

MINUTES OF BOARD MEETING
 August 18-19, 2016 Board Meeting
 Central Valley Regional Water Quality Control Board
 11020 Sun Center Drive, Suite 200



THURSDAY, AUGUST 18, 9:00 A.M.

Chair, Dr. Longley called to order the 546th Board Meeting of the California Regional Water Quality Control Board, Central Valley Region at 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA

BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Schneider, Robert
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BOARD MEMBERS ABSENT

Ramirez, Carmen			
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STATE BOARD MEMBERS PRESENT

None			
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STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT

Boyers, David	Deeringer, Andrew	Elders, Jeff	Kaplowitz, Naomi
Loscutoff, Susan	Okamoto, Mayumi	Pulupa, Patrick	Yu, Stephanie

STAFF PRESENT

Altevogt, Andrew	Fogut, Tessa	McCrink, Marie	Taylor, James
Baumann, Denise	Hartzell, Marty	Meeks, Steve	Terrell, Amy
Bracamonte, Linda	Hatton, Scott	Mello, Joe	Wass, Lonnie
Chow, Bob	Hold, Howard	Morgan, Nichole	Wenzel, Alisha
Clardy, Mark	Joab, Christine	Murphy, John	Wood, Michelle
Coughlin, Gene	King, David	Patteson, Doug	Wyels, Wendy
Creedon, Pamela	Lanfranchi, Kiran	Rodgers, Clay	
Djuth, Gerald	Laputz, Adam	Shelton, Kristin	
Essary, Dale	McClure, Danny	Snyder, Clint	

OTHERS PRESENT

Carlson, Ray	Dunham, Tess	Laurenson, Brian	Tamayo, Dave
Charlton, Robin	Flores, Brittany	Lloyd, Delyn Ellison	Tearlink, Jennifer
Clark, Stephen	Fong, Stephanie	Nelson, Kirk	Turner, Melisa
Cory, David	Houdesheldt, Bruce	Peltier, Jean Marie	Webster, Debbie
Dobbs, Michael	Kadara, Kayode	Sweeney, Amelia	Weston, Donald
Dorn, Linda	Kennedy, Frank	Sweeney, James	
Duncan, David	Kubiak, Rachel		

AGENDA ITEM 3

BOARD COMMUNICATIONS

Member Schneider reported that he visited Hat Creek and spoke with the Farm Bureau and Cattlemen's Association about the Irrigated Lands Regulatory Program.

Vice-Chair Kadara said that she attends many meetings in Allensworth because there are a lot of issues related to water supply and water quality.

- In July she attended the Tulare County Water Commission on commercial well drilling issues
- Attended the Allensworth Community Services District meeting
- Attended the Deer Creek Stormwater District meeting, working to provide storage water
- Attended the annual Summer Night Lights Program

Chair Longley said that he attended a tour of Paradise Colony (Tulare County) on July 8 and CV-SALTS meetings in August. He said that he attended the Central Valley Regional Water Board workshop on Basin Planning yesterday.

Executive Officer Creedon said that, for those Board Members who could not attend the workshop, both staff and stakeholders are happy to come and have briefings with the Board Members to get them caught up on what was covered.

AGENDA ITEM 4 PUBLIC FORUM

Mr. Casey Ryan of the Colusa County Air Pollution Control District began to speak regarding air issues at the Morning Star Facility in Colusa County. Mr. Pulupa stopped Mr. Ryan from speaking because adjudication of violations at the Morning Star Facility was a pending item before the Board.

AGENDA ITEM 5 EXECUTIVE OFFICER'S REPORT

Christine Joab, Environmental Scientist in the Board's Sacramento office, gave a brief update on the recent cyanobacteria blooms in Shasta and Britton Lakes and Discovery Bay, and talked about the response efforts in protecting public health.

Executive Officer, Pamela Creedon presented Superior Accomplishment awards to the following staff:

- Amy Terrell (Engineering Geologist) and Kristin Shelton of the Sacramento office (Team Award)
- Denise Baumann, Assistant Governmental Program Analyst of the Fresno office

Member Schneider commented on the EO Report as follows:

- The successful completion of the four Sacramento Valley Water Quality Coalition management plans
- He commented on Budget Matters. He said that all the numbers were in for 2015/16. He said that he would like a short summary report to see how next year's budget is compared to this year's budget.

The Board went into closed session at 9:58 a.m. pursuant to Government Code section 11126, subdivision (c)(3) to receive advice from legal counsel regarding matters in litigation, specifically the Administrative Civil Liability order issued to the Morning Star Packing Company in 2016; Colusa County Superior Court Case No. 24162. The Board returned from closed session at 10:30 a.m.

AGENDA ITEM 7 ENFORCEMENT

Morning Star Packing Company, L.P. and Fred Gobel, The Morning Star Tomato Packing Plant, Colusa County—*Consideration of Amending Cease and Desist Order R5-2016-0007*

Prior to opening the Hearing, the Board Chair asked if the Board's Advisory Team had any procedural matters to discuss. Andrew Deeringer and Patrick Pulupa (Counsel for the Board's Advisory Team) informed the Board that Morning Star Packing Company was requesting that the Board broaden the scope of the hearing to consider additional revisions, which would require re-noticing the hearing.

Member Costantino said that he would move to broaden the scope of the hearing and continue this item to a future Board meeting.

Motion to instruct Board staff to re-notice the consideration of the proposed amendments to the Cease and Desist Order to allow the Board to consider more extensive revisions to the Cease and Desist Order
Made by Member Costantino
Seconded by Member Schneider
Member Costantino-yea
Member Schneider-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0

This item has been continued to a future board meeting

**APPROVAL OF MINUTES:
June 22 CV-SALTS Workshop**

Motion to approve minutes of the June 22 CV-SALTS Workshop
Made by Vice-Chair Kadara
Seconded by Member Schneider
Member Schneider-yea
Member Costantino-abstain
(Member Costantino was not present at the CV-SALTS Workshop on June 22)
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 3-0-1

Approval of June 23, 2016 Board Meeting Minutes

Motion to approve minutes of Thursday, June 23 Board Meeting
Made by Member Schneider
Seconded by Member Costantino
Member Schneider-yea
Member Costantino-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0

Approval of June 24, 2016 Board meeting minutes

Motion to approve minutes of Friday, June 24 Board Meeting
Made by Member Schneider
Seconded Vice-Chair Kadara
Member Schneider-yea
Member Costantino-abstain
(Member Costantino was not present at the June 24th meeting)
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 3-0-1

**AGENDA ITEM 6
BASIN PLANNING/OTHER BUSINESS**

Potential Basin Plan Amendments and TMDLs for the Control of Pyrethroid Pesticide Discharges – Board Workshop [Danny McClure (916) 464-4751]
Tessa Fogut, Environmental Scientist in the Sacramento office, presented the staff report
Pamela Creedon, Adam Laputz, and Patrick Pulupa, answered clarifying questions for the Board.

The following stakeholders provided comments to the Board:

- Michael Dobbs (Bayer Crop Science) and Tess Dunham (Somach Simms and Dunn)
- Debbie Webster (CVCWA)

- Stephen Louie (CA Department of Fish and Wildlife)
- Donald Weston (University of California Berkeley)
- Dave Tamayo (Sacramento Storm Water Quality Partnership)
- David Cory (San Joaquin Valley Drainage Authority/Westside San Joaquin River Valley Water Quality Coalition)

LUNCH

The Board recessed for lunch at 12:20 p.m. to receive advice from legal counsel regarding pending litigation in the following matters:

- Administrative Civil Liability Order Issued to Christopher Cordes, Eddie Axner, and Eddie Axner Construction, Inc. in 2015 – *Eddie Axner Construction, Inc. and Eddie Axner v. Central Valley Water Board* (Shasta County Sup. Ct., Case No. 183576)
- Administrative Civil Liability Order Issued to Sarbjit & Satwant Athwal in 2015 - *Athwal v. Central Valley Regional Water Quality Control Board* (Stanislaus County Sup. Ct., Case No. 2017515)

The Board meeting resumed at 1:29 p.m.

**AGENDA ITEM 8
WASTE DISCHARGE REQUIREMENTS**

Strathmore Community Service District, Wastewater Treatment Facility, Tulare County – *Consideration of Revision of Order 85-024*

No one was present to contest this item. Scott Hatton Senior Engineer in the Fresno office presented the staff report. Lonnie Wass and Pamela Creedon answered questions for the Board

*Motion to adopt Waste Discharge Requirements with late revisions
Made by Member Costantino
Seconded by Member Schneider
Member Costantino-yea
Member Schneider-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0*

**AGENDA ITEM 9
NPDES PERMITS**

City of Colusa, Colusa Wastewater Treatment Plant, Colusa County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0078999)*

No one was present to contest or comment on this item. The Board adopted this item based on information in the Board's files.

*Motion to approve adopt NPDES Permit with late revisions
Made by Member Costantino
Seconded by Vice-Chair Kadara
Member Costantino-yea
Member Schneider-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0*

**AGENDA ITEM 10
ENFORCEMENT**

Sweeney, James G. and Amelia M., Sweeney Dairy, Tulare County – *Consideration of Administrative Civil Liability Order*

Dale Essary, Senior Engineer in the Board’s Fresno Office, presented the Prosecution Team’s case-in-chief. Susan Loscutoff (Counsel for the Prosecution Team), Naomi Kaplowitz, (Counsel for the Prosecution team), Doug Patteson, and Clay Rodgers provided additional testimony and provided responses to the Board’s questions.

Ray Carlson (Counsel for the Discharger) examined Jim Sweeney (Discharger), who provided testimony to the Board on his behalf.

Patrick Pulupa, (Counsel for the Board’s Advisory Team) and Pamela Creedon, Executive Officer, gave clarifying answers to the Board

Member Schneider moved to adopt Administrative Civil Liability Order as recommended by the Prosecution Team Seconded by Member Costantino, giving direction to Prosecution Team to follow-up with an inspection of the Sweeney Dairy

*Motion to adopt Administrative Civil Liability
Made by Member Schneider
Seconded by Member Costantino
Member Schneider-yea
Member Costantino-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0*

Meeting adjourned at 3:30 p.m. to the next day

FRIDAY, AUGUST 19, 2016

AGENDA ITEM 12

Chair Longley called to order the 545th Board meeting of the Central Valley Regional Water Quality Control Board

BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Schneider, Robert
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BOARD MEMBERS ABSENT

Ramirez, Carmen			
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STATE BOARD MEMBERS PRESENT

Moore, Steven			
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STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT

Deeringer, Andrew	Kaplowitz, Naomi	Yu, Stephanie	Pulupa, Patrick

STAFF PRESENT

Aghazeynali, Hossein	Harvey, Dale	MacDonald, Alex	Sherrell, Trey
Altevogt, Andrew	Holcomb, Ron	Mahnke, Debra	Snyder, Clint
Berchtold, Dannas	Kuleza, Dana	McConnell	Stevens, Brett
Bracamonte, Linda	Lanfranchi, Kiran	Meeks, Glenn	Worth, Ashley
Creedon, Pamela	Laputz , Adam	Rodgers, Clay	

OTHERS PRESENT

Alleo, Bill	Emerson, Russell	Miller, Todd	Roth, Amy
Bayer, Kristine	Fernandez, Jerry	Moradi, Barbir	Sahota, Jag
Chambers, Ron	Glavin, Mike	Morsey, Shannon	Skinmore, Lauren
Chapman, Richard	Gore, Robert	Nagatani, Keith	Smith, Mark
Chung, Sam	Gruver, John	Nelson, Kirk	Tanaka, Teresa
Clark, Les	Hampton, Jesse	Oris, Debbie	Thorme, Melissa
Clary, Jennifer	Johnson, Michael	Ortiz, Nick	Toliver, Jackie
Cohen, Rivkah	Kadara, Kayode	Pitcher, Jennifer	Turner, Melissa
Cory, David	Klassen, Parry	Refsland, Leo	
Densmore, Maris	Little, Tim	Rivera, Willie	
Dunham, Tess	Meisginger, Greg	Rosegay, Meg	
Eggerton, Dave			

AGENDA ITEM 11

Introductions and Pledge of allegiance

AGENDA ITEM 13**BOARD MEMBER COMMUNICATIONS**

Chair Longley reported on two more meetings:

3 August met with Oil Representatives at the Board's Fresno Office

8 August, met with Representatives from NGOs regarding use of produced water from Petroleum production

AGENDA ITEM 14**PUBLIC FORUM**

Laurel Firestone, (Community Water Center) gave an update on the Supplemental Environmental Project Initiative for CWC

AGENDA ITEM 15

State Board Liaison update-Informational item only

State Board Member Steve Moore gave some updates to the Board. He touched on budget issues, some recent items that the State Board has dealt with, and some recent legislation.

AGENDA ITEM 16

Executive Officer's Report http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/

At the request of Bob Member Schneider, Linda Bracamonte, Assistant Executive Officer gave an update on budget issues

Executive Officer Creedon presented Superior Accomplishment award to Danna Berchtold (Sanitary Engineering Associate in the Redding Office) and Sustained Superior Accomplishment Team/Group Awards to the following staff for their work on the Cannabis Pilot Project:

- Ashley Worth, Environmental Scientist
- Trey (Roy) Sherrell Environmental Scientist
- Griffin Perea (Engineering Geologist)
- Kevin Pfeiffer (Engineering Geologist)
- Yvonne West (Senior Staff Counsel)
- Patrick Pulupa (Senior Staff Counsel)

**AGENDA ITEM 17
UNCONTESTED CALENDAR**

Adoption of uncontested calendar, Agenda Items 20 through 25.

No one was present to contest or comment on uncontested agenda items 20 through 25.

Clay Rodgers, Assistant Executive Officer informed the Board of late changes to agenda item: 22b, (Sierra Foothill Conservancy)

The Board adopted these items based on Information in the Board's files

*Motion to adopt uncontested items with late revisions on agenda items 22b
Made by Member Costantino
Seconded by Member Schneider
Member Costantino-yea
Member Schneider-yea
Vice-Chair Kadara-yea
Chair Longley-yea
Approved by roll call vote of 4-0-0*

**AGENDA ITEM 18
WASTE DISCHARGE REQUIREMENTS**

Waste Discharge Requirements General Orders for Oil Field Dischargers to Land within the Tulare Lake Basin –
Consideration of Adoption of New Waste Discharge Requirements

Jon Costantino stated that he was stepping down from the dais in an abundance of caution, due to the fact that he has clients in the oil industry that he works with on issues related to air quality.

The Board was without a quorum so they conducted the hearing as a Hearing Panel consisting of Board Member Schneider, Vice-Chair Kadara, and Chair Dr. Longley.

Ron Holcomb, Senior Engineering Geologist in the Fresno Office, and Hossein Aghazeynali, Water Resources Control Engineer, presented the staff report

The following stakeholders provided comments to the Board:

- Chris Hall (Drilling Production Company);
- Richard Chapman (Kern Economic Development Corp.)
- Shannon Morrissey (Stoel Rives)
- Jerry Fernandez (C&J Energy Services, Ltd.)
- Robert Hassebrock (Weatherford International, Inc.)
- Amy Roth (E&B Natural Resources)
- Russell Emerson (Valley Water Management Company)
- Melissa Thorne (Downey Brand LLP on behalf of Valley Water Management Company)
- Mark Smith (Engineers Oil Company)
- Lauren Skidmore (Kern Citizens for Sustainable Government)
- Benedict Lubbon (Jude Benedict & Associates)
- Nick Ortiz (Greater Bakersfield Chamber of Commerce)

Patrick Pulupa (Senior Legal Counsel) and Clay Rodgers, (Assistant Executive Officer) answered questions for the Board.

Board Hearing Panel recommended continuing the hearing.

Motion to continue the hearing made by Member Schneider

*Seconded by Vice-Chair Kadara
Member Schneider-yea
Vice-Chair Kadara-yea
Chair Longley-yea*

Motion to continue the hearing approved by roll call vote of 3-0-0

This order will be considered at a future Board meeting

**AGENDA ITEM 19
OTHER BUSINESS**

East San Joaquin Water Quality Coalition, Groundwater Quality Management Plan and Nitrogen Management Plan Summary Report Analysis – *Informational Item Only*

Dana Kulesza (Staff in the Irrigated Lands Program) presented the staff report.

Parry Klassen (East San Joaquin Water Quality Coalition) and Michael Johnson gave an overview of Grower Reporting and Coalition follow-up; Nitrogen Summary Report Analysis; Groundwater Quality Management Plans Reporting

Debbie Oris (Clean Water Action), Jennifer Cleary (Clean Water Action) David Cory made additional comments

Board meeting adjourned at 3:44 to the October 13/14, 2016 Board meeting in Redding, California