



MINUTES OF BOARD MEETING
 April 20 2016 10:00 a.m.
 April 21, 2016 8:30 a.m.
 Central Valley Regional Water Board
 11020 Sun Center Drive, Suite 200

WEDNESDAY APRIL 20, 10:00 A.M.
TOUR OF ALPAUGH/ALLENSWORTH COMMUNITIES

On Wednesday, 20 April 2016, Members of the Central Valley Water Board participated in a field tour of the Disadvantaged Communities of Allensworth and Alpaugh.

TOUR OF ATWELL ISLAND WETLANDS

Members of the Central Valley Water Board continued the day with a tour of the Atwell Island Wetlands.

THURSDAY, APRIL 21, 9:00 A.M.

Chair, Dr. Longley called to order the 543rd Board Meeting of the California Regional Water Quality Control Board, Central Valley Region at 1685 E. Street, Fresno, CA 93706

BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Ramirez, Carmen
Schneider, Robert			

BOARD MEMBERS ABSENT

None			
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STATE BOARD MEMBERS PRESENT

Tam Doduc			
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STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT

Carrigan, Cris	Deeringer, Andrew	Ellison, Kailyn	Kaplowitz, Naomi
Pulupa, Patrick	Yu, Stephanie		

STAFF PRESENT

Altevogt, Andrew	Hatton, Scott	Morgan, Nichole	Scroggins, Matt
Baumann, Denise	Herbst, Charlene	Mostafa, Omar	Snyder, Clint
Benas, Daniel	Holmes, Kari	Mushegan, Alex	Warren, Eric
Creedon, Pamela	Jarvie, Zachary	Olson, Kaylan	Wass, Lonnie
Durrani, Khalid	Lanfranchi, Kiran	Patteson, Doug	Wilson, Angela
Getachew, Girma	Laputz, Adam	Rodgers, Clay	
Gross, Warren	Marshall, Jim	Rutherford, Sarah	
Harvey, Dale	Moreno, Roberto	Sauceda, Ralph	

OTHERS PRESENT

Anderson, Jim	Elzufon, Betsy	Lewis-Robert, Brittany	Samarin, Lynda
Balwinder	Emerson, Russell	Magana, Simona	Seyfried, Robert
Bryan, Michael	Garcia, Sandra	McCullar, Aidan	Simmons, Paul
Cady, Mark	Gosling, Doug	Merry, Liz	Slater, Michael
Cerrillo, Sal	Harlow, Loren	Miller, Michael	Somavarapu, Prabhakar
Costanzo, Neil	Jaegel, Tony	Nunes, Mike	Taylor, Michael
Creamer, Casey	Jensen, Ryan	Rice, Melissa	Teanu, Ernesto
Dobson, Christopher	Kramer, Gary	Samarin, Alex	Zimmerman, Christine

APPROVAL OF FEBRUARY 21/22 BOARD MEETING MINUTES

Motion to approve February 21/22 Board meeting minutes

Made by Member Costantino

Seconded by Vice-Chair Kadara

Member Costantino-yes

Member Schneider-yes

Vice-Chair Kadara-yes

Chair Longley- yes

Approved by Roll Call Vote of 4-0-0

Member Carmen Ramirez was not present at the Board meeting during the morning session.

APPROVAL OF MARCH 9 MINUTES OF THE BOARD WORKSHOP IN BAKERSFIELD, CA

Motion to approve March 9 Board Workshop minutes in Bakersfield, CA

Made by Vice-Chair Kadara

Seconded by Member Costantino

Member Costantino-yes

Member Schneider-abstain

Vice-Chair Kadara-yes

Chair Longley-yes

Approved by Roll Call Vote of 3-0-1

AGENDA ITEM 3

BOARD COMMUNICATIONS

Member Schneider said that he attended the (Northern California Water Association (NCWA) meeting in Chico. He also attended the Ann Schneider lecture (Annual lecture series put on by the California Water Foundation)

Vice-Chair Kadara said that she was recently asked to work with the Community Water Center to develop a structured program to see how we assist disadvantaged communities. Part of the efforts of the Tulare Lake Basin. She also mentioned about the tour that took place yesterday in the disadvantaged communities of Alpaugh and Allensworth.

Chair Longley said that he also attended the tour of the disadvantaged communities and thanked Vice-Chair Kadara for organizing such a great tour.

AGENDA ITEM 4

PUBLIC FORUM

Christine Zimmerman (Regulatory Affairs Advisor at Valley Water Management Company) said that their long term Manager, Larry Bright retired very recently and their new Manager is Russell Emerson. She also spoke about the new Pilot Treatment Project that they started construction on.

Alex Samaran asked for negotiation for Administrative Civil Liabilities (ACL) hearings to be held in Fresno. Legal Counsel Patrick Pulupa told Mr. Samaran that the Board will arrange hearing panels as identified in agenda item 6a on the agenda. The Board will further discuss this after lunch this afternoon.

AGENDA ITEM 5

STATE BOARD LIAISON UPDATE-INFORMATIONAL ITEM ONLY

State Board Member, Tam Doduc briefed the Board on the following:

- Workshop on water conservation regulation
- New online form for technical assistance for DACs
- Draft Wetlands policy and Dredge and Fill, to be released in early May
- State Board workshop on draft East San Joaquin order

AGENDA ITEM 6

EXECUTIVE OFFICER’S REPORT

Chair Longley commended Executive Officer and staff on the hard work which strongly reflects in the EO Report

AGENDA ITEM 6a

Consideration of Board Members to Serve on Irrigated Lands Program Enforcement Panel Hearings and Scheduling of Hearing Panel Dates and Locations, Information item only

Chair Longley gave a brief overview of what agenda item 6A was about. He said that the Board was going to form a panel which would require three Board Members. He said that the panel will meet in Fresno sometime in the fall. The panel will take their recommendations to the full Board meeting in Sacramento

Senior Legal Counsel, Patrick Pulupa said that it would be best to wait for Member Ramirez to be present before discussing agenda item 6a

Chair Longley deferred this item to the afternoon

**AGENDA ITEM 7
OTHER BUSINESS**

Resolution Adopting the Human Right to Water as a Core Value in Central Valley Water Board Programs and Activities

Adam Laputz, Assistant Executive Officer in the Sacramento office, presented the staff report

Sandra Garcia (Member of AGUA), Simona Magania (Community Water Center) and Ryan Jenson (Community Water Center) made additional comments

*Motion to adopt Resolution
Made by Member Costantino
Seconded by Vice-Chair Kadara
Member Costantino-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 4-0-0*

Member Ramirez was not present at this hearing

AGENDA ITEM 8

Status of Proposed General Order for Poultry Facilities – *Informational Item Only*

Dr. Girma Getachew presented the staff report. Ryan Jenson (Community Water Center) made additional comments. Clay Rodgers, Assistant Executive Officer in the Fresno office answered groundwater related questions for the Board. Doug Patteson, Supervisor in the Fresno office, answered questions for the Board

AGENDA ITEM 9

The Board approved uncontested agenda items 14 through 17

UNCONTESTED CALENDAR

AGENDA ITEM 14

NPDES PERMITS

- a. City of Chico, Chico Water Pollution Control Plant, Butte County – (NPDES Permit CA0079081) *(Renewal)*
- b. Sewerage Commission, Oroville Region, Oroville Wastewater Treatment Plant, Butte County– (NPDES Permit CA0079235) *(Renewal)*
- c. Sierra Pacific Industries Inc., Shasta Lake Division Sawmill, Shasta County – *(NPDES Permit CA0081400) (Renewal)*
- d. Sterling Caviar LLC, Sterling Caviar LLC Elverta Facility, Sacramento County – (NPDES Permit CA0085197) *(Renewal)*

AGENDA ITEM 15

WASTE DISCHARGE REQUIREMENTS

- a. California Department of Corrections and California Prison Industry Authority, Corcoran State Prison and California Substance Abuse Treatment Facility, Wastewater Treatment Facility and Dairy, Kings County– Order 95-267 *(Revision)*
- b. City of Lathrop, Lathrop Consolidated Treatment Facility, San Joaquin County – *(New)*
- c. Delta Packing Company and John Tecklenburg, Delta Packing Company, San Joaquin County – *(New)*
- d. Goldstone Land Company LLC and Kurt and Sandra Kautz, Bear Creek Winery, San Joaquin County– *(New WDRs and Consideration of Resolution for approval of Initial Study and Negative Declaration)*
- e. Lost Hills Sanitary Landfill, Class III Landfill, Post-Closure Maintenance, County of Kern– Order R5-2006-0046 *(Revision)*
- f. Rio Alto Water District, Lake California Wastewater Treatment Plant, Tehama County – *(New)*
- g. Shasta Renewable Resources LLC, and Anderson Plant LLC, Anderson Biomass Plant, Shasta County– *(New)*
- h. Sierra Pacific Industries, Chinese Camp Mill, Tuolumne County – Order 97-132 *(Revision)*

AGENDA ITEM 16

WASTE DISCHARGE REQUIREMENTS/RESCISSIONS

- a. Calaveras County Water District, Arnold Wastewater Treatment Plant, Calaveras County – 97-073
- b. Mt. Shasta Ski Park, Siskiyou County – Order 5-00-147
- c. ST Services, Stockton, San Joaquin County – Order R5-2003-0165

AGENDA ITEM 17

CHANGE OF NAME/OWNERSHIP

- a. Clayton Regency LLC, Clayton Regency Mobile Home Park WWTF, Contra Costa County– WDRs R5-2005-0160
- b. James Peoples, Quail Ridge Resort Mobile Home and RV Park, Yuba County–WDRs 95-130

*Motion to approve uncontested items 14 through 17
Made by Member Costantino
Seconded by Vice-Chair Kadara
Member Costantino-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 4-0-0*

Member Ramirez was not present during the deliberation of uncontested items 14 through 17

AGENDA ITEM 10

WASTE DISCHARGE REQUIREMENTS

Ardagh Glass Inc. and Air Liquide Industrial U.S. Limited Partnership, Glass Facility, Madera County – *Consideration of Revision of Order 85-314*

No one was present to contest or comment on this item. Scott Hatton informed the Board of late revisions

*Motion to adopt revised order with late revisions
Made by Vice-Chair Kadara
Seconded by Member Costantino
Member Costantino-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 4-0-0*

Member Ramirez was not present during this hearing

AGENDA ITEM 11

NPDES PERMITS

Sacramento Regional County Sanitation District, Sacramento Regional Wastewater Treatment Plant, Sacramento County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0077682)*

No one was present to contest or comment on this item.

*Motion to adopt NPDES Permit Renewal with late and late –late revisions
Made by Member Schneider
Seconded by Vice-Chair Kadara
Member Schneider-yes
Member Costantino-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 4-0-0*

Member Ramirez was not present during this hearing

AGENDA ITEM 12

ENFORCEMENT

Original Sixteen to One Mine, Inc., Sixteen to One Mine, Sierra County – *Consideration of Administrative Civil Liability Complaint for Assessment of Mandatory Minimum Penalties*

Alejandra Serratos presented the staff report. Kari Holmes discussed the penalties

Michael Miller (Original Sixteen to One Mines), submitted a letter and asked for it to be admitted into the records. The Chair allowed the letter to be admitted into the records. Ellison Kailyn (Attorney for the Prosecution team) and Patrick Pulupa, Senior Legal Counsel made comments. Adam Laputz (AEO) answered questions for the Board.

*Motion to adopt the ACL Complaint
Made by Member Schneider
Seconded by Vice-Chair Kadara
Member Schneider-yes
Member Costantino-yes
Vice-Chair Kadara
Chair Longley-yes
Approved by Roll Call Vote of 4-0-0*

Member Ramirez was not present during this hearing

LUNCH

The Board recessed for lunch at 12:00 p.m.

The Board meeting resumed at 1:00 p.m.

**CONTINUATION OF AGENDA ITEM 6a
Formation of Hearing Panel for ILRP**

Consideration of Board Members to Serve on Irrigated Lands Program Enforcement Panel Hearings and Scheduling of Hearing Panel Dates and Locations, Information item only

The Board held a discussion to consider a Board Member panel for the Irrigated Lands program enforcement hearings and schedule hearing dates and locations.

Patrick Pulupa (Attorney III) asked the Board to determine by a motion, whether the Board was interested in holding these hearing panels. After that, the Board could make nominations among its Members and also nominate Member backups for the panel.

The Board decided to hold the first panel hearing either on Thursday, November 4, 2016 or Friday, November 5, 2016.

Chair Longley, Vice-Chair Kadara and Member Ramirez volunteered to sit on the panel and asked Members Schneider and Costantino to be backups.

*Motion to Establish a Panel to meet in the Fresno area
Made by Member Ramirez
Seconded by Vice-Chair Kadara
Member Ramirez-yes
Member Schneider-yes
Member Costantino-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 5-0-0*

AGENDA ITEM 13

Malaga County Water District, Malaga County Water District Waste Water Treatment Facility, Fresno County – *Consideration of Administrative Civil Liability Order R5-2016-0512*

Mr. Neil Costanza, counsel for the Malaga County Water District Waste Water Treatment Facility (Discharger), made opening motions and the meeting commenced with the adoption of prehearing rulings, which the Advisory Team issued on March 18.

*Motion to ratify the prehearing rulings of the Board Chair
Made by Member Ramirez
Seconded by Member Schneider
Member Ramirez-yes
Member Schneider-yes
Member Costantino-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by Roll Call Vote of 5-0-0*

Dale Harvey (Prosecution Team and supervisor in the Fresno office) presented the Prosecution Team’s case-in-chief. Jim Anderson (Malaga) presented the Discharger’s case-in-chief. Neil Costanza cross-examined Dale Harvey. Naomi Kaplowitz (counsel for the Prosecution Team) cross-examined Jim Anderson (Malaga). Cris Carrigan (counsel for the Prosecution Team), Patrick Pulupa (counsel for the Advisory team), Clay Rodgers (Assistant Executive Officer in the Fresno office), and Melissa Hall (Prosecution Team) also made comments.

After cross-examination by both parties, the Board deliberated and adopted the Administrative Civil Liability.

Motion to adopt the Civil Administrative Liability late revisions

Made by, Member Ramirez

Seconded by Vice-Chair Kadara

Member Ramirez-yes

Member Schneider-yes

Member Costantino-yes

Vice-Chair Kadara-yes

Chair Longley-yes

Approved by Roll Call Vote of 5-0-0

Board Meeting adjourned at 5:45 p.m. to the June 22-24, 2016 Board meeting in Fresno, California