

****UPDATED 11/29/2016**

AGENDA

Public Meeting

**Central Valley Regional
Water Quality Control Board**



**Monday December 5, 2016– 9:00 a.m.
Tuesday, December 6, 2016 – 9:00 a.m.
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670**

THIS MEETING WILL BE WEBCAST

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify before the Board.
- Anyone speaking to the Board will be requested to complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- If the Board lacks a quorum, the Board may conduct a hearing as a Panel Hearing. However, the Board will not take final action on such an item until a quorum of the Board is present.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Board agendas and the minutes of prior meetings are posted on the Board's website at:
http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or klanfranchi@waterboards.ca.gov

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-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.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: http://www.waterboards.ca.gov/centralvalley/public_notices/ or can be obtained by calling the Board at: (916) 464-3291.

ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to the Board's Webmaster at 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.

MONDAY DECEMBER 5, 2016 – 9:00 A.M.

1. Introductions, Pledge of Allegiance
2. Meeting Rules and Procedures
3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken
4. 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*
5. State Board Liaison update
6. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)

OTHER BUSINESS

7. **AGENDA ITEM 7 WAS MOVED TO TUESDAY**
~~Economic Benefit and Ability to Pay – Informational Item Only~~ [Robert L'Heureux (916) 464-4736]

ENFORCEMENT

16. **AGENDA ITEM 16 WAS MOVED FROM TUESDAY**
[William R. Sinks et al., Madera County – Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order](#) [Adam Laputz, (916) 464-4726] - **Agenda item 16 was presented to the Board Panel at the November 3-4, 2016 Panel Hearings in Fresno, California**

BASIN PLANNING

8. [Clean Water Action Sections 305\(b\) and 303\(d\) Integrated Report for the Central Valley Region – Board Hearing to Consider a Resolution to Approve the Integrated Report and Revisions to the 303\(d\) List of Impaired Water](#)
[Michelle Wood (916) 464-4650]

ENFORCEMENT

9. [CMC Land Holdings LLC, 4207 W Linwood Avenue, Turlock, Stanislaus County – Consideration of Administrative Civil Liability](#) [Girma Getachew, (916) 464-4851]

TUESDAY, DECEMBER 6, 2016 –9:00 A.M.

10. Introductions, Pledge of Allegiance, and approval of minutes of the August 18/19, 2016 and October 13/14 Board meetings
11. Meeting Rules and Procedures
12. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken
13. 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*
14. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
15. The Board will be asked to approve items 21 through 25 to with no discussion if no one is here to testify about them.

ENFORCEMENT

16. **AGENDA ITEM 16 WAS MOVED TO MONDAY**

William R. Sinks et al., Madera County – Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order [Adam Laputz, (916) 464-4726]

17. [Joe Silveira, Merced County – Consideration of Administrative Civil Liability](#) [Wesley Ouimette, (916) 464-4667]

18. [Jim & Vera Kurnosoff, as Individuals and in their representative capacity as trustees for the J & V Revocable Trust, Fresno County – Consideration of an Administrative Civil Liability Order](#) [David Sholes (559) 445-6279]

19. ~~Pereira, John V., Pereira Family Dairy, Tulare County – Consideration of Administrative Civil Liability Order~~ [Dale Essary (559) 445-5093] – **AGENDA ITEM 19 HAS BEEN REMOVED**

WASTE DISCHARGE REQUIREMENTS

20. [Poultry Operations within the Central Valley Region – Consideration of Waste Discharge Requirements General Order](#) [Jennifer Haynes, (916) 464-4735]

OTHER BUSINESS

7. **AGENDA ITEM 7 WAS MOVED FROM MONDAY**

[Economic Benefit and Ability to Pay – Informational Item Only](#) [Robert L'Heureux (916) 464-4736]

UNCONTESTED CALENDAR

(Cal. Code Regs., tit. 23, § 647.2, subd. (f).)

Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar and taken up in the regular agenda in an order determined by the Board Chair.

ENFORCEMENT

21. [Collins Pine Company, Chester Sawmill, Plumas County – Consideration of Amended Cease and Desist Order R5-2015-0128](#) [Jeremy Pagan, (530) 224-4850]

OTHER BUSINESS

22. [Town of Paradise, Butte County – Consideration of Approval, Local Agency Management Program](#) [Eric Rapport, (530) 224-4998]

23. NPDES PERMITS

- a. [City of Willows Wastewater Treatment Plant, Glenn County – \(NPDES Permit CA0078034\) Renewal](#)
- b. [French Gulch \(Nevada\) Mining Corporation and U.S. Department of Interior, Bureau of Land Management, Washington Mine, Shasta County– \(NPDES Permit CA0085294\) \(Renewal\)](#)

24. WASTE DISCHARGE REQUIREMENTS

- a. [California Department of Corrections and Rehabilitation, Pleasant Valley State Prison, Wastewater Treatment Facility, Fresno County – Order 94-179 \(Revision\)](#)
- b. [California Resources Corporation, LLC and North Kern Water Storage District, Oil Field Produced Water Reclamation Project, Kern County – Order R5-2015-0127 \(Amendment\)](#)
- c. [County of Yolo, Department of Community Services, Yolo County Central Landfill, Yolo County – Order R5-2007-0180 \(Revision\)](#)
- d. [General Orders for Growers within the Tulare Lake Basin Area and Western Tulare Lake Basin Area that are Members of a Third-Party Group – Orders R5-2013-0120 and R5-2014-0001 \(Revision\)](#)
- e. [Gloriann Farms, Inc. and Mark Bacchetti, Gloriann Farms Food Processing Facility, San Joaquin County – Order R5-2012-0037 \(Revision\)](#)
- f. [McManis Family Vineyards, McManis Family Vineyards, Inc., San Joaquin County, \(New\)](#)
- g. [Teichert Aggregates, Hallwood Facility, Yuba County – Order R5-2002-0138-01 \(Revision\)](#)
- h. [University of California Davis, USDA Aquatic Weed Control Laboratory, J. Amorocho Hydraulics Laboratory, & Center for Aquatic Biology and Aquaculture Aquatic Center, Yolo County – Order R5-2015-0137 \(Revision\)](#)
- i. [WM Bolthouse Farms, Inc., Bakersfield Processing Facility, Kern County – Order 5-00-150 \(Revision\)](#)

25. **WASTE DISCHARGE REQUIREMENTS/NPDES – RESCISSIONS**

- a. [Compost Solutions, Order R5-2007-0088](#)
- b. [Creekside Subdivision, Plumas County, Order 93-002](#)
- c. [Dickey Exploration Company, Oriental Mine, Sierra County, Order 76-81](#)
- d. [KY Packing, LLC, Reedley Packing Facility, Fresno County, Order 91-005](#)
- e. [Northshore Campground, Plumas County, Order 90-296](#)
- f. [Rio Vista Mobile Estates, Tehama County, Order 93-086](#)
- g. [Seneca Mine, Plumas County, Order R5-2015-0074](#)
- h. [Wadham Energy Limited Partnership, Eddy Road Rice Hull Ash Monofill, Colusa County, Order 94-008](#)

CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3).), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)). Current litigation involving the Board:

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

- a. Cleanup and Abatement Order Issued for the Cleanup of Dixon Park in 2005 – *ConAgra Foods and Monfort, Inc. v. Central Valley Water Board* (Solano County Sup. Ct., Case No. FCS027420)
- b. NPDES Permit Issued to Sacramento Regional Wastewater Treatment Plant in 2010 – *California Sportfishing Protection Alliance v. Central Valley Water Board et al.* (Sacramento County Sup. Ct., Case No. 34-2013-80001358)
- c. Administrative Civil Liability Orders R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119 and 13267 Order Requiring Monitoring of the Sweeney Dairy – *James G. Sweeney, et al. v. State Water Board, et al.* (Fresno County Sup. Ct. Case No. 15CEG02063)
- d. Administrative Civil Liability Order Issued to Henry Tosta Dairy in 2013 – *Henry J. Tosta, et al. v. Central Valley Water Board, et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318863-CU-WM-STK)
- e. Administrative Civil Liability Order Issued for Mandatory Minimum Penalties to Malaga County Water District in 2013 – *Malaga County Water District v. Central Valley Water Board et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03576, removed to Madera County Sup. Ct., Case No. MCV071280)
- f. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2016-0038 [NPDES No. CA0077712] – Petition filed by California Sportfishing Protection Alliance (State Water Board File No. A-2490)
- g. Dairy General Waste Discharge Requirements, Reissued in 2013 – *Asociación de Gente Unida por el Agua et al. v. Central Valley Water Board* (Ca. Ct. of Appeal. 3rd DCA, Case No. C066410; Sacramento County Sup. Ct., Case No. 34-2008-00003604)
- h. Cleanup and Abatement Order Issued for Cleanup of Walker Mine in 2014 – *Atlantic Richfield Company v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2014-80001875)
- i. Cleanup and Abatement Order Issued for Cleanup of Mt. Diablo Mercury Mine in 2014 – *Sunoco, Inc. v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2016-80002282)
- j. NPDES Permit and Cease and Desist Order Issued to Malaga County Water District in 2014 – *Malaga County Water District v. State Water Resources Control Board, et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03919, removed to Madera County Sup. Ct., Case No. MCV071279)
- k. 13267 Order Issued to Modus, Inc. in 2015 – *Modus, Inc. v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; Central Valley Water Board* (Fresno County Sup. Ct., Case No. 15CECG03668)
- l. 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)
- m. Administrative Civil Liability Order Issued to Sarbjit & Satwant Athwal in 2015 - *Athwal v. Central Valley Regional Water Quality Control Board* (Stanislaus County Superior. Court, Case No. 2017515)
- n. Administrative Civil Liability Order Issued to Morning Star Packing Company, L.P., in 2016 - *Morning Star Packing Company, L.P. v. California Regional Water Quality Control Board, Central Valley Region, et al.* (Colusa County Superior Court, Case No. 24162)

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. Injunctive Relief for Tosta Dairy – *Central Valley Water Board v. Henry J. Tosta et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318144-CU-MC-STK)
- d. Orland Sand and Gravel Facility – *People ex rel. Central Valley Water Board, Dept. of Fish and Wildlife v. Orland Sand and Gravel Corp. et al.* (Glenn County Sup. Ct., Case No. 15CV01436)
- e. Greener Globe Landfill – *People ex rel. Central Valley Water Board v. A Greener Globe Corporation* (Placer County Sup. Ct., Case No. SCV13231)

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

- a. City of Stockton, WDRs Order R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order R5-2014-0071 (State Water Board File No. A-2315)
- b. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238)
- c. 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))
- d. 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)
- e. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2302)
- f. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2301)
- g. 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., Michael and Yvonne LaSalle, and Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2278(a) through (c))
- h. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2292)
- i. Valley Water Management Company, Cease and Desist Order R5-2015-0093 – Petitions filed by Valley Water Management Company, Clean Water Action, and the Central California Environmental Justice Network (State Water Board File Nos. A-2148(a), A-2148(b), and A-2148(c))
- j. Malaga County Water Dist., ACL Order R5-2016-0022 – Petition filed by Malaga County Water Dist (State Water Board File No. A-2479)
- k. Sacramento County Sanitation District, WDRs Order R5-2016-0020 [NPDES No. CA0077682] – Petition filed by California Sportfishing Protection Alliance (State Water Board File No. A-2480)

MEETING PROCEDURES

The Central Valley Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders and Amendments. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item.

The statutes and regulations that govern the Central Valley Water Board's meetings can be found at:
http://www.waterboards.ca.gov/laws_regulations/

All persons may speak at a Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral presentations will be limited in time by the Board Chair, and a timer may be used. Where speakers can be grouped by affiliation or interest, such groups are expected to select a spokesperson and to not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not generally be admitted. Any person requesting to submit late materials must demonstrate good cause, and the Chair must find that the admission of the late materials would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule to avoid severe hardship.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

(Including the issuance of Waste Discharge Requirements, NPDES Permits, Conditional Waivers, and certain Enforcement Orders, including Cleanup and Abatement and Administrative Civil Liability Orders)

The regulations for adjudicative proceedings are found in California Code of Regulations, title 23, sections 648 et seq. An adjudicative proceeding is a hearing to receive evidence for the determination of facts pursuant to which the Board formulates and issues a decision.

Evidence: Adjudicative hearings are not conducted according to the technical rules of evidence; the Board will accept any evidence that is reasonably relevant. It is the policy of the Board to discourage the introduction of surprise testimony and exhibits. Hearsay evidence may be used to supplement or explain other evidence.

Designated Parties: Designated Parties are persons named in a proposed order, anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board's Prosecution Team. Designated Parties have the right to call and examine witnesses, receive witness lists from other Designated Parties, introduce exhibits, cross-examine opposing witnesses, rebut evidence, make or oppose evidentiary objections, and make opening and/or closing statements.

Interested Persons: All persons who wish to participate in the hearing but who are not Designated Parties are Interested Persons. Interested Persons may present non-evidentiary policy statements or comments, either orally or in writing, but will not be subject to cross-examination. Interested Parties may be asked to respond to clarifying questions from the Board, staff, or others.

Order of Proceeding: for adjudicative hearings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Testimony by Board staff, followed by testimony by Designated Parties named in the Order or Permit, followed by testimony of other Designated Parties
- Cross-examination of Board staff, followed by cross-examination of Designated Parties named in the Order or Permit, followed by cross-examination of other Designated Parties
- Statements of Interested Persons
- Closing statement by Designated Parties other than those named in the Order or Permit, then closing statement by Designated Parties named in the Order or Permit, followed by closing statement by Board staff
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board

Closing statements are not to be used to introduce new evidence or testimony. Persons wishing to introduce exhibits (i.e., maps, charts, photographs) must leave them with the Board.

PROCEDURE FOR RULEMAKING AND INFORMATIONAL PROCEEDINGS

(Including Basin Planning, Rulemaking, Setting of Policy, and Workshops)

The regulations for rulemaking and informational proceedings are found in California Code of Regulations, title 23, sections 649 et seq. Rulemaking proceedings include hearings designed for the adoption, amendment, or repeal of any rule, regulation, or standard of general application. Informational proceedings include any hearings designed to gather and assess facts, opinions, and other information relevant to any matters within the jurisdiction of the Boards and whose primary purposes are to assist the Boards in the formulation of policy or guidelines for future Board action, to inform the public of Board policies, reports, orders, plans, or findings, and to obtain public comment and opinion with respect to such policies, reports, orders, plans, or findings, or to adopt such policies, reports, orders plans, or findings.

For rulemaking and informational proceedings, the Board does not distinguish between Designated Parties and Interested Persons; the Board will accept any evidence that is reasonably relevant, provided that it is submitted in accordance with any item-specific Notice or Hearing Procedure.

Order of Proceeding: for rulemaking and informational proceedings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Opening statement by the Board summarizing the subject matter and purpose of the proceeding
- Presentation by Board staff
- Presentations by all other persons
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board (as appropriate)

PETITION PROCEDURE

Any person aggrieved by an action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the issuance of the Order, except that if the thirtieth day following the issuance of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

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

The primary duty of the Central Valley Water Board is to protect the quality of the waters within the Central Valley 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.

BOARD MEMBERS	CITY OF RESIDENCE	TERM EXPIRES
Jon Costantino	Grass Valley	9/30/2019
Carmen L. Ramirez*	Atwater	9/30/2017
Karl E. Longley	Fresno	9/30/2017
Robert Schneider	Davis	9/30/2018
Denise Kadara	Allensworth	9/30/2018

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

Pamela C. Creedon, **Executive Officer**
 Kiran Lanfranchi-Rizzardi, **Administrative Assistant II/Clerk to the Board**
 Patrick Pulupa, **Attorney III**
 Stephanie Yu, **Attorney III**
 Andrew Deeringer, **Attorney I**

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 Stewart Black
 Sue McConnell
 Wendy Wyels

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Anne Littlejohn
 Brett Stevens
 Charlene Herbst
 Cori Condon
 Daniel McClure
 Elizabeth Lee
 Gerald Djuth
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 Matt Scroggins
 Ron Holcomb

Russell Walls
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 Shelton Gray
 Warren Gross

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