



**MINUTES OF BOARD MEETING**  
 April 5-6, 2018  
 Central Valley Regional Water Board  
 1685 E. Street,  
 Fresno, CA 93706

**THURSDAY, APRIL 5, 2018**

Chair Longley called to order the 556<sup>th</sup> Board meeting of the central Valley Regional Water Quality Control Board

**BOARD MEMBERS PRESENT**

|                 |                |               |             |
|-----------------|----------------|---------------|-------------|
| Brar, Raji      | Kadara, Denise | Longley, Karl | Marcum, Dan |
| Ramirez, Carmen |                |               |             |

**BOARD MEMBERS ABSENT**

|                 |                |  |  |
|-----------------|----------------|--|--|
| Costantino, Jon | Schneider, Bob |  |  |
|-----------------|----------------|--|--|

**STATE BOARD MEMBERS PRESENT**

|      |  |  |  |
|------|--|--|--|
| None |  |  |  |
|------|--|--|--|

**STATE BOARD OFFICE OF CHIEF COUNSEL STAFF**

|                  |               |  |  |
|------------------|---------------|--|--|
| Lancaster, David | Yu, Stephanie |  |  |
|------------------|---------------|--|--|

**STAFF PRESENT**

|                    |                      |                 |                   |
|--------------------|----------------------|-----------------|-------------------|
| Aghazeynali, Hoss  | Goines, Trevor       | Mahoney, Joshua | Singh, Lovdeep    |
| Altevogt, Andrew   | Gross, Warren        | McConnell, Sue  | Sutton, Lorin     |
| Baca, Jorge        | Hannel, Jeff         | Moreno, Roberto | Thayer, Beth      |
| Baumann, Denise    | Harvey, Dale         | Mushegan, Alex  | Vasquez, Akira    |
| Carpenter, Katie   | Hatton, Scott        | Palmer, Josh    | Wachtell, Douglas |
| Creedon, Pamela    | Hernandez, Christine | Patteson, Doug  | Warren, Eric      |
| Dentoni, Nicolette | Holcomb, Ron         | Pfister, Mike   | Yang, Sue         |
| Ditto, Robert      | Jarvie, Zachary      | Pulupa, Patrick |                   |
| Ellison, Marcus    | Klein, Stephen       | Pyle, Jeff      |                   |
| Erekat, Omar       | Lanfranchi-Kiran     | Robins, Jeff    |                   |
| Essary, Dale       | Laputz, Adam         | Rodgers, Clay   |                   |
| Falcon, Samantha   | Lopez, Alexander     | Scroggins, Matt |                   |

**OTHERS PRESENT**

|                       |                  |                  |                      |
|-----------------------|------------------|------------------|----------------------|
| Burns, Kim            | Heathcock, Wes   | Pierce, Heidi    | Waldron, Jim         |
| Campos, Robert        | Hernández, Pedro | Pledger, Jean    | Washam, Michael      |
| Chapin, David         | Kondash, Andrew  | Robinson, Jim    | Zimmerman, Christine |
| Christopherson, Aaron | Kostling, Rob    | Sanderson, Aaron |                      |
| Clardy, Chris         | Lee, Tara        | Thorne, Melissa  |                      |
| Frantz, Tom           | Mysliwiec, Mitch | Tormey, Dan, Dr. |                      |

## **APPROVAL OF MINUTES OF THE FEBRUARY 1-2, 2018 BOARD MEETING**

*Made by Vice-Chair Kadara  
Seconded by Member Ramirez  
Member Ramirez-Yes  
(Member Brar was not present during the deliberation of this item)  
Member Marcum-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 4-0-0*

### **AGENDA ITEM 3-BOARD MEMBER COMMUNICATIONS**

This will be discussed tomorrow

### **AGENDA ITEM 4-PUBLIC FORUM**

Pedro Hernández (Leadership Counsel for Justice and Accountability), spoke in general about the LAMP application process

Incoming Executive Officer Patrick Pulupa answered clarifying questions for Mr. Hernandez and the Board

### **AGENDA ITEM 5-UPDATE BY STATE BOARD LIASON**

No updates were provided

### **AGENDA ITEM 6-EXECUTIVE OFFICER'S REPORT**

Vice-Chair Denise Kadara asked if the increased staffing in the Cannabis Program included staff in Fresno to address cannabis concerns in in the Southern part of the Region. Executive Officer Creedon explained Sacramento staff will provide support in that area of the Region.

Chair Longley commented on the hard work of staff he said was well reflected on the EO Report.

### **LOCAL AREA MANAGEMENT PLANS (LAMPS)**

#### **AGENDA ITEM 7**

Tulare County Resource Management Agency and Tulare County Environmental Health Division, Tulare County – *Consideration of Resolution to Approve Local Agency Management Program*

No one was present to contest or comment on this item. The Board approved the resolution based on the materials on file

*Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Yes  
(Member Brar was not present during the deliberation of this item)  
Member Marcum-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 4-0-0*

**AGENDA ITEM 8**

Tuolumne County Environmental Health Division, Tuolumne County – *Consideration of Resolution to Approve Local Agency Management Program*

No one was present to contest or comment on this item. The Board approved adoption of the resolution, based on the materials on file

*Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Yes  
(Member Brar was not present during the deliberation of this item)  
(Member Marcum-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 4-0-0*

**NPDES PERMITS/ENFORCEMENT**

Items 9, 11 and 12 were moved from the contested to the uncontested calendar.

**AGENDA ITEM 9**

Cutler-Orosi Joint Powers Wastewater Authority, Wastewater Treatment Facility, Tulare County – *Consideration of NPDES Permit Renewal (NPDES No. CA0081485)*

**AGENDA ITEM 11**

City of Jackson, Wastewater Treatment Plant, Amador County – *Consideration of an Order Amending Time Schedule Order R5-2015-0003-02*

**AGENDA ITEM 12-WASTE DISCHARGE REQUIREMENTS**

Kern County Sheriff’s Office, Kern County Lerdo Campus, Wastewater Treatment Facility, Kern County - *Consideration of Waste Discharge Requirements*

No one was present to contest these items. The Board adopted this order based on records on file

*Motion to adopt Agenda Item 9 (NPDES Permit Renewal), Agenda Item 11 (TSO Amendment) and Agenda Item 12 (Waste Discharge Requirements)*

*Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Yes  
(Member Brar was not present during the deliberation of this item)  
Member Marcum-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 4-0-0*

**AGENDA ITEM 10**

City of Colfax, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal (NPDES Permit No. CA0079529)*

Assistant Executive Officer, Adam Laputz informed the Board about late revisions on this item.

Member Ramirez asked if the changes were communicated to the Discharger, and was informed that the changes were communicated to the Discharger and that the Discharger did not have any objections to the changes.

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

*Motion to adopt the NPDES Permit Renewal with late revisions  
Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Yes  
(Member Brar was not present during the deliberation of this item)  
Member Marcum-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 4-0-0*

**AGENDA ITEM 13-OTHER BUSINESS**

Valley Water Management Company, McKittrick 1 & 1-3 Facility, Kern County – *Consideration of a Monitoring and Reporting Program and consideration of a Resolution Directing Staff to Prepare an Appropriate Order for Valley Water Management Company’s McKittrick 1 & 1-3 Facility*

Assistant Executive Officer Clay Rodgers and Dale Harvey (Supervising Engineer) gave a joint presentation on the proposed Resolution. The Board did not consider the adoption of the Monitoring and Reporting Program because it was signed by Incoming Executive Officer Patrick Pulupa under delegated authority prior to the Board meeting.

Dale Harvey informed the Board about late revisions.

**Comments and Testimony by Valley Water**

Melissa Thorme (Downey Brand)  
Dr. Dan Tormey (Geologist)  
Tom Franz (Kern County Farmer)

Executive Officer Pamela Creedon answered questions for the Board.

Incoming Executive Officer Patrick Pulupa provided closing statements and recommended adoption of the resolution with late revisions.

*Motion to adopt the Resolution  
Made by Member Ramirez  
Seconded by Member Marcum  
Member Ramirez-Yes  
Member Marcum-Yes  
Member Brar-Yes  
Vice-Chair Kadara-Yes  
Chair Longley-Yes  
Approved by roll call vote 5-0-0*

**FRIDAY APRIL 6, 2018**

**BOARD MEMBERS PRESENT**

|                 |                |             |               |
|-----------------|----------------|-------------|---------------|
| Brar, Raji      | Kadara, Denise | Marcum, Dan | Longley, Karl |
| Ramirez, Carmen | Schneider, Bob |             |               |

**BOARD MEMBERS ABSENT**

|                 |  |  |  |
|-----------------|--|--|--|
| Costantino, Jon |  |  |  |
|-----------------|--|--|--|

**STATE BOARD OFFICE OF CHIEF COUNSEL PRESENT**

|                  |               |  |  |
|------------------|---------------|--|--|
| Lancaster, David | Yu, Stephanie |  |  |
|------------------|---------------|--|--|

**STATE BOARD OFFICE OF ENFORCEMENT PRESENT**

|               |                  |  |  |
|---------------|------------------|--|--|
| Boyers, David | Loscutoff, Susan |  |  |
|---------------|------------------|--|--|

**SWRCB STAFF PRESENT**

|                |              |               |                |
|----------------|--------------|---------------|----------------|
| Carlucci, Carl | Elder, Brian | Karkoski, Joe | Tosney, Meghan |
|----------------|--------------|---------------|----------------|

**REGIONAL BOARD STAFF PRESENT**

|                    |                       |                  |                   |
|--------------------|-----------------------|------------------|-------------------|
| Aghazeynali, Hoss  | Falcon, Samantha      | Laputz, Adam     | Robins, Jeff      |
| Altevogt, Andrew   | Goines, Trevor        | Lopez, Alexander | Rodgers, Clay     |
| Baca, Jorge        | Gross, Warren         | Mahoney, Joshua  | Scroggins, Matt   |
| Baumann, Denise    | Hannel, Jeff          | McConnell, Sue   | Singh, Lovdeep    |
| Carpenter, Katie   | Harvey, Dale          | Moreno, Roberto  | Sutton, Lorin     |
| Creedon, Pamela    | Hatton, Scott         | Mushegan, Alex   | Thayer, Beth      |
| Dentoni, Nicolette | Herrnandez, Christine | Palmer, Josh     | Vasquez, Akira    |
| Ditto, Robert      | Holcomb, Ron          | Patteson, Doug   | Wachtell, Douglas |
| Ellison, Marcus    | Jarvie, Zachary       | Pfister, Mike    | Warren, Eric      |
| Erekat, Omar       | Klein, Stephen        | Pulupa, Patrick  | Yang, Sue         |
| Essary, Dale       | Lanfranchi-Kiran      | Pyle, Jeff       |                   |

**OTHERS PRESENT**

|                     |                   |                  |                        |
|---------------------|-------------------|------------------|------------------------|
| Alby, Jon           | Castro, Phil      | McHargue, Tim    | Savage, Chris          |
| Ardaiz, James       | Dean, John        | Minney, John     | Schmit, Ken            |
| Bell, Nichole       | Fujii, Curt       | Nunes, Mike      | Van Binsbergen, Jenell |
| Boyer, Paul         | Harlow, Loren     | Olson, Nathan    | Williamson, Dan        |
| Brown, Dave         | Johnson, Jeff     | Perry, Lance     |                        |
| Campbell, Christine | Kipps, Jo Anne    | Refuerzo, Carl   |                        |
| Campos, Robert      | Lee, Tara         | Reyes, Kathryn   |                        |
| Carlton, Gary       | Lucero, Stephanie | Ruffell, Kristen |                        |

**AGENDA ITEM 3-BOARD MEMBER COMMUNICATIONS**

**Raji Brar**

Member Brar said that on March 7, she was invited to participate in the Kern County Water Center. The discussion was on issues concerning produced water

**Dan Marcum**

Member Marcum said that on March 22 he attended the Northern California with Sacramento Valley Coalition

**Bob Schneider**

Member Schneider said that on Wednesday, last, he attended the Ann Schneider lecture series at the Crocker Museum in Sacramento. He said that the discussion was on SGMA

**Denise Kadara**

Vice-Chair Kadara said that on March 29, she attended via telephone conference a meeting with Community Leadership Network, hosted by the Community Water Center

**Karl Longley**

Chair Longley reported the following communications:

- 5 March, participated in Regional Board Ex Parte Communication meeting, via telephone
- 8 March, participated in CV-SALTS Executive Committee meeting via conference call
- 13 March, together with Patrick Pulupa and Adam Laputz, met with the new DWR Director, Karla Nemeth, and the Chief Deputy DWR Director, Cindy Messer, to discuss issues concerning both DWR and the Central Valley Water Board at the DWR Offices
- 2 April, participated in the Regional Boards Chairs' meeting via conference call

**AGENDA ITEM 17-PUBLIC FORUM**

Joanne Kipps (Private Citizen in Fresno), had concerns about E&J Gallo Winery. She urged the Board to issue a Cleanup and Abatement Order to Gallo Winery for polluting groundwater under its wastewater disposal fields near the Fresno Airport. She said that this enforcement action was necessary for Gallo to mitigate the impact that that it has on groundwater resources in the City of Fresno. She also commented on the composting facilities on their site. She requested that Gallo be issued a Notice of Applicability for coverage under the general order. She asked the Board to require Gallo to install a monitoring system

Chris Savage (E &J Gallo Winery), indicated the site is regulated by Waste Discharge Requirements (WDRs) which were adopted 2.5 years ago. He said that Gallo is in compliance with that WDRs, and that Gallo has also maximized its discharge to the City of Fresno and has significantly reduced its discharge to land. He said that Gallo has been working collaboratively with the City of Fresno regarding any impacts past practices may have caused. Gallo has been in regular contact with the Board staff.

Executive Officer Creedon clarified a point made by Ms. Kipps regarding CV-SALTS. She said that Gallo's current WDRs are written to regulate its current discharge and that CV-SALTS is the Board's mechanism to address prior nitrate and salt pollution in the Central Valley.

Member Schneider requested a short, written report be circulated (before the next EO report) and then would like status updates on each EO report, thereafter.

Clay Rodgers (AEO) addressed the Board on the draft Cleanup and Abatement Order. He said that he would provide a written update report. He will work with Office of Enforcement, and EO Pamela Creedon and Incoming Executive Officer, Patrick Pulupa

**AGENDA ITEM 17-EXECUTIVE OFFICER'S REPORT**

No comments were made

**AGENDA ITEM 19**

Approval of uncontested items 24 through 28

## UNCONTESTED CALENDAR

### AGENDA ITEM 24-WAIVER

*Consideration of a Revision of Conditional Waiver of Waste Discharge Requirements for Disaster-Related Wastes During a State of Emergency within the Central Valley Region, (Order R5-2013-0026)*

### AGENDA ITEM 25-NPDES PERMITS AND ENFORCEMENT

- a. City of Colusa, Wastewater Treatment Plant, Colusa County – *Consideration of an Order Amending Waste Discharge Requirements Order R5-2016-0062 (NPDES Permit No. CA078999) and Rescission of Time Schedule Order R5-2016-0075*
- b. Original Sixteen to One Mine, Inc., Sixteen to One Mine, Sierra County – *Consideration of an Order Amending Time Schedule Order R5-2015-0035*

### AGENDA ITEM 26-WASTE DISCHARGE REQUIREMENTS AND ENFORCEMENT

- a. Amador County, Buena Vista Landfill, Amador County – (WDRs Order R5-2011-0062) *(Revision)*
- b. Calaveras County Water District, Copper Cove Wastewater Treatment Plant, Calaveras County, (WDRs Order R5-2010-0070) *Amendment*
- c. Chevron USA, Incorporated, Midway Solid Waste Disposal Site, San Luis Obispo County, Order R5-2005-0101 *(Revision)*
- d. City of Lathrop, Lathrop Consolidated Treatment Facility, San Joaquin County –WDRs Order R5-2016-0028) *(Amendment)*
- e. City of Newman, City of Newman Wastewater Treatment and Recycling Facility, Stanislaus County *(Revision)*
- f. County of Modoc, Alturas Class III Municipal Solid Waste Landfill, *Proposed (New)*
- g. Delicato Vineyards, Delicato Family Vineyards, San Joaquin County – (WDRs Order R5-2013-0028) *(Amendment)*
- h. Recology Auburn Placer, Auburn Landfill, Placer County –WDRs Order R5-2004-0086) *(Amendment)*
- i. Riverdale Public Utility District, Wastewater Treatment Facility, Fresno County, Order 85-252 *(Revision)*
- j. Sierra Pacific Industries, Anderson Division, Shasta County, *(New)*
- k. Southern Minnesota Beet Sugar Cooperative, Spreckels Sugar Company, Inc., and Meyers Farming LLC, Former Spreckels Mendota Facility, Fresno County (WDRs Resolution 61-147) *(Revision)* and Cleanup and Abatement Order *(New)*

### AGENDA ITEM 27-WASTE DISCHARGE REQUIREMENTS/NPDES PERMITS/TIME SCHEDULE ORDER RESCISSIONS

- a. Fairway Oaks at Butte Creek Home Owner's Association, Butte County, Order 5-00-229
- b. Mike and Monica Schwenne, Golden Hills Mobile Home Park, Mariposa County, Order 86-230
- c. Franklin Construction, Butte County, Order 90-108
- d. Lamanuzzi & Pantaleo, LLC, Plant No.1, Fresno County, Order 94-350
- e. Crane Mills, Tehama County, Order 95-266
- f. East Bay Municipal Utility District, Pardee Center Wastewater Treatment Plant, Calaveras County, R5-2003-0119.
- g. Sierra Nevada Cheese Company, Glenn County, Order R5-2015-0114
- h. Shasta Renewable Resources, LLC, Shasta County, Order R5-2016-0034

### AGENDA ITEM 28-CHANGE OF NAME AND OR/OWNERSHIP

- a. Burton A. Ellison, DC Unit Lease, Deer Creek Oil Field, Tulare County, 5-00-16301
- b. Valley Water Management Company, Kern Front No. 2 Facility, Kern Front Oil Field, Kern County, R5-2012-0059
- c. Quincy Community Services District, Quincy Wastewater Treatment Plant, Plumas County WDRs Order R5-2016-0049, and TSO Order R5-2016-0050

Adam Laputz (Assistant Executive Officer) informed the Board of late revisions on agenda item 26f and item 26k

Jo Anne Kipps commented on the Cleanup and Abatement Order on agenda item 26k (Spreckels).  
Chair Longley asked staff to address this issue.

David Lancaster (Legal Counsel) answered clarifying questions for the Board.

Incoming Executive Officer, Patrick Pulupa answered questions for the Board

*Motion to adopt the uncontested items 24 through 28 with late revisions on agenda item 26f, and 26k*

*Made by Member Ramirez*

*Seconded by Member Brar*

*Member Ramirez-Yes*

*Member Brar-Yes*

*Member Marcum-Yes*

*Member Schneider-Yes*

*Vice-Chair Kadara-Yes*

*Chair Longley-Yes*

*Approved by roll call vote 6-0-0*

## **CONTESTED CALENDAR**

### **AGENDA ITEM 20-ENFORCEMENT**

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

David Lancaster (Attorney for the Board's Advisory Team) informed the Board of a late exhibit which was admitted and distributed to the Board

#### **Testimony by the Prosecution Team:**

Marcus Ellison (Engineering Geologist in the Fresno office) presented the staff report

Brian Elder (Senior Water Resource Control Engineer in the Office of Enforcement) discussed his analysis of the Discharger's ability to pay.

Susan Loscutoff (Attorney for the Prosecution Team) answered clarifying questions for the Board

Clay Rodgers (AEO) answered questions for the Board

#### **Testimony by Konark Ranches:**

No one was present from Konark to provide testimony or answer questions

#### **Comments by Interested Persons:**

Nichole Bell (Kern River Watershed Coalition) answered questions for the Board

#### **Closing Statements**

Clay Rodgers gave a closing statement and informed the Board that Konark was notified of this meeting by certified mail, which is in evidence. He recommended adoption of the ACL Order.

Susan Loscutoff answered questions for the Board

David Lancaster answered questions for the Board

Patrick Pulupa (Incoming Executive Officer) answered questions for the Board

*Motion to adopt the ACL Order as proposed by staff in the amount of \$70,070*

*Made by Member Schneider*

*Seconded by Member Brar*

*Motion to amend the pending original motion, to adopt the proposed ACL Order with the following amendment: an increase to 100 days of violation and total liability in the amount of \$100,100*

*Made by Member Marcum  
Seconded by Vice-Chair Kadara*

Patrick Pulupa (Incoming Executive Officer) answered questions for the Board regarding voting on the motion to amend the initial motion.

The Board first voted on the amendment to the pending original motion.

*Member Marcum- Yes  
Member Brar- Yes  
Member Schneider- No  
Vice-Chair Kadara- Yes  
Chair Longley-Yes  
Approved by roll call vote of 4-1-0*

The Board then voted on Member Schneider's original motion, with the approved amendment to adopt the proposed ACLO with an amendment to reflect 100 days of violation and the total ACL in the amount of \$100,100.

*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  
Member Ramirez was not present during the voting of this item*

#### **AGENDA ITEM 21-OTHER BUSINESS**

Safe and Affordable Drinking Water for Disadvantaged Communities-*Informational Item Only*

Joe Karkoski (Assistant Deputy Director, Division of Financial Assistance) introduced the panel as follows:

- Paul Boyer (Self Help Enterprises) spoke about some of the available support through local community groups
- Karl Carlucci (Division of Drinking Water) spoke about regulating Drinking Water Systems
- Meghan Tosney (Division of Financial Assistance) spoke about Funding Programs

Each Panel member provided an overview of their various efforts, the challenges and opportunities for drinking water needs in the disadvantaged communities

#### **AGENDA ITEM 23**

Informational Item Regarding a Time Schedule Order for Combined Effluent from the City of Lemoore Wastewater Treatment Facility and Leprino Foods Company to Land Owned by Westlake Farms, Inc., and Sandridge Partners, LP – *Informational Item Only*

Scott Hatton (Supervising Engineer) gave the status of the discharge of combined effluent from the City of Lemoore's Wastewater Facility and Leprino Food's plants and indicated a time schedule order for an alternative location of the combined discharge was issued on 27 March 2018.

James A. Ardaiz (Law firm of Baker Manock and Jensen), representing Westlake Farms thanked Clay Rodgers and Scott Hatton for their exemplary work and persistence which brought good results

John Alby (Deputy General Counsel of Leprino Foods Company), also thanked Regional Board staff for their help with bringing the parties together to find an alternate disposal location of the combined discharge.



**AGENDA ITEM 22-**

Center for Collaborative Policy Presentation on Public Participation and Outreach Contract Findings-  
Addressing Underserved Communities and Dischargers- *Informational Item Only*

Pamela Creedon (Executive Officer) introduced this item and the presenter to the Board

Stephanie Lucero (Sacramento State University) provided a summary of a study conducted by the  
Sacramento State University on public participation and outreach addressing disadvantaged communities

Meeting adjourned at 12:30 p.m. to the May 31/June 1 Board meeting