

# AGENDA

## Public Meeting

### Central Valley Regional Water Quality Control Board



Thursday, 9 January, 2014 – 9:00 a.m.  
Los Banos Community Center, Grand Room  
645 7th Street  
Los Banos, CA 93635

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

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

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

Items showing times will begin no sooner than indicated. Items are numbered for identification purposes only and may not be considered in order. They may, however, be delayed by previous items. Items scheduled for the first day of a multi-day meeting may be delayed or continued to the next day of the meeting. The Board may conduct any scheduled hearing as a Panel Hearing as allowed by law in the event of a lack of a Board member quorum. In the event that a Panel Hearing is held, final action on that item will not be taken until a Board member quorum is present. Closed Session business is normally conducted during the lunch break, although the Board may adjourn to Closed Session at any time. Depending on the extent of Closed Session items, the lunch break may be lengthy. The Board Chair will announce prior to any Closed Session the anticipated time that the public session will resume. Law Enforcement personnel may be present at the Board meeting.

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

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

Board agendas and the approved minutes of Board meetings are posted on the Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/)

Copies of the items to be considered by the Board are posted on the Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) organized by agenda item number.

A listing of pending applications for Water Quality Certifications, pursuant to section 401 of the Federal Clean Water Act, may be obtained from the Board's website at [http://www.waterboards.ca.gov/centralvalley/public\\_notices/](http://www.waterboards.ca.gov/centralvalley/public_notices/) or by calling the office mainline at (916) 464-3291

### ESTIMATED TIMES

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

### ELECTRONIC PRESENTATIONS FOR BOARD MEETINGS

Power Point and other electronic presentations are frequently presented at the Regional Water Board Meetings. Please e-mail presentations to the Regional Board Webmaster at: [webmaster5@waterboards.ca.gov](mailto:webmaster5@waterboards.ca.gov) at least 24 hours in advance, or bring your files either on a USB Flash Drive, or CD ROM and give them to Board Staff prior to the start of the meeting. Providing the electronic files in advance will allow the Board Meeting to proceed without any interruption.

THURSDAY, 9 JANUARY, 2014 9:00 A.M.

Los Banos Community Center, Grand Room  
645 7th Street  
Los Banos, CA 93635

1. Introductions, Pledge of Allegiance and approval of minutes of the October 30th workshop on Irrigated Lands, in Colusa, CA.
2. Meeting Rules and Procedures.
3. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board* (3 minute time limit per subject) 9:00 A.M.

### IRRIGATED LANDS

4. [Waste Discharge Requirements General Order for Growers within the Western Tulare Lake Basin Area that are Members of a Third-Party Group – Consideration of Adoption of Waste Discharge Requirements](#) [David Sholes (559) 455-6279] **(Estimated Time 60 minutes)**
5. [Waste Discharge Requirements General Order for Growers within the Western San Joaquin River Watershed that are Members of a Third-Party Group – Consideration of Adoption of Waste Discharge Requirements](#) [Jelena Hartman (916) 464-4628] **(Estimated Time 180 minutes)**

### CLOSED SESSION

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

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

- a. Bell Carter NPDES Permit – Environmental Law Foundation v. Central Valley Water Board (Tehama County Sup. Ct., Case No. 60668)
- b. Preston Avery, an Individual, and Lois Avery, an Individual, and as Trustees of the Avery Family Revocable Trust of July 14, 2000 v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 06CS00399)

- c. Dairy General Waste Discharge Requirements – Association de Gente Unida por el Agua et al. v. Central Valley Water Board (Ca. Ct. of Appeal, 3<sup>rd</sup> DCA, Case No. C066410) Sacramento County Sup. Ct., No. 2008-00003604)
- d. Dixon Commercial Park CAO – DCP v. State Water Board (Sacramento County Sup. Ct., Case No. 06CS00299), and ConAgra Foods and Monfort, Inc. v. Central Valley Water Board (Solano County Sup. Ct., Case No. FCS027420)
- e. El Dorado Irrigation District NPDES Permit – California Sportfishing Protection Alliance v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2009-80000309)
- f. Greener Globe Landfill WDRs – Central Valley Water Board v. A Greener Globe Corp. et al. (Placer County Sup. Ct., Case No. SCV11383)
- g. City of Manteca v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2011-80000-831)
- h. Sacramento Regional County Sanitation District v. Central Valley Water Board and State Water Board (Sacramento County Sup. Ct., Case No. 34-2011-80001028).
- i. California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region, et al. (Sacramento County Superior Court, Case No. 34-2013-80001358-CU-WM-GDS)
- j. Toxic Hot Spots – San Francisco Baykeeper, Inc. et al. v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 99CS02722)
- k. City of Stockton v. State Water Resources Control Board and California Regional Water Quality Control Board, Central Valley Region (San Joaquin County Sup. Case No. 39-2009-00230130)
- l. City of Tracy v. State Water Board (San Joaquin County Sup. Ct., Case No. 39-2011-00256340-CU-JR-STK)
- m. Tracy NPDES Permit R5-2007-0036 – Environmental Law Foundation and California Sportfishing Protection Alliance v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2009-00047273)
- n. Irrigated Lands Coalition Waiver and Program EIR - San Joaquin County Resource Conservation District California Farm Bureau Federation et al. v. Central Valley Water Board; California Sportfishing Protection Alliance et al. v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2012-80001186) (Consolidated Case No. RG 12632180)
- o. State Water Contractors, Inc. v. State Water Board and Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2011-00107299)
- p. Duarte Nursery Inc. and John Duarte v. United States Army Corps of Engineers and Karl E. Longley, an individual in his official capacity as a member of the Central Valley Regional Water Quality Control Board et al. (Case No. 2:13-cv-02095-LKK-DAD, United States District Court for the Eastern District of California)

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

- a. Aerojet Cleanup – Central Valley Water Board et al. v. Aerojet-General Corp. et al. (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); Central Valley Water Board et al. v. Aerojet-General Corp. et al. (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with U.S. v. Aerojet-General Corp. et al., (EDCal, Case No. CIV-S-86-0063-EJG)
- b. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)
- c. Iron Mountain Mine Cleanup – Central Valley Water Board et al. v. Iron Mountain Mines, Inc. et al. (EDCal, Case No. CIV-S-91-1167-DFL-PAN) and U.S. v. Iron Mountain Mines, Inc. et al., (EDCal, Case No. S-91-0768 DFL/JFM)
- d. Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County Sup.Ct., Case No. 7019)

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

- a. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2011-003 (Amending WDRs Order R5-2010-0090) [NPDES Permit No. CA0077712] – Petition filed by California Sportfishing Protection Alliance
- b. Discovery Bay Wastewater Treatment Plant, WDRs Order R5-2008-0179 [NPDES Permit No. CA007859] – Petitions filed by San Luis & Delta-Mendota Water Authority et al. and California Sportfishing Protection Alliance (State Water Board File Nos. A-1982 and A-1982(a))
- c. Vacaville Easterly WWTP WDRs Order R5-2008-0055 and TSO R5-2008-0056 [NPDES Permit No. CA0077691] – Petition filed by the City of Vacaville (State Water Board File No. A-1932)
- d. Nevada County Sanitation District No. 1, Lake of the Pines WWTP, WDRs Order R5-2009-0031 [NPDES Permit No. CA0081612] (State Water Board File No. A-2019)
- e. City of Live Oak, NPDES Permit R5-2011-0034 and TSO R5-2009-0012-01 [NPDES Permit No. CA0079022] (State Water Board File Nos. A-2172(a) and 2172(b))
- f. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2011-0068 (State Water Board File No. A-2190)
- g. James G. Sweeney and Amelia M. Sweeney, Groundwater Monitoring Directive (State Water Board File No. A-2213)
- h. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2012-0070 (State Water Board File Number To Be Assigned)
- i. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- j. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238.)
- k. California Sportfishing Protection Alliance, Settlement Agreement and Stipulation for Entry of ACL Order No. R5-2012-0112 for the City of Redding (State Water Board File No. A-2240)
- l. Tosta Dairy, Administrative Civil Liability Order R5-2013-0095 – Petition filed by Henry J. Tosta, Henry J. Tosta Jr. Family Limited Partnership, and Henry J. Tosta Trust (State Water Board File number is unavailable).
- m. Irrigated Lands General Waste Discharge Requirements for Individual Growers, Order R5-2013-0100 – Petition filed by Kern River Watershed Coalition Authority and Paramount Farming Company, LLC (State Water Board File No. A-2269)
- n. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed by Southern San Joaquin Valley Water Quality Coalition et al. and Michael and Yvonne LaSalle (State Water Board File number is unavailable)

## CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

### MEETING PROCEDURES

#### **GENERAL MEETING RULES**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board, or Board) and staff welcome information on issues and matters within the Board's jurisdiction, but comments and submittals at the meeting should be concise and directed to specifics of the item under discussion to enable the Board to be fully informed and take appropriate action.

Persons wishing to speak at the meeting are asked to complete an attendance card and provide it to staff. Although filling out the attendance card is voluntary, we do appreciate receiving a card from all persons in attendance.

Any person planning to make a presentation to the Board that requires the use of visual aids (such as overheads, slides, or video projector) should contact the assigned staff person to make arrangements before the meeting date in order to avoid unnecessary delays during the meeting.

**If the Meeting Procedures in this agenda conflict with a specific Notice of Public Hearing or Hearing Procedures for a specific item, the Notice of Public Hearing or specific Hearing Procedures will control.**

All interested persons may speak at the Board meeting, and are expected to orally summarize their written submittals. Testimony and policy statements should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral presentations (e.g., direct testimony, policy comments, cross examination and closing statements) will be limited in time by the Board Chair. A timer may be used and speakers are expected to honor the time limits. Oral presentations must be relevant. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Any person may submit comments in writing on any agenda item. Written comments shall not be read into the record unless allowed by the Board Chair. Persons who want to submit written materials for any agenda item must provide such written documents to the Board office in advance of the meeting, which must be by the date and time specified in the applicable Notice of Public Hearing and/or Hearing Procedures. Materials received by the deadline and in compliance with the Notice of Public Hearing and/or Hearing Procedures will be included in the administrative record. Staff may provide written responses to comments. Late written materials will not be provided to Board members or included in the administrative record, unless the Chair allows the late submission. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule if a party shows severe hardship. Late submissions that consist of evidence (as opposed to policy statements) will generally be deemed prejudicial unless all designated parties and Board staff have time to consider the evidence before the meeting. Written materials or other documents submitted at the Board meeting must be provided first to Board counsel who will advise the Board regarding acceptance into the record.

#### **PROCEDURE FOR UNCONTESTED (CONSENT) AGENDA ITEMS (see also 23 CCR 647.2(f))**

Uncontested or consent agenda items are items for which there appears to be no controversy and which can be acted upon by the Board with limited or no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The Board Chair will recognize late revisions submitted by staff and will then call for a motion and vote by the Board.

If any Board member or member of the public raises a question or issue regarding the item that requires Board discussion, the item may be removed from the consent calendar and considered in its numerical order on the agenda, or in an order determined by the Board Chair. Anyone wishing to contest a consent item on the agenda must appear in person at the Board meeting and explain to the Board the reason the item is contested.

## **PROCEDURE FOR INFORMATION ITEMS (see also 23 CCR 649 et.seq.)**

Information items are items presented to the Board for discussion only and for which no Board action or vote is taken. The Board may, however, provide direction to staff. The Board usually will hear a presentation by staff, and comments by interested persons shall also be allowed. Members of the public wishing to address the Board on the topic under discussion should submit an attendance card beforehand indicating their request to speak to the Board. Time limits may be imposed on interested persons.

## **PROCEDURE FOR ACTION ITEMS (see also 23 CCR 649 et.seq.)**

Contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

Contested agenda items that are adjudicative, not quasi legislative, are governed by the rules for adjudicative proceedings. The regulations setting forth the procedures for adjudicative proceedings are codified in Title 23 California Code of Regulations Division 3. Adjudicative proceedings before the Central Valley Water Board are governed by these regulations as authorized by chapter 4.5 of the Administrative Procedure Act (commencing with section 11400 of the Government Code). The regulations provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of chapter 5 do not apply). A copy of those regulations and chapter 4.5 of the Administrative Procedure Act, section 11513 of the Government Code, and sections 801-805 of the Evidence Code can be found at [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/)

An **adjudicative proceeding** is a hearing to receive evidence for determination of facts pursuant to which the Board formulates and issues a decision. A decision determines a legal right, duty, privilege, immunity, or other legal interest of a particular person or persons. Examples of adjudicative proceedings include hearings to receive evidence concerning the issuance of waste discharge requirements or National Pollutant Discharge Elimination System (NPDES) permits; concerning cease and desist orders; and concerning orders setting administrative civil liability. Adjudicative hearings are not conducted according to the technical rules of evidence, and the Board will accept any evidence or testimony that is reasonably relevant. The Notice of Public Hearing will set for the process for the hearing.

All persons testifying must state their name, address, affiliation, and whether they have taken the oath before testifying.

## **PROCEDURE FOR CONTESTED HEARINGS IN ADJUDICATIVE MATTERS (WASTE DISCHARGE OR WATER RECYCLING REQUIREMENTS, NPDES PERMITS, AND CERTAIN INVESTIGATION OR ENFORCEMENT ORDERS [Wat. Code, §§ 13267, 13268, 13300, 13301, 13304, 13350, 13383, and 13385])**

All persons interested in a specific item should consult the Hearing Procedure issued for that item to see if any of the following information is inapplicable. Contact Board staff if you do not know whether there is a Hearing Procedure for the item or if you need a copy. If the following conflicts with a specific Notice of Public Hearing or Hearing Procedure, the Notice of Public Hearing or specific Hearing Procedure will control. All administrative civil liability orders are subject to specific Hearing Procedures.

Designated parties may request these procedures: to call and examine witnesses; to have witnesses testify under oath; to receive a witness list from other designated parties; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; to rebut the evidence against him or her; to make or oppose evidentiary objections; to make opening or closing statements; or to have a prehearing conference with the Board's advisors. A request for these hearing procedures must be received by the Executive Officer at least five working days before the hearing, and must specify the procedures the designated party is requesting.

Designated parties are any persons named in the proposed order. All other persons wishing to address the Board or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of an item by submitting such request in writing to staff assigned to the matter, no later than two weeks after the draft order is available for public comment. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.



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

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

<b>BOARD MEMBERS</b>	<b>CITY OF RESIDENCE</b>	<b>TERM EXPIRES</b>
Sandra Meraz	Alpaugh	9/30/2014
Robert Schneider	Davis	9/30/2014
Jon Costantino	Grass Valley	9/30/2015
Jennifer Lester Moffitt, Vice- Chair	Davis	9/30/2016
Carmen Ramirez	Atwater	9/30/2017
Karl E. Longley, Chair	Fresno	9/30/2017

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

**Pamela C. Creedon, *Executive Officer***  
Kiran Lanfranchi-Rizzardi, *Administrative Assistant*  
David Coupe, *Sr. Staff Counsel*  
Patrick Pulupa, *Sr. Staff Counsel*  
Alex Mayer, *Staff Counsel*

**SACRAMENTO OFFICE**

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Bob Chow  
Brian Newman  
Duncan Austin  
Jerry Bruns  
Joe Karkoski  
Linda Bracamonte  
Robert Busby  
Wendy Wyels

**Seniors:**

Anne Olson	Jim Marshall
Brett Stevens	Joe Mello
Charlene Herbst	Marie McCrink
Cori Condon	Patrick Morris
Daniel McClure	Steve Rosenbaum
Elizabeth Lee	Steven Meeks
Gayleen Perreira	Sue McConnell
Gerald Djuth	Susan Fregien
Howard Hold	
Jeanne Chilcott	

Updated December 2013

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**Supervisors:**

Lonnie Wass  
Doug Patteson

**Seniors:**

Dale Essary	Matt Scroggins
Dale Harvey	Russell Walls
Dane Johnson	Shelton Gray
Daniel Carlson	Warren Gross
David Sholes	

**REDDING OFFICE**

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**Seniors:**

Angela Wilson  
George Day  
Pat Villines