Central Valley Regional Water Quality Control Board

MEETING NOTICE AND AGENDA
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

THURSDAY, 9 DECEMBER 2021, 9:00 A.M.

No Physical Meeting Location
(Authorized by Government Code section 11133)


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.

9 December 2021: **YOU TUBE LIVESTREAM URL** (https://youtu.be/uKhG5u6vOUw)

TO PARTICIPATE IN THE MEETING (via ZOOM):

Persons wishing to participate in the meeting will need to contact the Board by email to receive a Zoom Meeting ID and password prior to the meeting by doing the following:

Send an email to **Agenda5@Waterboards.ca.gov**
In the Subject line, indicate: **Agenda Item Number(s)** you are interested in.
In the body of the email indicate:

- Your name
- Who you represent (i.e., self, another person, an organization)
• Identify whether you intend to participate via videoconference (your computer microphone and speaker) or by telephone

• If calling in by telephone, please provide the last three digits of the telephone number you will be calling from

The Board will respond to your email with the Zoom Meeting ID and password for the meeting. If you do not send an email by **5:00 p.m. on December 8**, it is possible you will need to begin watching the webcast available on YouTube. You cannot participate in the Zoom meeting until you receive an email with the Zoom ID and password.

Additional information on attending the workshop can be found on the [Regional Board Meeting Calendar webpage](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/)

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/).

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](mailto: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, 9 DECEMBER 2021, 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.


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 Officer’s Report.**

6. **Consideration of Minutes from Prior Board Meeting (October 2021).**
7. **Consideration of Uncontested Items** – The Board will consider agenda items 11 and 12.

8. **Water Quality Program Priorities, Discussion of 22/23 Program Priorities** – *Information Item Only* [Mindy Maxwell (916) 464-4839]

**OTHER BUSINESS**

9. **Grassland Bypass Project Update** – *Information Item Only* [Ashley Peters (916) 464-4857]

**WASTE DISCHARGE REQUIREMENTS**

10. **JEN CA Placer Ranch, LLC, Placer Ranch Project, Placer County** – Consideration of New Waste Discharge Requirements (WDID#5A31CR00548) [Greg Hendricks (916) 464-4709]

**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.

**WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 11)**

a. **All State Packers, Inc., Rivermaid Trading Company Fruit Processing Facility, San Joaquin County** – Consideration of New Waste Discharge Requirements

b. **Triangle Rock Products, Inc., Florin Road Aggregate Plant, Sacramento County** – Consideration of Amended Waste Discharge Requirements R5-2011-0028

**RESCISSIONS (AGENDA ITEM 12)**

a. **County of Fresno, Department of Public Works and Planning, Millerton Lake Mobile Home Village (CSA 44) Wastewater Treatment Facility, Fresno County** – Waste Discharge Requirements Order 85-255

b. **Del Rey Packing Company, Raisin Processing and Grape Dehydrating Plants, Fresno County** – Waste Discharge Requirements Order 96-198

c. **Patterson Frozen Foods Inc., Patterson Frozen Foods, Stanislaus County** – Waste Discharge Requirements Order 94-262
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. 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. 2014 Walker Mine CAO – Atlantic Richfield Co. v. Central Valley Water Bd. (3DCA Case No. C086745; Sacramento Superior Court Case No. 34-2014-80001875).

d. 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

e. 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. 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).

h. 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:

i. 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).

j. 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).


l. Original Sixteen-to-One Mine Mandatory Minimum Penalties – Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County. Sup.Ct., Case No. 7019).

PETITIONS FOR REVIEW OF CENTRAL VALLEY WATER BOARD ACTIONS FILED WITH STATE WATER BOARD:


n. 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)).
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/). 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).
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 agenda5@waterboards.ca.gov (agenda5@waterboards.ca.gov) at least 24 hours in advance.

**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/) or will be provided upon request.