Frank M. Booth, Inc. Facility, 222 3<sup>rd</sup> Street, Marysville*

In March 2003, one 200-gallon gasoline UST was removed from the subject site. As a result of soil and ground water sampling (8 Geoprobe borings), 68 cubic yards of soil was excavated and properly disposed of off-site. The nearest supply well is over 1,400 feet away. Soil and groundwater contamination is limited to the area of the former UST will continue to degrade naturally. The site does not pose a threat to human health and safety or water quality. (MRL)

#### *Coca-Cola Bottling Co., 1430 Melody Lane, Marysville*

A single 5,000-gallon UST and associated piping and dispenser was removed from the site in June 1989. At the time of UST removal, soil contamination was evident in the tank pit. Several phases of site investigation were completed, resulting in the thirteen groundwater monitoring wells being installed. The site investigation identified both soil and groundwater contamination, the extent of which was adequately defined. Cleanup, using soil vapor extraction, groundwater extraction, and injection of oxygen releasing compounds, resulted in a significant reduction in the mass and volume of soil and groundwater contamination at the site, and at present, all contaminant concentrations are near or below detection limits. Two public drinking water wells (Olivehurst Public Utilities District (OPUD) Well #1 and Well #4) are within 2000 feet, respectively, west and east of the site. Site monitoring evaluation indicates no hydraulic connection between the drinking water wells and the shallow water table. Based on subsurface conditions and the low remaining contaminant concentrations, this site does not pose a threat to the nearby drinking water wells, human health and safety, or water quality. (MRL)

#### *Former Montgomery Ward UST Site, 815 5th Street, Marysville*

Five USTs were removed from the site between 1985 and 1987, and were reported to have contained waste oil and antifreeze. Montgomery Ward filed for bankruptcy sometime in the late-1990s, closing all of their stores. Work on this site was completed as part of a property transaction, in an effort to develop and revitalize the abandoned property. Phased site investigation work identified elevated petroleum constituents (quantified as TPHd), and ethylene glycol (antifreeze) in soil and groundwater near the former auto service center. Three groundwater monitoring wells were installed and sampled to define the water quality impact. None of the analyzed constituents were identified above their respective laboratory reporting limits. The site investigation defined the extent of contamination at this site. Remediation at this site involved excavation and disposal of an unknown volume of soil (during the 1986 UST removal work). Initial site sampling data identified a limited impact to soil and groundwater near the former Auto Center USTs, however groundwater monitoring did not identify a water quality threat. The three groundwater monitoring wells were properly abandoned/destroyed, and remaining site conditions do not pose a threat to human health or water quality. (MRL)

#### *Loma Rica Corporation Yard, (a.k.a. Yuba County Maintenance Yard), 5390 Fruitland Road, Loma Rica*

Three underground storage tanks (1 - 1,000-gallon gasoline, 1 - 1,000-gallon diesel, and 1 - 5,000-gallon diesel) were removed from the site in May of 1999. Soil sampling after UST removal identified elevated concentrations of fuel constituents below the tanks, including TPHd, TPHg, MTBE, and TBA. Three groundwater monitoring wells (surrounding the former UST area) were installed in May 2000. The initial groundwater sampling results identified only MTBE at a concentration of 2.6 µg/l in the monitoring well downgradient of the former USTs. One onsite domestic well and 16 drinking water wells were identified within 2000 feet of the site. Subsequent to the initial groundwater sampling event no detections of any petroleum constituents were detected in the monitoring wells or the domestic wells sampled during four consecutive quarterly groundwater monitoring and sampling events. The three on-site monitoring wells were destroyed, and remaining site conditions do not pose a threat to human health or water quality. (MRL)

#### *Former Larry Geweke Ford, 1104 E Street, Marysville*

A single 1000-gallon waste oil tank was removed from the property in November 1998. During the UST removal work, approximately 80 cubic yards of contaminated soil were excavated and transported off-site for disposal. Five soil borings, with grab groundwater sample were completed in June and July of 1999. Soil samples contained no

detectable concentrations of the analyzed constituents, and the groundwater sample results identified very low concentrations of MTBE (1.5 µg/l), and slightly elevated chromium, lead, nickel and zinc concentrations. A single monitoring well was installed adjacent to the former tank area, and quarterly sampling was completed for waste oil constituents, metals, hexavalent chromium (Cr VI), and VOCs (including fuel oxygenates). Groundwater sampling confirmed no detectable concentration of Cr VI, or any other contaminants. The single groundwater monitoring well was destroyed, and remaining site conditions do not pose a threat to human health or water quality. (MRL)

*Union Pacific Railroad Co., Binney Junction, 18<sup>th</sup> and C Streets, Marysville*

A single 4,000-gallon UST, reported to have contained fuel oil #2 and/or motor oil, was removed from the site in May 1998. After the tank removal, a site investigation was conducted, including drilling and sampling four soil borings and completing each boring as a groundwater monitoring well. Soil samples from the four borings contained no detectable concentrations of any petroleum constituents. Groundwater samples were analyzed for TPHg, TPH as motor oil, TPHd, BTEX, and MTBE, and a single detection of toluene (at 0.71 µg/l) was reported in the groundwater sample collected from one well during the initial sampling event. No other analyzed constituents were detected in any monitoring well samples. During subsequent groundwater sampling, no detectable contaminant concentrations were reported for any of the site monitoring wells. The four groundwater monitoring wells were properly destroyed. Remaining site conditions do not pose a threat to human health or water quality. (MRL)

**Local Agency UST Closures with Concurrence of Board Staff Review**

**Sacramento County**

*Former Unocal, 9200 Greenback Lane, Orangevale*

**Local Agency UST Closures Independent of Board Staff Review**

**Fresno County**

Red Carpet Car Wash & Quick Lube  
4411 N. Blackstone Ave., Fresno

**Merced County**

Service Station #9-2388  
1970 East Childs Avenue, Merced

FISCAL MANAGEMENT SYSTEM  
Expenditures By Object / Line Item  
for the month ending June 03/04

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ORGANIZATION -- Region 5

PERSONAL SERVICES	POSITIONS/PYS BUDGETED	\$ BUDGETED	----- EXPENDED	\$ EXPENDITURES BALANCE	----- % EXPENDED
Authorized Positions					
Permanent Positions	231.2	15,323,240	13,911,346	1,411,894	91 %
Temporary Help	3.2	0	0	0	0 %
Overtime		0	6,774	( 6,774)	0 %
Board Stipend		12,000	9,400	2,600	78 %
Total Authorized Positions	234.4	15,335,240			
Salary Increases		0			
Workload & Admin. Charges	0.0	0			
Proposed New Positions	0.0	0			
Partial Year Positions	0.0	0			
Total Adjustments	0.0	0			
Total Salaries	234.4	15,335,240			
Salary Savings	( 11.5)	( 885,523)			
Net Total Salaries	222.9	14,449,717			
Staff Benefits		4,247,263	4,448,209	( 200,946)	105 %
TOTAL PERSONAL SERVICES(PS)	222.9	18,696,980	18,375,729	321,251	98 %
LINE ITEM OPERATING EXPENSES & EQUIPMENT DETAIL					
General Expense		270,755	225,620	45,135	83 %
Printing		87,421	94,043	( 6,622)	108 %
Communications		159,729	123,358	36,371	77 %
Postage		43,907	73,815	( 29,908)	168 %
Travel In-State		228,263	47,517	180,746	21 %
Travel Out-Of-State		0	0	0	0 %
Training		97,653	15,591	82,062	16 %
Facilities Operations		960,139	931,264	28,875	97 %
Utilities		171,835	58,998	112,837	34 %
Contracts - Internal		283,605	1,286,019	( 1,002,414)	453 %
Contracts - External		4,442,466	985,261	3,457,205	22 %
Consolidated Data Center		0	0	0	0 %
Central Adm.Serv. - Prorata		0	0	0	0 %
Central Adm.Serv. - SWCAP		0	0	0	0 %
Equipment		38,500	14,708	23,792	38 %
Other		88,100	246,911	( 158,811)	280 %
TOTAL OPERATING EXPENSE & EQUIPMENT(OEE)		6,872,373	4,103,105	2,769,268	60 %
TOTAL PS & OEE		25,569,353	22,478,834	3,090,519	88 %
Indirect		4,946,674	4,692,822	253,852	95 %
GRAND TOTAL		30,516,027	27,171,656	3,344,371	89 %

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FISCAL MANAGEMENT SYSTEM  
Expenditure Organization Summary  
for the month ending June 03/04

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Organization - Region 5

Fund Source	\$ Allotment	\$ Expenditures	% Expended
NPS Pollution Contral Program-Prop 13 -- (00BOND-NPSC)	= 244,758	236,912	96.8
Watershed Protection Program -- (00BOND-WPP)	= 76,777	73,432	95.6
Cleanup & Abatement Account-Management -- (CAA)	= 5,044,587	3,057,616	60.6
Environmental Protection Trust Fund -- (EPTF)	= 0	0	0.0
F(104B3) Aquatic Pest Monitoring -- (F(104B3))	= 130,334	60,041	46.1
Watershed Category One Tasks -- (F(104B3-WCO))	= 0	0	0.0
NPDES -- (F(106))	= 634,081	622,441	98.2
Non-Point Source -- (F(319H))	= 1,086,232	1,086,075	100.0
DoD Cost Recovery -- (F(DOD-CR))	= 135,989	132,000	97.1
Lawrence Livermore - Site 300 -- (F(LL300))	= 153,414	88,846	57.9
Sacramento River Toxic Program -- (F(SRTP))	= 372,493	317,185	85.2
General -- (G)	= 3,920,997	3,775,736	96.3
Indirect Distributed Cost -- (IDC)	= 0	0	0.0
-- (IDC-D)	= 0	0	0.0
Integrated Waste Mngmt Acct (AB 1220) -- (IWMA)	= 1,511,313	1,507,882	99.8
Proposition 50 -- (PROP 50)	= 588,270	410,367	69.8
Proposition 40/2002 -- (PROP40)	= 180,055	178,605	99.2
Aerojet Gen Corp Oversight of Cleanup -- (R(AEROJET))	= 165,198	131,357	79.5
Basin Plan Amendments - Drinking Water -- (R(BASIN-DW))	= 173,795	132,014	76.0
DTSC Brownfields Coordination -- (R(BROWNFIELDS))	= 10,024	8,369	83.5
CALFED Cooperative Program -- (R(CALFED))	= 523,549	246,901	47.2
Redevelopment Agency Reimbursements -- (R(REDEVEL))	= 10,862	6,571	60.5
R (Dept of Defense Cleanup Oversight) -- (R(SLCDOD))	= 944,344	899,234	95.2
Westley and Tracy Tire Facilities -- (R(WESTLEY))	= 295,598	1,993	0.7
Surface Impoundment Assessment Account -- (SIAA)	= 162,742	165,898	101.9
State/Federal Revolving Fund -Bond -- (SRFBND)	= 2,000	512	25.6
State/Federal Revolving Fund-Federal -- (SRFFED)	= 10,004	2,559	25.6
Tobacco Tax -- (TBT)	= 130,366	126,011	96.7
Underground Storage Tank Cleanup Fund -- (UTSCF)	= 2,392,119	2,367,912	99.0
Waste Discharge Permit Fund -- (WDPF)	= 11,616,115	11,535,190	99.3
TOTAL	= 30,516,016	27,171,659	89.0 %

# **Central Valley Regional Water Control Board Fiscal Report Based on Preliminary June 2004 Expenditures**

*(An average of 100% should have been expended to date)*

**Governor Hiring Freeze** – The hiring freeze expired effective June 30<sup>th</sup>. We currently have 15 vacant positions. We have submitted paperwork to State Board requesting to fill all of our vacant positions.

**Governor Operating Expense Freeze** – The operating expense freeze and certification requirement expired on June 30<sup>th</sup>. We are in the process of evaluating our equipment needs so we can place our equipment orders early this year. As with prior years we expect to have \$35,000 available for equipment purchases. We expect the majority of these funds to be used to replace several of our copy machines, which are now beyond their expected useful life.

## **AUGMENTATIONS (FY 04/05)**

**We do not have our FY 04/05 budget yet, however we anticipate the following changes.**

**Waste Discharge Waivers** - A request for additional staff and money to support waivers was approved by the Governor and the Legislature. This provides 22.3 new positions and \$1.2 million of one-time contract funds. The proposal covers Irrigated Agriculture, Dairies and Timber Harvest programs. State Board has not yet decided how to distribute these resources.

**Timber Harvest** – The FY 04/05 budget identified 5.4 positions to be shifted from Region 1 to Region 5 for the Timber Harvest Program. At this time Region 1 does not have any vacant positions to shift and none of their staff are interested in relocating. It has been decided that an appropriate amount of Region 5 timber harvest work will be shifted to Region 1 until vacancies occur, at which time the positions will be shifted to Region 5.

**Prop 40 & Prop 50** - Region 5 will be receiving 3 new PY's to help with the Prop. 40 & 50 Water Bond Grant Programs. These new resources will be distributed between our three offices. State Board is still working on the distribution of these new resources.

## Preliminary June FY 03/04 data shows:

### Personal Services –

- Our personal services budget was \$18.7 million. We spent 98% of these resources.

### Contracts –

- Our total contract budget was \$4.7 million. We spent 48% of the allotment. The majority of the unspent funds (\$2.4 million) were associated with the following types of contracts that were delayed or were not needed:
  1. AG Waiver - Environmental Impact Report (EIR) development \$1 million. This contract will be written in FY 04/05.
  2. Wesley Tire Fire – Reimbursement agreement with the Integrated Waste Management Board. They did not submit any work for this project (\$295,000.)
  3. Chrom 6 – Contract funds were taken for one the GF cuts (\$115,000). Contract resources were never taken out of our budget.
  4. Cal Fed – Contract funds were taken for one of the GF cuts (\$50,000). Resources were never taken out of our budget.
  5. Sacramento Toxic River Program – Reimbursement funds that were rolled over into our FY 04/05 budget.
  6. Misc. CAA projects that have not progressed to the point where the contract funds are needed.

### Fund Issues

State Board was very insistent that we not overspend any of our fund sources in FY03/04. To that end we were very successful. We have over 30 different fund sources. The June report indicates that we overspent one fund source (SIAA), however, we have discussed this issue with State Board and this is being corrected. In fact we did not overspend any fund source in FY 03/04. Much of the unspent funds are associated with a fund source (CAA, reimb, fed, etc.) that will be rolled over into our FY 04/05 budget.

Key Fund Sources	Percent Expended
General Fund	96.3%
Federal Funds	91.8%
Waste Discharge Permit Fund	99.3%
Prop 40 Bond	99.2%
Prop 50 Bond	69.8%

### FY 04/05 Efforts

- At this time we do not have a FY 04/05 budget. State Board is in the process of incorporating all the changes that were approved by the

Governor and Legislature. We have been informed that the only significant change will be those items that were discussed above.

- Working with State Board to make sure we receive our fair share or as much as we can get of the new AG Waiver resources.
- Submitted the necessary paperwork requesting to fill all of our vacant positions. The vacancies are scattered through our various programs.
- Developed a salary savings plan and tracking system. Before we could fill our vacant positions we had to demonstrate to State Board how we were going to generate sufficient salary savings this year.
- Working with State Board to develop a loaned position tracking system to monitor the positions we have loaned to Region 1. Once completed our Timber Harvest Program manager will be identifying the workload to be shifted.
- Prioritizing our equipment needs so that we can submit our purchase orders as soon as possible. It appears that this year most of our funds will be needed for copiers.

## EXECUTIVE OFFICER'S REPORT

Addendum, Modified 26 October 2004\*

15 OCTOBER 2004

### ***Mandatory Minimum Penalty (MMP) Status Report.***

The Region has a substantial backlog of MMPs that need to be issued. Increased staff priority on MMPs has resulted in issuance of 13 MMPs since the report to the Board at the April 2004 Board meeting. Three additional MMPs will be issued within the next few weeks. The following table compares the MMP backlogs in April and October 2004. With the increased effort some reduction in the backlog has occurred, but additional violations have occurred almost as fast as MMPs have been issued. We anticipate a major effort on MMPs early in 2005 after the current effort on NPDES Permit backlogs is concluded.

Number of Violations per Facility	Apr-04 No. Facilities	MMPs Issued	Oct-04 No. Facilities	MMPs In progress
1	17	0	13	1
2-9	26	6	30	
10-19	11	2	8	1
20 - 100	13	4	13	
122	1	1	0	
263	1	0	1	
319	1	0	1	1
MMP Orders Issued/Needed	<b>69</b>	<b>13</b>	<b>66</b>	<b>3</b>
Number of Violations	<b>~1400</b>	<b>~300</b>	<b>~1200</b>	<b>~375</b>

In addition to the MMPs for effluent violations discussed above, staff has been working on the new MMPs for failure to submit effluent monitoring reports. Dischargers failing to submit reports are being contacted to reduce continuing violations, but this is another escalating workload that must be handled by the NPDES staff. (KDL)

### ***New City of Lincoln Wastewater Treatment Plant, Placer County***

On 13 October Ken Landau and Dave Carlson participated in the dedication of the new Lincoln Treatment Plant. The plant was funded by a cooperative effort of the City and major developers, and has been designed to meet all the new stringent NPDES effluent limitations. (KDL)

### ***San Joaquin County Manufacturers Industrial Distribution Roundtable***

The Roundtable consists of representatives from numerous industrial sectors in San Joaquin County. On 14 October Ken Landau spoke in Stockton to about 30 members of the Roundtable, providing an overview of the State/Regional Board system, discussing the major water quality concerns in the Stockton area, and fielding many questions. (KDL)

\* The Executive Officer's Report regarding Hilmar Cheese has been modified to remove discussion on the timing and content of possible media coverage involving Hilmar Cheese.



## **EXECUTIVE OFFICER'S REPORT**

Addendum, Modified 26 October 2004\*

15 OCTOBER 2004

### ***Hilmar Cheese Company, Merced County***

Hilmar Cheese Company (HCC) in Merced County has been under increasing scrutiny due to growing public concern over HCC's wastewater disposal operation. In September, the Governor's office received a petition signed by 80 citizens affected by HCC's operation that alleged ongoing foul odors and pollution by HCC and complained of lack of formal enforcement by the Regional Board, State Board, and the local air pollution control district.

Previous EO reports have described how HCC expanded beyond its ability to treat wastewater and dispose of it properly, and HCC's construction of a new wastewater treatment plant (estimated to be fully operational by December 2004). The September EO report described an August Notice of Violation (NOV) that cited HCC for threatened nuisance and requested definitive information relative to fly controls. The NOV described evidence of strains of pathogenic bacteria in process wastewater and the potential to degrade groundwater and indicated specific monitoring of the bacteria would be appropriate to assess the risk. The NOV also described evidence of elevated concentrations of waste constituents in the cheese plant's storm water retention pond and directed HCC to submit a storm water pollution prevention plan. In response to the NOV, HCC replied that staff had not made a convincing case for threatened fly nuisance and provided little additional information regarding fly control measures, refuted the bacteria evidence as meaningless, and indicated the startup of its new wastewater treatment plant has been so demanding of HCC technical staff and consultants that HCC could not address storm water deficiencies until several months into 2005.

In August, HCC submitted a report of waste discharge (RWD) describing its new wastewater treatment plant and two effluent disposal scenarios, and requesting an increase in wastewater discharge from 1.5 to 2 mgd (0.75 currently authorized). The RWD represents that the treatment provided by the new plant will render the effluent suitable for agricultural use on its current wastewater disposal fields (primary fields) and farmland associated with several nearby dairies (secondary fields). The RWD describes an eventual discharge scenario in which effluent would be recycled on farmland properties five miles west of HCC that may, because they overlie poor quality groundwater, allow HCC to not treat for salt removal. Staff comments on the RWD indicated it was incomplete, in part, because it lacked technical justification that the proposed treatment and effluent disposal scenarios were sufficient to ensure consistency with water quality policies. The comment letter indicates staff will begin drafting tentative WDRs while awaiting the additional technical information.

In mid-September HCC submitted a technical report describing its assessment of the impact from its discharge on groundwater, and particularly on local domestic wells. Any assessment is complex due to the proximity of other sources of waste (dairies and other farming activities in particular) and to a complex hydrogeology further complicated by the potential influence of artificial subsurface drains in the general vicinity. The report

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## **EXECUTIVE OFFICER'S REPORT**

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acknowledges a local impact on groundwater within an area defined by HCC that is greater than its waste application area. The report concludes that one of three domestic wells sampled within this area is impacted and that this impact may be at least partially attributable to a dairy. The report indicates that HCC will offer to supply bottled water to all residences between the application areas and the larger area until the uncertainty of a potential impact from the HCC discharge is resolved. As noted in an EO report earlier this year, staff evaluation of the groundwater impact from HCC appeared to be pollution and extend over a larger area. Staff is currently reviewing the groundwater report.

While HCC discharges excessive flow and consistently violates terms of existing WDRs, it has made significant progress recently toward improving discharge quality through improvements and enlargements of its treatment capacity. Its operation has impacted groundwater and users of the groundwater, and created conditions that local citizens find a public nuisance. Enforcement action concerning HCC's violation of discharge terms is being prepared by staff and will be provided soon to Executive management. Updated requirements for discharge by HCC is expected to be scheduled for Board consideration in March 2005. (BVV)

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