
Central Valley Regional Water Quality Control Board

MEETING NOTICE AND AGENDA CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

THURSDAY 15 OCTOBER 2020, 9:00 A.M.
FRIDAY 16 OCTOBER 2020, 9:00 A.M.

IN ACCORDANCE WITH EXECUTIVE ORDERS SUSPENDING CERTAIN PROVISIONS OF THE BAGLEY-KEENE OPEN MEETING ACT IN LIGHT OF THE COVID-19 PANDEMIC, THIS MEETING WILL BE CONDUCTED AS AN ONLINE MEETING ONLY.

HOW TO ATTEND THIS MEETING:



TO WATCH AND LISTEN TO THE WEBCAST (NOT PARTICIPATING):

If you do not need to participate but would like to watch and listen in to this meeting, please use the "PUBLIC MEETING WEBCAST" link below.

[PUBLIC MEETING WEBCAST](https://video.calepa.ca.gov/) (<https://video.calepa.ca.gov/>)



TO COMMUNICATE AND PARTICIPATE IN THE MEETING (via ZOOM):

A ZOOM video conference meeting invitation will be emailed through the Board's Email Subscription List **prior to the meeting**. To subscribe to the Email List:

1. Visit our **[Board Meeting Calendar page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/)**
(https://www.waterboards.ca.gov/centralvalley/board_info/meetings/)
2. Click on the drop-down box on the top right-hand side of the page titled **"Subscribe Directly to the Regional Board Agenda Email List"**
3. Type in your **Email Address**
4. Type in Your **Full Name**
5. Click on the **"Subscribe"** button

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 [Tentative Orders web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/).

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, to request a special accommodation, or to request interpreter services, please send an e-mail to agenda5@waterboards.ca.gov or call (916) 464-3291. Please request special accommodations or interpreter services at least 10 business days in advance of the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

THURSDAY, 15 OCTOBER 2020, 9:00 A.M.

BOARD BUSINESS

1. Introductions, Pledge of Allegiance, Meeting Rules
2. 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
3. State Water Board Liaison Update
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. [Executive Officers Report](#)
6. [Consideration of Minutes from Prior Board Meeting \(August 2020\)](#)
7. [Board Meeting Calendar for 2021](#)

OTHER BUSINESS

8. [Consideration of Board Resolution – Approving an Initial Study and Adopting a Negative Declaration for Aerojet Waste Consolidation Unit Project \[Alex MacDonald 916-464-4625\]](#).
9. [Irrigated Lands Regulatory Program, Groundwater Protection Formula Update – Informational Item Only \[Eric Warren \(559\) 445-5035\]](#)
10. [Board Strategic Planning: Strategic Planning Committee Report to the Board on Internal Program Assessments. \[Rebecca Asami \(559\) 445-5548\] and \[Chris Flower \(916\) 464-4836\]](#)

ENFORCEMENT

11. [Hanover Properties, LLC, Butte County – Proposed Administrative Civil Liability, ACLC R5-2020-0505, \[Michael Parker, \(530\) 224-3216\]](#)
12. [Germano and Jacinta Soares, Germano Soares Dairy #1, Stanislaus County – Consideration of a Cease and Desist Order – \[Sean Walsh \(916\) 464-4795\]](#)

FRIDAY, 16 OCTOBER 2020, 9:00 A.M.

BOARD BUSINESS

13. Introductions, Pledge of Allegiance, Meeting Rules
14. 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.
15. 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.
16. Executive Officer's Report
17. Consideration of Uncontested Items – The Board will consider agenda items 22. through 25.

OTHER BUSINESS

18. [Central Valley Water Board Cannabis Program Update – Information Item Only \[Clint Snyder \(530\) 224-3213\]](#)
19. [Central Valley Water Board Forest Activities Program Update – Information Item Only \[Angela Wilson \(530\) 224-4856\] \(tentative\)](#)
20. [Central Valley Water Board Enforcement Program Update – Information Item Only \[Kari Holmes \(916\) 464-4848\]](#)

CONTESTED CALENDAR

WASTE DISCHARGE REQUIREMENTS

21. [United States Army Corps of Engineers, Western Placer County Habitat Conservation Plan/Natural Communities Conservation Plan, Placer County – Consideration of General Orders for Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certifications \[Stephanie Tadlock \(916\) 464-4644\]](#)
 - a. Western Placer County Habitat Conservation Plan/Natural Communities Conservation Plan Programmatic General Permit

- b. Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan Placer County Water Agency Regional General Permit
- c. Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan Placer County Regional General Permit

UNCONTESTED CALENDAR

(Cal. Code Regs., tit. 23, section 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

NPDES PERMITS (AGENDA ITEM 22.)

- a. Aerojet Rocketdyne Inc., Groundwater Extraction and Treatment Systems, ARGET, GET EF, GET HA, GET J, GET KA, GET LA, GET LB, GET AB White Rock GET, Sailor Bar Park GET, Golden State Water Wells and Low Threat Discharges, Sacramento County – Consideration of Revisions to R5-2017-0095 (NPDES Permit CA0083861)

WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 23.)

- a. County of Tulare, Terra Bella Solid Waste Disposal Facility, Tulare County – Consideration of Revision to Order 97-246
- b. Horizon Nut, LLC., Horizon Nut Pistachio Huller, Fresno County – New
- c. Industrial Avenue Self Storage, Pleasant Grove Self-Storage-Industrial Avenue, LLC, Placer County – New

RESCISSIONS (AGENDA ITEM 24.)

- a. Aera Energy, LLC, Section 26 Lease, Coalinga Oil Field, Fresno County – Waste Discharge Requirements Order 58-469
- b. Baptist Sugar Pine Conference, Camp Sugar Pine Wastewater Treatment Facility, Madera County – Waste Discharge Requirements Order 87-031
- c. Biggs Wastewater Treatment Plant, City of Biggs, Butte County – Waste Discharge Requirements Order R5-2012-0083 (NPDES Permit CA0078930), Time Schedule Order R5-2017-0092, and Time Schedule Order R5-2017-0092-01
- d. Bioindustries, Inc., Tehama County – Waste Discharge Requirements Order R5-2012-0061
- e. Chester Sawmill, Collins Pine Company, Plumas County – Cease and Desist Orders R5-2015-0128, R5-2015-0128-01 and R5-2015-0128-02

- f. Daniel Vander Dussen, Greenwood Dairy, Glenn County – Waste Discharge Requirements Order R5-2008-0122
- g. Red Bluff RV Park, Tehama County – Waste Discharge Requirements Order 91-185
- h. Sierra Unified School District, Foothill Middle School Wastewater Treatment Facility, Fresno County – Waste Discharge Requirements Order 94-107
- i. Stallion Springs Community Services District, Wastewater Treatment Facility, Kern County – Waste Discharge Requirements Order R5-2014-0127 (NPDES Permit CA0080489)
- j. United States Department of the Interior, National Park Service, Sequoia and Kings Canyon National Parks, Clover Creek Wastewater Treatment Facility, Tulare County – Waste Discharge Requirements Order 88-031
- k. U.S. Department of Energy and Lawrence Livermore National Security, LLC, Lawrence Livermore National Laboratory Experimental Test Site (Site 300), San Joaquin County – Waste Discharge Requirements and Associated Monitoring and Reporting Program, Order 93-100

CHANGE OF NAME AND/OR OWNERSHIP(AGENDA ITEM 25.)

- a. David Kubich and Kubich Lumber, Iowa Hill Gravel Operation, Placer County – Waste Discharge Requirements, Order R5-2013-0111
- b. Forest Springs LLC., Forest Springs WWTF, Nevada County – Waste Discharge Requirements Order 88-106
- c. Grizzly Creek Ranch WWTF, Plumas County – Waste Discharge Requirements Order 2014-0153-DWQ-R5246

CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, section 11126 subd. (a)); to deliberate on a decision to be reached based upon evidence introduced in a hearing (id., section 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., section 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).
- g. WDRs Order R5-2019-0008 (Stone Ranch) – Sandridge Partners, L.P. v. Cal. Reg'l Water Quality Control Bd. – Central Valley Region (Fresno Superior Court Case No. 19CECG02306).

- h. Valley Water Management Company v. Central Valley Reg'l Water Quality Control Bd., (Kern County Superior Court Case No. BCV-19-101750).
- i. 2019 ACLO to Kongkeo Khamvongsa and Alexandra Kensavath – Kongkeo Khamvongsa et al. v. Central Valley Reg'l Water Quality Control Bd. (Shasta Superior Court Case No. 193748).
- j. Winnemem Wintu Tribe, et. al. v. State Water Res. Control Board., et. al. (San Francisco County Superior Court Case No. CPF-20-517115).

LITIGATION FILED BY THE CENTRAL VALLEY WATER BOARD AGAINST OTHER PARTIES:

- k. 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).
- l. 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).
- m. 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:

- n. 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).
- o. 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)).
- p. 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).
- q. 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).
- r. 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).

- s. 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)).
- t. 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).
- u. 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)).
- v. 28 August 2020 Section 13267 Order – Petition filed by Aera Energy LLC (State Water Board File No.).

Acronym Key

3DCA	3rd District Court of Appeal
5DCA	5th District Court of Appeal
ACLO	Administrative Civil Liability Order
CAO	Cleanup and Abatement Order
CDO	Cease and Desist Order
EDCA	U.S. District Court for the Eastern District of California
MRP	Monitoring and Reporting Program
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 are on the State Water Board’s [Laws and Regulations web page](https://www.waterboards.ca.gov/laws_regulations/) (https://www.waterboards.ca.gov/laws_regulations/). General Meeting Rules and the Procedures applicable to Central Valley Water Board Meetings can be found on the Central Valley Water Board’s [Rules and Procedures web page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html) (https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html).

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 (agenda5@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 on the State Water Board's [Water Quality Petitions web page](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.