



MINUTES OF BOARD MEETING

April 6/7, 2017 Board Meeting
 Veterans Memorial Hall
 808 4th Street,
 Clovis, CA 93612

DRAFT MINUTES APRIL 6/7, 2017

THURSDAY, APRIL 6, 2017

Chair Longley called to order the 550th Board meeting of the central Valley Regional Water Quality Control Board

BOARD MEMBERS PRESENT

Brar, Raji	Kadara, Denise	Longley, Karl	Marcum, Daniel
Schneider, Robert			

BOARD MEMBERS ABSENT

Costantino, Jon	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

Deeringer, Andrew	Pulupa, Patrick	Yu, Stephanie	Bishop, Jonathan
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STAFF PRESENT

Aghazeynali, Hossein	Creedon, Pamela	Lopez, Alejandra	Sholes, Dave
Altevogt, Andrew	Dentoni, Nicolette	Mahoney, Joshua	Singh, Lovdeep
Asami, Rebecca	Ellison, Marcus	Meeks, Glenn	Smith, Bryan
Baca, Jorge	Harvey, Dale	Merino, Mercedes	Snyder, Clint
Baumann, Denise	Hatton, Scott	Moreno, Roberto	Soto, Bethany
Brownell, Jim	Holcomb, Ronald	Pfisher, Mike	Sutton, Lorin
Carlson, Daniel	Jarvie, Zachary	Pyle, Jeff	Toto, Anthony
Carpenter, Katie	Lanfranchi-Kiran	Rapport, Eric	Wass, Lonnie
Chilcott, Jeanne	Laputz, Adam	Rodgers, Clay	Whiting, John
Chow, Bob	LittleJohn, Anne	Sauceda, Ralph	

OTHERS PRESENT

Allayaud, Bill	Fuller, Dustin	Margargee, Mark	Rosegay, Meg
Ansolabehere, David	Gallock, Charlotte	McGlothlin, Chris	Rosenberger, Laura
Auffant, Abby	Gordus, Andy	McNeal, Rachel	Schloss, Jimmy
Bass, Brenda	Gore, Robert	Mele, Paul	Silva, Megan
Bean, John	Guice, Rod	Miller, Todd	Skortson, Svetlana
Boyer, Kristine	Hall, Chris	Monaco, Amanda	Soto, Jose
Carlton, Gary	Harlow, Loren	Nakatani, Keith	Sutter, Justin
Chambers, Ron	Harrigfeld, Karna	Nordstrom, Michael	Thorne, Melissa
Clairborne, Michael	Horne, Randy	Pelland, Brian	Topic, Joe
Clark, Les	Hussain, Amer	Pitcher, Jennifer	VanNatta, Monica
Cory, David	Jonan, Chuck	Reed, Alyssa	Waldron, Jim
Creamer, Casey	Kettler, Will	Reedy, Chris	Watson, Brittany
Fernandez, Jerry	Lake, Jason	Robinson, Jim	
Fox, Wayne	Lemus, Jose	Roth, Amy	

AGENDA ITEM 3-BOARD MEMBER COMMUNICATIONS

Member Marcum said that he visited staff in the Central Valley Water Board, Fresno office. He also visited Chair Longley who gave him a tour of the Fresno State University. Later that day, Member Marcum went to the California Water Institute and met people there. Dr. Longley said that Sarge Green (California Water Institute) was also in the meeting

Member Schneider said that the annual Anne J. Schneider lecture series, sponsored by the Water Education Foundation will be held on April 12 at the Crocker Art Museum in Sacramento. The speaker this year will be Bob Meadows. On March 14 and 15 he attended the fire State of Mendocino meeting in Clear Lake. He thanked Clint Snyder and his staff for attending the meeting as well. The emphasis on the meeting was urban interface. He also got an aerial view of Putah and Cache Creeks, looking at previous burns

Vice-Chair Kadara said that yesterday evening (April 6th) she attended a Region 9 drinking water roundtable meeting in Visalia hosted by the Community Water Center. On March 23 she attended a Community Leaders Network Group meeting (facilitated by Community Water Center). Participants were board members and community leaders that meet to discuss water district related issues of disadvantaged communities.

Chair Longley reported the following communications:

- On March 2 and 3 Chair Longley attended the Multi-State Salinity Coalition meeting in Las Vegas where he was a presenter
- On March 6 Chair Longley participated in a meeting of regional board chairs with State Board Member Steve Moore and State Board staff
- On March 7 Chair Longley was a panel member for a workshop held at the Clovis Veterans Memorial Hall and titled, "Water Stress and a Changing San Joaquin Valley," and sponsored by the Public Policy Institute of California
- On March 12 Chair Longley attended a meeting at the Veteran's Memorial Hall sponsored by the Maddy Institute and the Public Policy Institute of California that addressed San Joaquin Valley water issues
- On March 24 together with AEO Clay Rodgers, Dale Harvey and Will Stringfellow, Chair Longley met with Cawello Water District representatives at their headquarters to brief on sampling protocol and to set dates for citrus sampling for citrus irrigated with produced water
- On March 29, together with EO Pamela Creedon and AEO Clay Rodgers, Chair Longley participated in a briefing on oil field activities within the CVWB that was provided to Saul Gomez of the Governor's Office and Gordon Burns, Under Secretary, CalEPA
- On 3 April Chair Longley participated in a meeting of regional board chairs (conference call) that included State Board Vice-Chair Moore and State Board staff

AGENDA ITEM 4-PUBLIC FORUM

No one was present to comment on any items

AGENDA ITEM 5-UPDATE BY STATE BOARD LIAISON

No updates were provided

EXECUTIVE OFFICER'S REPORT-AGENDA ITEM 6

Member Schneider commented on page 39 of the Executive Officer's report. He thanked staff for the follow up in the report

Chair Longley had questions on NPDES reports. Adam Laputz (Assistant Executive Officer) answered questions for the Board

Executive Officer Pamela Creedon presented Superior Accomplishment Award to John Whiting (Engineering Geologist in the Fresno Office)

Chair Longley presented a resolution to Lonnie Wass (Supervising Water Resources Control Engineer on his retirement from the California Regional Water Quality Control Board, where he served for the last 36 years

BASIN PLANNING-AGENDA ITEM 7

Proposed Basin Plan Amendment to Remove the Municipal and Domestic Supply (MUN) and Agricultural Supply (AGR) Beneficial Uses within a Designated Horizontal and Vertical Portion of the Tulare Lake Bed

Glen Meeks (Senior Engineering Geologist in the Salinity Program in the Rancho Cordova Office) presented the staff report.

Comments by Interested Persons:

Michael Clairborne (Attorney with Leadership Council for Justice and Accountability)

Michael Nordstrom (Tulare Lake Water District) thanked Board staff, Clay Rodgers, Dave Sholes, Jeanne Chilcott and Glenn Meeks for their coordinated efforts for a very lengthy process. He also acknowledged the CV-SALTS process

Jeanne Chilcott (Program Manager) Patrick Pulupa (Senior Legal Counsel) and Executive Officer Creedon answered questions for the Board

Executive Officer Creedon requested adoption of the order with changes proposed by staff

*Motion to adopt the Basin Plan with late Amendments
Made by Member Brar
Seconded by Vice-Chair Kadara
Member Brar-yes
Member Schneider -yes
Member Marcum-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

LOCAL AGENCY MANAGEMENT PROGRAM (LAMP)-AGENDA ITEM 8

Fresno County Environmental Health Division, Fresno County - *Consideration of Resolution to Approve Local Agency Management Program*

Eric Rapport (Senior Engineering Geologist) presented the staff report. Lonnie Wass (Senior Supervising Engineer) and Patrick Pulupa (Senior Legal Counsel) answered questions for the Board

Testimony by Fresno County

William Kettler (Public Works and Planning Development, County of Fresno)
Wayne Fox (Director of Environmental Health, Fresno County)

Testimony by Leadership Council for Accountability

Amanda Monaco

Lonnie Wass made closing statements. Executive Officer Creedon recommended adoption of the Resolution with late revisions

*Motion to adopt Resolution with late revisions
Made by Member Schneider
Seconded by Vice-Chair Kadara
Member Schneider-yes
Member Brar-yes
Member Marcum-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

ENFORCEMENT-AGENDA ITEM 9

~~Konark Ranches LLC, Kern County – Consideration of Administrative Civil Liability~~

This item was removed from the agenda and will be heard at a future board meeting

LUNCH/CLOSED SESSION

The Board recessed for lunch at 12:02 p.m. to discuss and receive advice from Legal Counsel on the following matters:

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

1. *Administrative Civil Liability Order Issued to Henry Tosta Dairy in 2013 – Henry J. Tosta, et al. v. Central Valley Water Board,*

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

2. *CMC Land Holdings, LLC, ACL Order R5-2016-0084 – Petition filed by CMC Land Holdings, LLC*

Board meeting resumed at 1:05 p.m.

BASIN PLANNING-AGENDA ITEM 10

Proposed Basin Plan Amendment to Establish Salinity Water Quality Objectives in the Lower San Joaquin River – *Board Hearing to Receive Oral Comments*

Jim Brownell (Geologist in the Sacramento office) Anne Littlejohn (Senior Environmental Scientist in the Sacramento office) presented staff reports. Pamela Creedon (Executive Officer), Jeanne Chilcott (Program Manager) and Patrick Pulupa (Senior Legal Counsel) answered questions for the Board

Presentations by Lower San Joaquin River Committee

- David Cory (San Joaquin Drainage Authority)
- Karna Harrigfeld (Stockton Water District)
- Melissa Thorne (Downey Brand)
- Brenda Bass (Somach Simmons and Dunn)

The Board Chair closed the hearing and announced that this item will be brought back to the Board at the June 2017 Board Meeting

WASTE DISCHARGE REQUIREMENTS-AGENDA ITEM 11

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

Stephanie Yu (Senior Legal Counsel) spoke about late comment letters received and other legal issues

Ron Holcomb (Senior Engineering Geologist) and Hossein Aghazeynali (Water Resources Control Engineer) presented staff reports. Dale Harvey (Water Resources Control Engineer) Stephanie Yu (Senior Legal Counsel), Clay Rodgers, (AEO) and Patrick Pulupa (Senior Legal Counsel) answered clarifying questions for the Board

Oil Fields Industry Panel

- Jennifer Pitcher (Western State Petroleum)
- Bob Gore (California Independent Petroleum Association)
- Meg Rosegay (Western State Petroleum)
- Les Clark (Independent Oil Producers' Agency)
- Ron Chambers (Aera Energy)

Environmental Group

- Bill Allayaud (Environmental Working Group)
- Keith Nakatani (Clean Water Action)

Interested Parties

- Chris Hall (Independent Oil Producer)
- Melissa Thorme (Downey Brand)
- Amy Roth (E&B Natural Resources)
- Mark Margargee (Hydrogeologist)

Stephanie Yu (Senior Legal Counsel) walked the Board through all the late revisions. Clay Rodgers made closing statements.

*Motion to adopt Order Number One with late revisions
Made by Member Schneider
Seconded by Vice-Chair Kadara
Member Schneider-yes
Member Brar-yes
Member Marcum-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

*Motion to adopt Order Number Two with late revisions
Made by Member Marcum
Seconded by Vice-Chair Kadara
Member Marcum-yes
Member Brar-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

*Motion to adopt Order Number Three with late late late revisions
Made by Member Brar
Seconded by Member Marcum
Member Brar-yes
Member Marcum-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

OTHER BUSINESS-AGENDA ITEM 12

Oil Field Update– *Informational Item Only*

Clay Rodgers (AEO) presented the staff report

Jonathan Bishop, (Chief Deputy Director at SWRCB) talked about SB4. He thanked staff for adhering to a project that had such strict timelines

David Ansolabehere (Cawelo Water District) made additional comments

The board meeting adjourned at 7:01: p.m. to the next day

FRIDAY, APRIL 7, 2017

Chair Longley called to order the 550th Board meeting of the Central Valley Regional Water Quality Control Board

BOARD MEMBERS PRESENT

Brar, Raji	Kadara, Denise	Longley, Karl	Marcum, Daniel
Ramirez, Carmen	Schneider, Robert		

BOARD MEMBERS ABSENT

Costantino, Jon			
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SWRCB OFFICE OF CHIEF COUNSEL STAFF AND OTHER STATE BOARD STAFF PRESENT

Boyers, David	Elder, Brian	Loscuttoff, Susan	Pulupa, Patrick
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STAFF PRESENT

Altevogt, Andrew	Hernandez, Christine	Moreno, Roberto	Snyder, Clint
Baumann, Denise	Jones, Henry	Patteson, Doug	Sutton, Lorin
Carlson, Daniel	Lanfranchi, Kiran	Rodgers, Clay	Wass, Lonnie
Chilcott, Jeanne	Laputz, Adam	Sauceda, Ralph	
Chow, Bob	Lopez, Zaira	Sisk, Chris	
Essary, Dale	Merino, Mercedes	Smith, Bryan	

OTHERS PRESENT

Barnes, Kevin	Hullar, Paul	Raley, Elwood	Winther, Jarrett
Carlson, Roy	Kranz, Kristel	Sweeney, Amelia	
Cozad, Daniel	Lake, Jason	Sweeney, Jim	
Creamer, Casey	Lewis, William	Tufenkjian, Cristel	

APPROVAL OF MINUTES FROM THE MARCH 9, 2017 CV-SALTS HEARING

*Motion to Adopt the March 9, 2017 Minutes
Made by Member Brar
Seconded by Member Schneider
Member Brar-yes
Member Schneider-yes
Member Marcum-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0*

Chair Longley announced that Board Member Ramirez will be arriving late as she was caught in traffic

BOARD MEMBER COMMUNICATIONS—AGENDA ITEM 15

None reported

PUBLIC FORUM-AGENDA ITEM 16

No was present to contest or comment on any items

EXECUTIVE OFFICER’S REPORT-AGENDA ITEM 17

No comments were made

UNCONTESTED CALENDAR AGENDA ITEM 18

Approval of Uncontested agenda items 19 and 23 through 28

AGENDA ITEM 19

River Highlands Community Services District, County of Yuba, and Gold Village Land Development, LLC, Hammonton Gold Village Wastewater Treatment Plant, Yuba County – *Consideration of NPDES Permit Renewal (NPDES No. CA0081574) (THIS ITEM WAS MOVED TO THE UNCONTESTED)*

ENFORCEMENT-AGENDA ITEM 23

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

NPDES PERMITS/ENFORCEMENT-AGENDA ITEM 24

- a. Bear Valley Water District, Wastewater Treatment Facility, Alpine County –Order R5-2016-0045 (NPDES CA0085146) *(Amendment)*
- b. City of Mt. Shasta WWTP, Siskiyou County, R5-2012-0087 *(Amendment)*

LOCAL AGENCY MANAGEMENT PROGRAMS (LAMPS)-AGENDA ITEM 25

- a. Glenn County Environmental Health Department
- b. Madera County Environmental Health Division
- c. Mariposa County Health Department
- d. Merced County Division of Environmental Health
- e. Nevada County Environmental Health Department
- f. Placer County Environmental Health Department
- g. San Joaquin County Environmental Health Department

WASTE DISCHARGE REQUIREMENTS AND CEASE AND DESIST ORDERS-AGENDA ITEM 26

- a. Burney Water District, Burney Wastewater Treatment Plant, Shasta County, *(Revised)*
- b. City of Bakersfield, Bakersfield Sanitary Landfill, Class III Landfill, Post-Closure Maintenance, Kern County – Orders R5-2005-0135 and R5-2006-0021 *(Revised)*
- c. City of Delano, Wastewater Treatment Facility, Kern County – Order No. 5-01-247 *(Revised)*
- d. Colusa County Department of Public Works, Evans Road Landfill, Colusa County (WDRs Order R5-2002-0124) *(Revised)*
- e. Kings Waste and Recycling Authority, Houston Avenue Landfill, Class III Landfill, Post-Closure Maintenance, Kings County – Order 5-00-160 *(Revised)*

NPDES PERMIT AND TIME SCHEDULE ORDER RESCISSION-AGENDA ITEM 27

- a. City of Williams, Wastewater Treatment Plant, Colusa County –Order R5-2014-0079 (NPDES CA0077933)
- b. Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility, Tulare County – Order R5-2013-0048 and Order R5-2015-0049
- c. Southern California Edison Company, Big Creek Powerhouse No. 1, Domestic Wastewater Treatment Plant, Fresno County – Order R5-2012-0048 (NPDES CA0079545) and Order R5-2012-0049

WASTE DISCHARGE REQUIREMENTS/NPDES PERMITS/CDO –RESCISSIONS-AGENDA ITEM

- a. J. G. Boswell Company Class II Surface Impoundment, Kings County –Order 97-009
- b. Butte County CSA No. 141/Mountain Oaks Properties, Butte County, *Order 93-206*
- c. City of Live Oak, Wastewater Treatment Plant, Sutter County –*Order R5-2009-0012-02 (NPDES CA0079022)*
- d. Willows Safety Roadside Rest Area, Glenn County, *Order 85-320*
- e. Jelly’s Ferry Road Septage Disposal Site, Tehama County, *Order 99-038*

*Motion to adopt uncontested items 19 and 23 through 28 with late revisions on
 Agenda items 19 and 23
 Made by Vice-Chair Kadara
 Seconded by Member Schneider
 Member Schneider-yes
 Member Brar-yes
 Member Marcum-yes*

Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 5-0-0

OTHER BUSINESS-AGENDA ITEM 20

Update on the Activities of the CV-SALTS Public Education and Outreach Committee – *Informational Item only*

Daniel Cozad, (Outreach Committee) gave an overview on the activities of the CV-SALTS public education and outreach committee

Member Schneider said that it would be good to have a 20 minute presentation plus 10 minute question and answer session as part of the Executive Report .The presentation would focus on the three offices, Redding presentation to be held during the October Board Meeting, Fresno presentation during the April Board Meeting and the Rancho Cordova presentation during a Rancho Board meeting.

Vice-Chair Kadara said that ever since she has been on the Board she has found the CV-SALTS to be very engaging and comprehensive

ENFORCEMENT-AGENDA ITEM 21

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

Patrick Pulupa (Senior Legal Counsel for the Advisory team) said that on March 17 after consultation with the Board Chair, issued a ruling with respect to many of the objections and clarifications that were made. Counsel Pulupa distributed the document containing those objections/clarifications to the Board

Ray Carlson (Attorney at Griswold -Lasalle) representing the Sweeney's said that as far as the procedural issues, spoke about the document that was distributed by Counsel Pulupa to the Board

Dale Essary (Senior Water Resources Control Engineer) presented the staff report. Susan Loscuttoff (Counsel for the Prosecution team) presented the Prosecution team's legal arguments and responses

Brian Elder (Water Resources Control Engineer with the Office of Enforcement) spoke about economic benefits

Jim Sweeney testified. He said that it was his 7th time appearing for this hearing to exercise his legal rights. Ray Carlson (Attorney for Sweeney's) made legal arguments.

Cross Examination

Ray Carlson cross-examined Jim Sweeney and then cross-examined Brian Elder

Closing Statements made Ray Carlson (Attorney)

Clay Rodgers (AEO) made closing remarks and asked the Board to adopt the Administrative Civil Liability as proposed by staff

*Motion to adopt the Administrative Civil Liability
Made by Member Ramirez
Seconded by Vice-Chair Kadara
Member Ramirez-yes
Member-Marcum-yes
Member-Brar-yes
Member Schneider-yes
Vice-Chair Kadara-yes
Chair Longley-yes
Approved by roll call vote of 6-0-0*

AGENDA ITEM 22

James G. and Amelia M. Sweeney, Sweeney Dairy – *Consideration of Cease and Desist Order*

Patrick Pulupa (Senior Legal Counsel) spoke about legal issues

Ray Carlson (Attorney for the Sweeney's) had some objections on procedure

Dale Essary (Senior Engineer in the Fresno Office) presented the staff report. Clay Rodgers (AEO)) answered clarifying questions for the Board. Susan Loscuttoff (Attorney for the Prosecution team) presented the Prosecution team's legal arguments and responses

Jim Sweeney gave testimony. Ray Carlson (Attorney for the Sweeney's) made legal arguments

Clay Rodgers (AEO) made closing remarks. Patrick Pulupa (Counsel for the Advisory team) suggested changes/revisions to the Cease and Desist Order

Motion adopt Cease and Desist Order with late revisions

Made by Member Schneider

Seconded by Vice-Chair Kadara

Member Schneider-yes

Member-Ramirez-no

Member-Brar-yes

Member Marcum-yes

Vice-Chair Kadara-yes

Chair Longley-yes

Approved by roll call vote of 5-1-0

The Board meeting adjourned at 4:00p.m. to the June 8-9, 2017 Board Meeting