

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

Minutes
469th Regular Board Meeting
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

THURSDAY - 28 APRIL 2005 – 1:00 P.M.

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Jim Pedri, Frances McChesney, Jerry Bruns, and Betty Yee.

OTHERS PRESENT

Kathleen Goforth, US EPA
Brian Staab, U.S. Forest Service
Chris Eacock, US Bureau of Reclamation
Tom Nelson, Sierra Pacific Industries
Lee Benda, Sierra Pacific Industries
Michele Dias, CA Forestry Assoc.
David Bischel, CA Forestry Assoc.
Nicholas Dennis, Hearst Forests
Lloyd Bradshaw, Hearst Forest
Addie Jacobson, Ebbetts Pass Forest Watch
Allen Edwards, Edwards Family Farm
Dennis Hall, CDF
Pete Cafferata, CDF
Clay Brandow, CDF
Nadine Bailey, State Senate
Gail Delihant, Assemblyman. Greg Aghazarian
Jim Terry, Assemblyman Kevin McCarthy
Leonard Augustine, City of Vacaville
David Tompkins, City of Vacaville
Art O'Brien, City of Roseville
Tammy Derby, Sacto County
Kristen Castanos, Sacto County
Ron Rowe, Merced County
Robin Sutherland, Nevada County
Daniel Carlson, Fresno County
Nathan Galambos, Lake Berryessa Resort
Anna-Maria Martinez, Lake Berryessa Resort
Margaret Woodbury, Lake Berryessa Resort
Steve Bonzi, Bonzi Sanitation Landfill
Ed Corey, Bonzi Sanitation Landfill
Brian Terrill, Bonzi Sanitation Landfill
Doug Neiboner, Bonzi Sanitation Landfill

Joe McGahan, Grassland Basin Farmers
Lara Sparks, Grassland Water District
Julio Guerra, VSPUD
Ralph Venturino, CIWMB
Warren Tellefson, CVCWA
Skip Spaulding, Formica
Robert Emerick, Formica
Stephen Koloff, Formica
John Foged, Formica
Dan Latour, Formica
Robert Carey, W.M. Beaty & Assoc.
Bob Rynearson, W.M. Beaty & Assoc.
Mike Delmonowski, Ma-Ru Holding Co.
Dan Fisher, Fruit Growers Supply Co.
Arne Hultgren, Roseburg Resources Co.
Ed Yates, CA League of Food Processors
Karen Johnson, Cleavenger
Mike Josselyn, WRA
Gail Brown, Florin Perkins Landfill
Mark O'Brien, Port of Stockton
Virginia Palmer
Cynthia Moffott
Audrey Hunt
Janet Harvey
Sally Davis
Nancy Cleavenger
William Portanna
Jeff Scharff
Rich Klug
Carrie Morgan

EXECUTIVE OFFICER'S REPORT

Tom Pinkos reported that the ongoing investigation of groundwater pollution from the Nestle facility in Ripon has found pollution on the other side of the Stanislaus River. He also discussed his participation in a 20 April meeting in Fresno with Board Members Longley and Brizard regarding the food processing industry, and a 22 April meeting with CalEPA Undersecretary James Branham on the food processing industry. He had also had telephone discussions with Senator Cox regarding proposed legislation concerning aquifer storage projects.

Phil Wyels reported that the tentative Superior Court ruling on the irrigated lands lawsuit upheld virtually everything in the waiver program, requiring only minor clarification on a number of issues.

Mr. Brizard had questions and comments on the following items:

- Enforcement Communications (Item 19) – Letters to the Editor from the EO need Administration approval. What if individual Board members send a Letter to the Editor? Phil Wyels stated that it depended whether the Board member was writing as an individual citizen (which needs no approval) or as a Board member (which needs approval).
- Voluntary Domestic Well Assessment Project (Item 25) – Is data available from the sampling? Jim Pedri responded that the sampling is in process and results have not yet been received. Mr. Brizard is interested in the results when available.
- Colusa County Canning (Item 29) – Is the landowner locked into accepting the cannery wastewater? Wendy Wyels reported that there is a 50-year contract regarding the wastewater and both the cannery and landowner have retained legal counsel to review the issue.
- Mariposa Wine Company (Item 39) – How will a wetland function with a liner? Tom Pinkos said more detailed information would be provided.

Chairman Schneider noted the report regarding the Port of Stockton (Item 31), suggested that the Regional Board provide responses to letters regarding Ag waiver fees, and provided congratulations on apparently remaining within budget for FY 2004-2005. A budget update was requested for the June Board meeting.

BOARD MEMBER COMMUNICATIONS

Karl Longley reported his attendance at the following meetings:

- 30 March Food Processor Cluster meeting between the University and industry
- 05 April Chaired irrigated lands waivers technical issues committee meeting on bioassessment. The next meeting will deal with triggers. The meetings are going well.
- 14 April – Kings River Forum to discuss river quality issues and attempt to have greater public participation in issues.
- 18 April Food Processors/RJI meeting at which a representative from the Governor's office spoke.
- 20 April Food Processors Cluster meeting
- 21 April Food processors equipment meeting, and meeting with BOR and DWR regarding desalination facility under development
- 27 April Chairs meeting in San Diego. Chairman Baggett pointed out many successes of the agency. The anticipated budget appeared adequate with a minor increase in General Funds, although some unfilled vacancies could be lost. Proposed legislation summaries can be found on the State Board web site. Some of the legislation could substantively change the Regional Boards.

Chairman Schneider reported that he had attended an Irrigated Lands Subcommittee meeting, a meeting with Forest Service staff to get to know each other, a meeting with Undersecretary Jim Branham on food processing issues, and a meeting of the Stewardship Council that administers lands and youth investment programs for PG&E.

Christopher Cabaldon reported that he attended a CalFED Public Advisory Committee meeting, will participate on the Governor's taskforce for improvement of CEQA concerning infill and housing development, and will lead a California Brownfields chapter to increase utilization of Brownfields sites.

PUBLIC FORUM

Ed Yates, California League of Food Processors stated that he appreciated Board member and staff involvement in the 20 April meeting. A path has been set to resolve issues between Regional Board staff and the industry. Karl Longley reported that the meeting went well. Chairman Schneider thanked the Board members Brizard and Longley for their work on this issue, and requested an update from staff on food processing issues for the June or August Board meeting.

OTHER BUSINESS

Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities Within the Central Valley Region– *Consideration of Adoption of Resolution to Renew Waiver*

A public hearing was held. Jim Pedri presented the staff report. Additional testimony was presented by Dennis Hall, Bryan Staab, Arne Hultgren, Allen Edwards, Addie Jacobson, Barry Boulton, Nadine Bailey, Dave Bischell, Nicholas Dennis, Michelle Diaz, Tom Nelson, and Don Miller.

R5-2005-0052 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed resolution with amendments. Unanimously approved.

Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Dedicinate Four Beneficial Uses of Old Alamo Creek – *Consideration of a Resolution to Adopt a Proposed Basin Plan Amendment*

A public hearing was held. No one appeared to contest the proposed order. Leonard Augustine, Mayor, City of Vacaville presented testimony in support of the proposed order.

R5-2005-0053 MOTION: By Mr. Cabaldon, seconded by Mrs. Palmer-Byrd to approve the proposed resolution. Unanimously approved.

The meeting was continued to the 29 April Friday session.

FRIDAY – 29 APRIL 2005 – 8:30 A.M.

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack Del Conte, Frances McChesney, David Coupe, Dennis Westcot, Rudy Schnagl, Jim Munch, Steve Rosenbaum, Kelly Briggs, Mark List, Victor Izzo, John Moody, and Gail Cismowski.

PUBLIC FORUM

Warren Tellefson, Central Valley Clean Water Association, thanked the Executive Officer for extension of the deadline for submittal of methyl mercury monitoring results from wastewater treatment plants, and suggested that Board consideration of a mercury TMDL scheduled for June 2005 should be delayed until all the latest mercury data can be evaluated and incorporated into the TMDL.

UNCONTESTED CALENDAR

OTHER BUSINESS

Central Valley Region Emergency, Abandoned, and Recalcitrant 2005/2006 Annual Site List – Consideration of Adoption

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

R5-2005-0054 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed resolution. Unanimously approved.

ENFORCEMENT

Planada Community Services District, Wastewater Treatment Facility, Merced County – Consideration of Administrative Civil Liability Order

*****This item was removed from the agenda.

Formica Corporation, Sierra Plant, Placer County – Consideration of NPDES Permit Renewal and Cease and Desist Order

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

R5-2005-0055 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed NPDES order. Unanimously approved.

R5-2005-0056 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed Cease & Desist order. Unanimously approved by role call vote.

NPDES ORDERS

Uncontested NPDES Permits

- | | | |
|---------------------|----|---|
| R5-2005-0057 | a. | State of CA, Dept of Fish & Game, Nimbus Salmon & Steelhead Hatchery & American River Trout Hatchery, Sacramento County |
| R5-2005-0058 | b. | Kaweah River Rock Co., Sand and Gravel Plant, Tulare County |
| R5-2005-0059 | c. | AAF-McQuay, Inc. et al., Groundwater Remediation System, Tulare County |
| R5-2005-0060 | d. | City of Taft, Taft Federal Prison Wastewater Treatment Facility, Kern County |
| R5-2005-0061 | e. | City of Taft, Wastewater Treatment Facility, Kern County |

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

MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed orders with amendments. Unanimously approved.

WASTE DISCHARGE REQUIREMENTS

Uncontested Change of Name and/or Ownership

- R.M.E. Inc., Woodbridge Winery, San Joaquin County
- American River Resort, LLC., American River Resort, El Dorado County
- Granite Construction Company, Granite Construction Company Capay Aggregate Plant, Yolo County

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

R5-2005-0062 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed orders. Unanimously approved.

Uncontested Rescissions

- a. Standard Oil Company, Tejon Ranch 22 Lease, Tejon Hills Oil Field, Kern County
- b. Tosco Corporation and UNOCAP, Coalinga Pump Station, Fresno County
- c. City of Yuba City, Stonegate Village WWTF, Sutter County

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

R5-2005-0063 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed orders. Unanimously approved.

Uncontested Water Recycling Requirements

State of California, Department of Transportation, Interstate 5 Freeway Landscape Irrigation, Shasta County

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

R5-2005-0064 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed order. Unanimously approved.

Uncontested Waste Discharge Requirements

- R5-2005-0065** a. Children's Hospital Central California, Wastewater Treatment Facility, Madera County
- R5-2005-0067** b. County of Fresno for Construction & Operation, American Avenue Municipal Solid Waste Landfill, Fresno County
- R5-2005-0068** c. Shasta County, West Central Class III Municipal Solid Waste Landfill and Class II Surface Impoundment, Shasta County
- R5-2005-0069** d. Placer County Dept of Facility Services, Foresthill Landfill, Class III Landfill, Post-Closure Maintenance & Monitoring, Placer County

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

MOTION: By Mr. Cabaldon, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved with amendments.

CONTESTED CALENDAR

WASTE DISCHARGE REQUIREMENTS

Valley Springs Water District – *Consideration of Waste Discharge Requirements*

A public hearing was held. Wendy Wyels presented the staff report. Additional testimony was given by Warren Tellefson, Julio Guerra, and Kristen Castanos.

R5-2005-0066 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved

ENFORCEMENT

Florin Perkins Landfill, Inc. - *Consideration of Administrative Civil Liability Orders*

- a. **Jackson Road Landfill, Sacramento County**
- b. **Florin Perkins Landfill, Sacramento County**

A public hearing was held. Steve Rosenbaum presented the staff report. Additional testimony was given by Erik Spiess, John Moody, Jeff Scharff and Nancy Cleavinger.

Jackson Road Landfill, Sacramento County

R5-2005-0070 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved

Florin Perkins Landfill, Sacramento County

R5-2005-0071 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved

Lake Berryessa Resort Improvement District, Napa County - *Consideration of an Administrative Civil Liability Order*

A public hearing was held. Wendy Wyels and Mark List presented the staff report. Additional testimony was given by Kristen Castanos, Nathan Galambos, and Margaret Woodbury.

R5-2005-0072 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved

MA-RU Holding Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership, Bonzi Sanitation Landfill, Stanislaus County – *Consideration of Cease and Desist Order*

A public hearing was held. Victor Izzo presented the staff report. There was no additional testimony.

R5-2005-0073 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved by role call vote

Lincoln Center Environmental Remediation Trust, Groundwater Treatment System, San Joaquin County – *Consideration of NPDES Permit Renewal and Time Schedule Order*

*****This item was removed from the agenda.

OTHER BUSINESS

Grassland Bypass Project, Fresno and Merced Counties - *Status Report & Consideration of Revised Monitoring & Reporting Program*

Gail Cismowski presented the staff report. Additional testimony was presented by Joe McGahan

Draft NPDES General Permit/WDRs for Existing CAFOs (Milk Cow Dairies) – *A Status Report*

Dennis Westcot presented the staff report. This was for the Board's information. No action was taken.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 2:20 p.m. to the 23/24 June 2005 regular meeting.