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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

MEETING NOTICE AND AGENDA

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD MEETING

Thursday, 4 April 2019 – 8:30 AM

Friday, 5 April 2019 – 9:00 AM

Central Valley Water Board
1685 E. Street
Fresno, CA 93706-2007

REVISED 3/22/2019

[THIS MEETING WILL BE WEBCAST](#)

Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at

https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Current Board Roster with Biographies and Appointment Terms:

https://www.waterboards.ca.gov/centralvalley/about_us/board_members

Organizational Charts for the Central Valley Water Board's Offices:

https://www.waterboards.ca.gov/about_us/org_charts/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. For general questions, or to request interpreter services, please send an e-mail to agenda5@waterboards.ca.gov or call (916) 464-3291. Please request interpreter services at least 10 business days in advance.

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to send an e-mail to agenda5@waterboards.ca.gov or call (916) 464-3291 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.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



FIELD TOUR
Thursday, 4 April 2019, 8:30 AM

Members of the Central Valley Water Board will participate in a field tour on Thursday, April 4, 2019 of a dairy(ies) in the Hanford area. The public will be provided access to the tour site(s), but the Board will not provide transportation. Members of the public wishing to attend the field tour should meet at 8:30 A.M. in the Central Valley Water Board's office lobby at 1685 E. Street, Fresno, CA 93706. Specific tour itinerary will be provided to members of the public wishing to attend the field tour at that time.

BOARD MEETING
Thursday, 4 April 2019, 1:30 PM
Central Valley Water Board
1685 E. Street
Fresno, CA 93706-2007

BOARD BUSINESS

1. Introductions, Pledge of Allegiance, Meeting Rules
2. Consideration of Minutes from Prior Board Meeting(s)
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.
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. [Manure Management Issues and Dairy Representative Monitoring Program Update – Informational item only](#) [Doug Patteson (559) 445-5577]

WASTE DISCHARGE REQUIREMENTS

(AGENDA ITEM 8 HAS BEEN MOVED TO FRIDAY)

8. ~~South Sacramento Habitat Conservation Plan Programmatic General Permit, Sacramento County – Consideration of General Order for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for the South Sacramento Habitat Conservation Plan Programmatic General Permit~~ [Jordon Hensley (916) 464-4812]

NPDES PERMITS

(AGENDA ITEM 9 HAS BEEN MOVED TO THE UNCONTESTED CALENDAR ON FRIDAY)

- 9. ~~City of Brentwood, Wastewater Treatment Plant, Contra Costa County – Consideration of NPDES Permit Renewal and Time Schedule Order (NPDES Permit CA0082660) [Dania Jimmerson (916) 464-4742]~~

NPDES PERMITS AND ENFORCEMENT

(AGENDA ITEM 16A HAS BEEN MOVED FROM THE UNCONTESTED CALENDAR ON FRIDAY TO THE CONTESTED CALENDAR ON THURSDAY)

- 16. a. City of Clovis, Sewage Treatment and Water Reuse Facility, Fresno County (NPDES Permit CA0085235) (Renewal and Time Schedule Order)

BOARD MEETING
Friday, 5 April 2019, 9:00 AM
Central Valley Water Board
1685 E. Street
Fresno, CA 93706-2007

BOARD BUSINESS

- 10. Introductions, Pledge of Allegiance, Meeting Rules
- 11. 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
- 12. Executive Officer’s Report
(http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
- 13. Consideration of Uncontested Items – Consideration of Agenda items 16 through 19

WASTE DISCHARGE REQUIREMENTS

(AGENDA ITEM 8 WAS MOVED FROM THURSDAY)

- 8. South Sacramento Habitat Conservation Plan Programmatic General Permit, Sacramento County – Consideration of General Order for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for the South Sacramento Habitat Conservation Plan Programmatic General Permit [Jordon Hensley (916) 464-4812]
- 14. E & B Natural Resources Management Corporation, Sherwood Hills, LLC, et al. – Consideration of Waste Discharge Requirements [Joshua Mahoney (559) 444-2249]
- 15. Chevron U.S.A. Inc., Cawelo Water District, California Resources Production Corporation, Hathaway, LLC, Jasmin Ranchos Mutual Water Company, North Kern Water Storage District, and Kern Tulare Water District, Kern County – Consideration of an Order Amending Waste Discharge Requirements for Produced Wastewater Reclamation Projects [Rebecca Asami (559) 445-5548]

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

16. NPDES PERMITS AND ENFORCEMENT (UNCONTESTED)

(AGENDA ITEM 16 A WAS MOVED TO THURSDAY)

- a. ~~City of Clovis, Sewage Treatment and Water Reuse Facility, Fresno County (NPDES Permit CA0085235) (Renewal and Time Schedule Order)~~
- b. City of Roseville, Dry Creek Wastewater Treatment Plant, Placer County (Time Schedule Order)
- c. North Yuba Water District, Forbestown Water Treatment Plant – (NPDES Permit CA0084824) (Renewal and Time Schedule Order)

(AGENDA ITEM 9 WAS MOVED FROM THE CONTESTED CALENDAR ON THURSDAY TO UNCONTESTED ON FRIDAY)

- 9. City of Brentwood, Wastewater Treatment Plant, Contra Costa County – Consideration of NPDES Permit Renewal and Time Schedule Order (NPDES Permit CA0082660)
[Dania Jimmerson (916) 464-4742]

17. WASTE DISCHARGE REQUIREMENTS (UNCONTESTED)

- a. Alon Bakersfield Property, Inc., Alon Bakersfield Refinery, Kern County – (WDRs Order 91-102) (Amendment)
- b. County of Siskiyou, Black Butte Class III Municipal Solid Waste Landfill, Siskiyou County – (WDRs Order R5-2002-0038) (Revised)
- c. County of Tulare, Exeter Disposal Site, Class III Landfill, Post-Closure Maintenance and Corrective Action, Tulare County – (WDRs Order R5-2010-0075) (Revised)
- d. Discharges of Waste from Poultry Operations – (WDRs Order R5-2016-0087) (Amendment)
- e. Goldstone Land Company, Kurt and Sandra Kautz, Bear Creek Winery, San Joaquin County – (WDRs Order R5 2016-0031-01) (Revised)
- f. Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group – (WDRs Order R5-2012-0116-07) (Amendment)
- g. Tessengerlo Kerley, Inc., TKI Fresno Plant, Fresno County (New)
- h. U.S. Mine Corporation, U.S. Mine Corporation Lone Plant, Amador County – (WDRs Order R5-2015-0145) (Revised)

18. CHANGE OF NAME AND/OR OWNERSHIP

- a. Cruiser Haven, Inc. & Delta Waterways, LLC, Holland Riverside Marina, Contra Costa County, Order 5-01-093
- b. Pamela Carmon and Jaouad Aarbane, Quail Ridge RV Park, Yuba County, Order 95-130
- c. Ranjit Nagra, Nagra Farms, Tulare County, Orders 96-239 and R5-2005-0157
- d. Richard Sykora, Red Ink Maid and Big Seam Mine, Placer County, Order R5-2007-0181

19. **RESCISSIONS**

- a. [Bell Carter Olive Company Inc., Plant 2, Tehama County, Order 94-195](#)
- b. [California Department of Corrections, Deuel Vocational Institution, Fire Pit Area Groundwater Remediation, Soil Remediation Containment Area, San Joaquin County, Order R5-2002-0146](#)
- c. [Heather Glenn Mobile Home Park Community Service District, Heather Glenn Mobile Home Park Wastewater Treatment Facility, Placer County, Order 93-065](#)
- d. [San Andreas Sanitary District, Wastewater Treatment Facility, Calaveras County, Order R5-2014-0900-01](#)
- e. [Sierra County Service Area 5 Zone 5A, Sierra Brooks Subdivision, Exemption for an Engineered Residential Wastewater Disposal System for Sierra Brooks Subdivision, 121 Smithneck Road, Sierra County, Order 85-039](#)
- f. [Sierra County Service Area 5 Zone 5A, Sierra Brooks Subdivision, Exemption for an Engineered Residential Wastewater Disposal System for Sierra Brooks Subdivision, 615 Bear Valley Road, Sierra County, Order 85-039](#)
- g. [Sierra County Service Area 5 Zone 5A, Sierra Brooks Subdivision, Exemption for an Engineered Residential Wastewater Disposal System for Sierra Brooks Subdivision, 967 Sierra Brooks Drive, Sierra County, Order 85-039](#)
- h. [Thiara Brothers Farms, Butte County, Order 98-181](#)
- i. [U.S. Department of the Interior, Bureau of Reclamation, New Melones Lake Glory Hole Recreation Area, Calaveras County, Order R5-2002-0125](#)

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 (*id.*, § 11126, subd. (c)(3)); or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (*id.*, § 11126, subd. (e)).

Current litigation involving the Board is listed below.

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

- a. *James Sweeney Litigation* – ACLOs R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119, R5-2015-0065, R5-2016-0063 and R5-2017-0038 to James Sweeney; CDO R5-2017-0039 to James Sweeney; Reissued WDRs General Order for Existing Milk Cow Dairies, Order R5-2013-0122; and Unnumbered MRP Order to James Sweeney – *James G. Sweeney, et al. v. State Water Bd., et al.* (5DCA Case No. F078190; Fresno Superior Court Lead Case No. 15CECG02063, consolidated w/ Case Nos. 17CECG00146, 16CECG03035, 17CECG03030, 17CECG02994).
- b. *Malaga County Water District Litigation* (various proceedings)
 - i. 2013 ACLO to Malaga County Water Dist. for Mandatory Minimum Penalties – *Malaga Cnty. Water Dist. v. Central Valley Water Bd. et al.* (5DCA Case No. F075868; Madera Superior Court Case No. MCV071280 [originally filed in Fresno Superior as Case No. 14-CECG-03576]).
 - ii. 2014 NPDES Permit and CDO to Malaga County Water Dist. – *Malaga Cnty. Water Dist. v. State Water Res. Control Bd., et al.* (5DCA Case No. F075851; Madera Superior Court Case No. MCV071279 [originally filed in Fresno Superior Court as Case No. 14-CECG-03919]).
 - iii. 2016 ACLO to Malaga County Water Dist. – *Malaga Cnty. Water Dist. v. Central Valley Reg'l Water Quality Bd., et al.* (5DCA Case No. F078327; Fresno Superior Court Case No. 16-CECG-03036).
- c. Existing Milk Cow Dairy WDRs General Orders R5-2007-0037, R5-2013-0122 – *Asociación de Gente Unida por el Agua et al. v. Central Valley Water Bd.* (3DCA Case No. C066410; Sacramento Superior Court Case No. 34-2008-00003604).
- d. 2014 Walker Mine CAO – *Atlantic Richfield Co. v. Central Valley Water Bd.* (3DCA Case No. C086745; Sacramento Superior Court Case No. 34-2014-80001875).
- e. *Eastern San Joaquin/Irrigated Lands Regulatory Program* – State Water Board Order No. WQ 2018-0002, modifying Central Valley Water Board WDRs General Order No. R5-2012-0116 (Growers within Eastern San Joaquin River Watershed that are Members of Third-Party Group) [State Water Board File Nos. A-2239(a)-(c)]:
 - i. *Monterey Coastkeeper, et al. v. Central Coast Reg'l Water Quality Control Bd., et al.* (Sacramento Superior Court Case No. 34-2017-80002655);
 - ii. *Environmental Law Found. v. State Water Res. Control Bd., et al.* (Sacramento Superior Court Case No. 34-2018-80002851);
 - iii. *Protectores del Agua Subterránea v. State Water Res. Control Bd., et al.* (Sacramento Superior Court Case No. 34-2018-80002852); and
 - iv. *Monterey Coastkeeper, et al. v. Central Valley Reg'l Water Quality Control Bd., et al.* (Sacramento Superior Court Case No. 34-2018-80002853).
- f. *Center for Biological Diversity v. Central Valley Reg'l Water Quality Control Bd. and Valley Water Mgmt. Co.* (Kern Superior Court Case No. BCV-18-102201).

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

- g. *Aerojet Cleanup* – *Central Valley Water Bd., et al. v. Aerojet-General Corp., et al.* (Sacramento Superior Court Case No. 286073, consolidated w/ Case Nos. 288302 and 291981); *Central Valley*

Water Bd., et al. v. Aerojet-General Corp., et al. (EDCA Case No. CIV-S-86-0064-EJG), consolidated w/ *U.S. v. Aerojet-General Corp. et al.* (EDCA Case No. CIV-S-86-0063-EJG).

- h. *Orland Sand and Gravel Facility – People ex rel. Central Valley Water Bd., et al. v. Orland Sand and Gravel Corp., et al.* (Glenn Superior Court Case No. 15CV01436).
- i. *Greener Globe Landfill – People ex rel. Central Valley Water Bd. v. A Greener Globe Corp.* (Placer Superior Court Case No. SCV13231); and *In re A Greener Globe* (EDCA Bankruptcy Case No. 16-21900-C-11).

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

- j. Irrigated Lands General WDRs for Individ. Growers, Order R5-2013-0100 – Petition by Kern River Watershed Coalition Auth. and Paramount Farming Co., LLC (State Water Board File No. A-2269).
- k. Tulare Lake Basin Area Irrigated Lands General WDRs, Order R5-2013-0120 – Petitions 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)-(c)).
- l. Sacramento River Watershed Irrigated Lands General WDRs Order R5-2014-0030 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2302).
- m. San Joaquin Cnty. and Delta Area Irrigated Lands General WDRs Order R5-2014-0029 – Petition by California Sportfishing Alliance, et al. (State Water Board File No. A-2301).
- n. West San Joaquin River Watershed Irrigated Lands General WDRs, Order R5-2014-0002 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2292).
- o. CDO R5-2015-0093 to Valley Water Mgmt. Co. – Petitions by Valley Water Mgmt. Co., 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)).
- p. Original Sixteen to One Mine, Inc., ACLO R5-2017-0115 – Petition filed by Original Sixteen to One Mine, Inc. (State Water Board File No. A-2586).
- q. Reissued WDRs General Order for Existing Dairies, Order R5-2013-0122 – Petition filed by Asociación de Gente Unida por el Agua and Environmental Law Foundation (State Water Board File No. A-2283(b)).

Acronym Key

3DCA – 3rd District Court of Appeal

CDO – Cease and Desist Order

5DCA – 5th District Court of Appeal

EDCA – U.S. District Court for the Eastern District of California

ACLO – Administrative Civil Liability Order

MRP – Monitoring and Reporting Program

CAO – Cleanup and Abatement Order

WDRs – Waste Discharge Requirements

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.

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.

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.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

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.

Parties and Designated Parties: Persons named in a proposed order are considered parties in the proceeding. Designated Parties include anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board's Prosecution Team. Parties and 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 Parties or 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 generally be conducted in the following order, unless specified differently in an item-specific Notice or Hearing Procedure:

Testimony by Board staff, followed by testimony by Parties named in the Order or Permit, followed by testimony of other Designated Parties

Cross-examination of Board staff, followed by cross-examination of 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 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

For rulemaking and informational proceedings, 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 generally be conducted in the following order, unless 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)