

**AGENDA
Public Meeting
Central Valley Regional
Water Quality Control Board**



**Friday, August 11, 2017 – 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.

FRIDAY, AUGUST 11, 2017 – 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. The Board will be asked to approve items 17 through 22 with no discussion if no one is here to testify about them.
7. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
 - a) "Fiscal Yearend Water Board Program Performance Report"

NPDES PERMITS

8. Municipal Wastewater Dischargers That Meet Objectives/Criteria at the Point of Discharge to Surface Water – Consideration of a New NPDES General Order [David Kirn (916) 464-4761]
9. State of California Department of Parks and Recreation, Malakoff Diggins State Historic Park, Nevada County – Consideration of a New NPDES Permit (NPDES No. CA0085332) and Time Schedule Order [Beth Thayer (916) 464-4671]

BASIN PLANNING

10. Proposed Basin Plan Amendments to Establish a Region-wide Municipal and Domestic Supply (MUN) Beneficial Use Evaluation Process in Agriculturally Dominated Surface Water Bodies and to De-designate MUN from 231 Constructed Agricultural Drains – Consideration of Adoption [Anne Littlejohn (916) 464-4840]

WASTE DISCHARGE REQUIREMENTS

11. California Resources Corporation, LLC and North Kern Water Storage District, Oil Field Produced Water Reclamation Project – Consideration of an Order Amending Waste Discharge Requirements Order R5-2015-0127 [Joshua Mahoney (559) 444-2449]

OTHER BUSINESS

12. Status Update on Pasture Poultry Operations under the Poultry General Order (R5-2016-0087) Informational Item Only [Doug Patteson, (559) 445-5116]

BASIN PLANNING

13. The 2018 Joint Triennial Review of the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin – Informational Item Only [Betty Yee (916) 464-4643]
14. Progress, Status, and Schedule of the Delta Nutrient Research Plan – Informational Item Only [Janis Cooke (916) 464-4672]

OTHER BUSINESS

15. Pacific Stewardship Council update and Consideration of Resolution to Reappoint Sopac McCarthy Mulholland to the Stewardship Council
16. Sulphur Creek Cleanup at the Wide Awake Mercury Mine and the Central Mines Group, Colusa County Consideration of a Resolution Regarding Satisfaction of Escrow Requirement in Mutual Release and Covenant Not to Sue [Marty Hartzell (916) 464-4630]

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.

17. **NPDES ENFORCEMENT**
 - a. [City of Biggs, Biggs Wastewater Treatment Plant, Butte County, Proposed Adoption of Time Schedule Order](#)
 - b. [El Dorado Irrigation District, Deer Creek Wastewater Treatment Plant, El Dorado County –NPDES Permit R5-2014-0081 \(NPDES No. CA0085332\) \(Amendment\) and Rescission of Time Schedule Order R5-2013-0901](#)
 - c. [Linda County Water District, Wastewater Treatment Plant, Yuba and Sutter Counties – NPDES CA0079651 \(Renewal\) and Rescission of Time Schedule Order R5-2011-0056-01](#)

18. **NPDES PERMITS**
 - a. [Aerojet Rocketdyne, Inc., Groundwater Extraction And Treatment Systems, ARGET, GET EF, GET HA, GET J, GET K, GET LA, GET LB, GET AB, White Rock GET, Sailor Bar Park GET, Golden State Water Wells and Low Threat Discharges, Sacramento County –NPDES Permit R5-2013-0155 \(NPDES CA0083861\) \(Renewal\)](#)
 - b. [The Boeing Company, Groundwater Extraction and Treatment Systems, GET HB, Southern Groundwater Study Area GET and Admin GET, Sacramento County – NPDES Permit R5-2014-0017 \(NPDES CA0084891\) \(Renewal\)](#)

19. **LOCAL AGENCY MANAGEMENT PROGRAMS (LAMPS)**
 - a. [Calaveras County Environmental Management Department, Calaveras County](#)
 - b. [Sutter County Environmental Health Division, Sutter County](#)

20. **WASTE DISCHARGE REQUIREMENTS AND CEASE AND DESIST ORDERS**
 - a. [Teichert Aggregates, Perkins Facility, Sacramento County, \(WDRs Order R5-2003-0166-01\) \(Amendment\)](#)

21. **WASTE DISCHARGE REQUIREMENTS/NPDES PERMITS/TIME SCHEDULE ORDER RESCISSIONS**
 - a. [Aera Energy LLC, Employee Housing Development Wastewater Treatment Facility, Kern County – Order 74-225](#)
 - b. [Casa Del Rey HOA, Butte County, Order 97-230](#)
 - c. [El Dorado Irrigation District, Rancho Ponderosa, El Dorado County, 86-236](#)
 - d. [Golden Meadows CSD, Tehama County, Order 95-239](#)
 - e. [Modern Development Company, LP, Bianchi Vineyards emerald Glenn Winery, Fresno County – Order R5-2014-0087](#)
 - f. [Mount Lassen Power, Lassen County, Order R5-2002-0015](#)
 - g. [Pacific Oroville Power, Butte County, Order 5-01-268](#)
 - h. [Soper Company, Spanish Mine, Nevada County - NPDES Permit R5-2008-0104 \(NPDES CA0085286\) and Cease and Desist Order R5-2008-0105](#)

22. **CHANGE OF NAME AND OR/OWNERSHIP**
 - a. [Cedar Creek Mobile Home Park, Shasta County, Waste Discharge Requirements Order WQ 2014-0153-DWQ-R5192](#)
 - b. [Swartz Mine, Shasta County, Waste Discharge Requirements Order 96-283](#)

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. Administrative Civil Liability Orders R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119, R5-2015-0065, R5-2016-0063, 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)
- c. 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)
- d. 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.* (5th Dist. Ct. of App., Case No. F075868; Fresno County Sup. Ct., Case No. 14-CECG-03576, removed to Madera County Sup. Ct., Case No. MCV071280)
- e. 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)
- f. 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)
- g. 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)
- h. 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.* (5th Dist. Ct. of App., Case No. F075851; Fresno County Sup. Ct., Case No. 14-CECG-03919, removed to Madera County Sup. Ct., Case No. MCV071279)
- i. 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)
- j. Administrative Civil Liability Order Issued to Malaga County Water District in 2016 – *Malaga County Water District v. Central Valley Regional Water Quality Board, et al.* (Fresno County Sup. Ct., Case No. 16-CECG-03036)

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

- k. 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)
- l. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)
- m. 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)
- n. 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)
- o. 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:

- p. 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 Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- q. 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)
- r. 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))
- s. 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)
- t. 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)
- u. 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)
- v. 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)
- w. 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))
- x. CMC Land Holdings, LLC, ACL Order R5-2016-0084 – Petition filed by CMC Land Holdings, LLC (State Water Board File No. A-2517)
- y. 13267 Order Directing Participation in the Delta Regional Monitoring Program – Petitions filed by the Cities of Ceres, Patterson, Turlock, Ripon, and Riverbank and by the Counties of Stanislaus and Colusa (State Water Board File Nos. A-2540(a) through (g))
- z. Oil Fields General Waste Discharge Requirements One, Two, and Three, Orders R5-2017-0034, R5-2017-0035, and R5-2017-0036 – Petition filed by Clean Water Action et al. (State Water Board File No. A-2544)

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
Raji Brar	Bakersfield	9/30/2020
Daniel B. Marcum	Fall River Mills	9/30/2019

*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**
 David Lancaster, **Attorney I**

SACRAMENTO OFFICE

11020 Sun Center Drive, Suite 200
 Rancho Cordova, CA 95670-6114
 Telephone: (916) 464-3291

Assistant Executive Officers:

Adam Laputz
 Andrew Altevogt
 Linda Bracamonte

Supervisors:

Bob Chow
 Brian Newman
 David King
 Jeanne Chilcott
 Nichole Morgan
 Robert Busby
 Stewart Black
 Sue McConnell

Seniors:

Anne Littlejohn
 Brett Stevens
 Charlene Herbst
 Daniel McClure
 Elizabeth Lee
 Gerald Djuth
 Howard Hold
 Jim Marshall
 Josh Palmer
 Joe Mello

Kari Holmes
 Marie McCrink
 Marty Hartzell
 Michelle Wood
 Patrick Morris
 Scott Armstrong
 Steve Rosenbaum
 Steven Meeks
 Susan Fregien

FRESNO OFFICE

1685 E Street
 Fresno, CA 93706
 Telephone: (559) 445-5116

Assistant Executive Officer:

Clay Rodgers

Supervisors:

Dale Harvey
 Doug Patteson

Seniors:

Alan Cregan
 Dale Essary
 Daniel Carlson
 David Sholes
 Matt Scroggins
 Mike Pfister
 Ron Holcomb

Russell Walls
 Scott Hatton
 Shelton Gray
 Warren Gross

REDDING OFFICE

364 Knollcrest Drive, Suite 205
 Redding, CA 96002
 Telephone: (530) 224-4845

Assistant Executive Officer:

Clint Snyder

Supervisors:

Bryan Smith
 Angela Wilson

Seniors:

Ben Letton
 George Low
 Griffin Perea
 Jeremy Pagan

Kate Burger
 Lynn Coster