

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD**

**582<sup>ND</sup> BOARD MEETING MINUTES**

**THURSDAY, 11 AUGUST 2022, 9:00 A.M.**

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**BOARD MEETING LOCATION**

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Zoom Teleconference and Webcast

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**BOARD MEMBERS PRESENT**

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Avdis, Nick	Lee Reeder, Elena
Bradford, Mark	Ramirez, Carmen
Brar, Raji	Yang, Sean
Kadara, Denise	

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**STATE WATER BOARD MEMBERS PRESENT**

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Morgan, Nichole

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**STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PRESENT**

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Jahr, Jessica	Moskal, Chris
Lancaster, David	Okun, Lori

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**REGIONAL BOARD STAFF PRESENT**

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Armstrong, Scott	Maxwell, Mindy
Baum, JJ	Pulupa, Patrick
Busby, Rob	Pyle, Jeff
Chow, Bob	Rodgers, Clay
Coughlin, Gene	Snyder, Clint
Garver, Kelli	Smitherman, Lauren
Harvey, Dale	White, Nicholas
Hatton, Scott	
Howard, Meredith	
Kasich, Courtney	
Lancaster, David	
Laputz, Adam	

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**ADDITIONAL IDENTIFIED ATTENDEES**

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Garabedian, Michael	Schuil, Charlotte
Palmer, Susan	

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## **AGENDA ITEM 1 – CALL TO ORDER**

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Chair Bradford called the 582<sup>nd</sup> Board Meeting to order and made introductions. Executive Officer (EO) Patrick Pulupa introduced staff. Member Ramirez led the Pledge of Allegiance.

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## **AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS**

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### **Chair Bradford submitted the following communication:**

- 1 August 2022 – Participated in the monthly Water Board Chairs' Discussion.

### **Vice Chair Kadara submitted the following communications:**

- 28 June 2022 – Participated in Environmental Justice Consortium For EAP Implementation Meeting.
- 13 July 2022 – Participated in a training webinar for the San Joaquin Clean Water Act Advocates.
- 18 July 2022 - Participated in Environmental Justice Consortium For EAP Implementation Meeting.
- 20 July 2022 – Participated in the State Water Board's Racial Equity public workshop.
- 27 July 2022 – Participated in the State Water Board's Racial Equity Public workshop in Visalia.
- 3 August 2022 – Participated in a meeting to discuss regionalization and consolidation of sewer systems for disadvantaged communities in Tulare County.
- 5 August 2022 – Participated in the August Board Meeting Briefing.

### **Board Member Lee Reeder submitted the following communications:**

- 15 June 2022 – Participated in a Rice Tour with the California Rice Commission.
- 27 June 2022 – Toured the Sacramento County Regional Sanitation District.
- 28 June and 18 July 2022 – Participated in the Environmental Justice Consortium For EAP Implementation.

### **Board Member Yang submitted the following communications:**

- 20 July 2022 – Participated in a tour of the Humus Farm in Capay Valley with the Community Alliance with Family Farmers. Asm. Cecilia Aguiar-Curry was in attendance.

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## **AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE**

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State Water Board Member Nichole Morgan provided the following updates:

### **Year in Review – Financial Awards**

- State Water Board delivers \$3.3 billion to California communities to boost drought resilience and increase water supplies
  - Water recycling and drinking water infrastructure among top funding priorities.
  - Community drought assistance funding has quadrupled in just two years.

### **Proposed Statewide Restoration General Order**

- Staff will hold a public workshop on 4 August 2022 on the proposed Order and the consolidated PEIR. The State Water Board will consider adoption at the 16 August 2022 Board Meeting.

### **Proposed Statewide Construction Stormwater General Permit Reissuance**

- On 9 August 2022, State Water Board staff held a public workshop to provide an overview of the proposed permit, including proposed revisions in response to public comments received during the 30 March 2022 through 2 May 2022 limited-scope public comment period.

### **Regulations for Onsite Treatment and Reuse of Non-potable Water**

- A staff workshop was held on 1 August 2022 to present draft regulatory concepts for onsite treatment and reuse of non-potable water regulations. The goal is to adopt the regulations by the end of 2022.

### **Hydrology and Urban Conservation Update**

- Statewide urban water use in June 2022 was 7.6% lower than in June 2020, and more than double the statewide savings in May (3.1%).
- On July 29, Governor Gavin Newsom convened local water leaders for the second time in recent months to call for their continued action to drive down urban water use and help Californians make permanent changes to adapt to a hotter and drier future.
- In June 2022, all hydrologic regions saw some decrease in water use relative to June 2020. Many local utilities and suppliers set restrictions on residential outdoor watering enacted in June, reinforcing the impact of state-level actions.
- State Water Board staff continue to work with water districts on how to accelerate water use reporting and get more timely water use data.
- Natural Parklands and Urban Tree Health: On 12 August 2022, staff will hold a public workshop to solicit input on the potential effects of the Board's proposed water use

efficiency standards many have on developed and natural parklands and urban tree health.

### **Comments from Board Members**

Chair Bradford commented it was nice to see all the workshops commencing and thanked Ms. Morgan for the report.

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### **AGENDA ITEM 4 – PUBLIC FORUM**

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Michael Garabedian, Placer County Tomorrow, thanked the Board for the opportunity to comment and indicated it was his intention to comment on additional agenda items regarding the Clean Water Act Industrial Pretreatment Program. Mr. Garabedian gave a brief history of his background with the program and stated this program regulates discharges to sewer systems from significant industrial users.

### **Comments from Board Members**

Chair Bradford thanked Mr. Garabedian for the comments.

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### **AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT**

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Chair Bradford noted prior to each Board Meeting, the EO works with the Executive Assistant and the Board's Program Managers to compile a report on the status of the Board's programs and initiatives.

EO Pulupa stated the report contains activities conducted by the Board since the last two Board Meetings.

### **Superior Accomplishment Awards**

EO Pulupa presented Superior Accomplishment Awards to Courtney Kasich, in the Administrative Unit (Redding Office), and Lauren Smitherman, in the Planning Section (Rancho Cordova Office).

### **Questions and Comments from Board Members**

Vice Chair Kadara appreciated the write-up in the EO Report under the section of Public/Disadvantaged Communities/Tribal Outreach. The write-up described an April 2022 collaboration with Central Valley Water Board staff, the Office of Public Participation (OPP), Bethany Slavic Missionary Church (BSMC), and the United States Air Force (USAF). BSMC expressed concerns with the USAF's response to per- and polyfluoroalkyl substance impacts in drinking water wells. The collaboration and coordination between the four agencies resulted in a positive outcome for all involved. Vice Chair Kadara stated she was glad to see this kind of work being accomplished and commended staff and OPP for their efforts. She felt this was

important information to highlight to the public. Vice Chair Kadara thanked the Superior Accomplishment Award winners for their efforts.

Chair Bradford commented he appreciated the report, as well as the format, since it ties back to the Strategic Plan adopted last fiscal year (FY). Chair Bradford also thanked the Superior Accomplishment Award winners for their efforts.

### **Comments from Interested Persons**

Michael Garabedian, Placer County Tomorrow, stated the Industrial Pretreatment Program is very important since municipalities discharging five or more million gallons per day (mgd) are mandated to have an Industrial Pretreatment Program. He further indicated he walked past Bunch Creek in Colfax and encountered an odiferous aroma stemming from the Colfax Sewer Plant. As a result, Mr. Garabedian became involved in some NPDES permit hearings. At last involvement, Mr. Garabedian and approximately 20 users became concerned there needed to be an investigation to determine if Colfax needed an Industrial Pretreatment Program. Mr. Garabedian stated it was his understanding the Board would determine if the City needed a program and inform the community. Instead, the Board required just one of the industries to participate in the program. Mr. Garabedian stated he is appearing in front of the Board to raise concerns about this issue because the City of Colfax's stormwater and sewer systems flow into Bunch Creek, which flows into the North Fork. Lastly, Mr. Garabedian urged the Executive Officer to provide an on-going summary of involvement in the Industrial Pretreatment Program in the EO report.

Member Ramirez thanked Mr. Garabedian for his comments.

### **Response from the EO**

EO Pulupa stated industrial pretreatment requirements are thoroughly reviewed every time waste discharge requirements are updated. The Board works to implement as robust of a program as possible despite declining federal resources. One of the characteristics that is different with respect to California pretreatment and the pretreatment adopted in 1970 is California's NPDES facilities are not regulated under the technology-based standards that were the driving factor for regulation during that time. Most of the requirements for NPDES permits in California are water quality based effluent limitations that require stringent scrutiny of the effluent at the treatment plants, allowing the Board to detect potential water quality issues. When NPDES permits are renewed, effluent is closely scrutinized to ensure effluent is not causing water quality issues.

Assistant Executive Officer Adam Laputz provided history and background on the City of Colfax. Several years ago, there were upgrades to the facility to bring their system into compliance. PG Environmental (who works for US EPA) performed a pretreatment compliance inspection where one facility was found to be problematic. The City of Colfax placed requirements on the facility to ensure there were no problematic discharges. The facility was under the 5 MGD threshold for mandatory implementation of a pretreatment program, and

therefore the Board did not require that the City establish one. In 2023, when the facility renews the permit, those issues will be reviewed again to ensure there are no issues.

Chair Bradford indicated Mr. Garabedian was welcome to come back to the Board in 2023 when the City's permit is due for renewal.

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**AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING**

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Motion to adopt previous Board meeting minutes from 10 June 2022 Board Meeting.

**MOTION TO ADOPT JUNE MEETING MINUTES**

Motioned: Vice Chair Kadara  
Seconded: Member Brar

Roll Call Vote:

Member Brar	Yes
Member Ramirez	Abstain
Member Avdis	Abstain
Member Yang	Yes
Member Lee Reeder	Yes
Vice Chair Kadara	Yes
Chair Bradford	Abstain

Approved by Roll Call Vote of 4-0-3

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**AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 11 – 13**

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**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.

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

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- a. Califia Farms, LLC, North Kern Water Storage District, and Paramount Ranch Company, Califia Farms Bakersfield Facility, Kern County - Consideration of Revised Waste Discharge Requirements Order No. R5-2017-0019

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**RESCISSIONS (AGENDA ITEM 12)**

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- a. City of Auburn, Wastewater Treatment Plant, Placer County – Waste Discharge Requirements Order No. R5-2016-0038, (NPDES Permit CA0077712)

- b. City of Modesto, Water Quality Control Facility, Stanislaus County – Waste Discharge Requirements Order No. R5-2017-0064, (NPDES Permit CA0079103)
- c. Markley Cove Resort Inc. and The United States Department of the Interior, Bureau of Reclamation, Markley Cove Resort, Napa County – Waste Discharge Requirements Order No. 98-084
- d. Sutter County Waterworks District No. 1, Robbins Wastewater Treatment Facility, Sutter County – Waste Discharge Requirements Order No. 96-137

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**CHANGE OF NAME (AGENDA ITEM 13)**

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- a. Eagle Peak Rock and Paving, Inc., Pit 57, Modoc County – Waste Discharge Requirements Order 99-031
- b. Lakeshore Resort, LLC, Lakeshore Resort Wastewater Treatment Facility, Fresno County – Waste Discharge Requirements Order 77-62

**Comments from Interested Persons**

Michael Garabedian, Placer County Tomorrow, indicated his desire to comment on Rescission Item 12.a. City of Auburn, Wastewater Treatment Plant, Placer County – Waste Discharge Requirements Order No. R5-2016-0038, (NPDES Permit CA0077712). He asked what the Rescission did in general terms and if the City of Lincoln would be managing an Industrial Pretreatment Program in the North Auburn sewer area.

EO Pulupa responded as indicated on the Central Valley Water Board's website and Notice, the City of Auburn is now regulated under a Municipal General Order. The Rescission before the Board today is rescinding the General Order that is no longer used to regulate the facility.

Adam Laputz, Assistant Executive Officer, stated there are several of Auburn's Placer County plants that have been closed and the Board has done a number of permitting actions to facilitate the collection system and move the wastewater from Auburn to Lincoln's wastewater treatment plant. This rescission is for the one remaining plant in the City of Auburn. The General Municipal Order is more stringent because the General Order only applies to those facilities that meet water quality objectives at the end of pipe. With regards to the City of Lincoln, they are close to the 5 MGD. The Permit is up for renewal in early 2024. During the last inspection, the City of Lincoln was required to develop a pretreatment program and submit it to the Board.

**MOTION TO ADOPT AGENDA ITEM 7 (Uncontested Calendar Items 11 through 13)**

Motioned: Member Ramirez  
Seconded: Member Avdis

Roll Call Vote:

Member Ramirez	Yes
Member Lee Reeder	Yes
Member Brar	Yes
Member Yang	Yes
Member Avdis	Yes
Vice Chair Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 7-0-0

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**AGENDA ITEM 8 – END OF YEAR REPORT – THE EXECUTIVE OFFICER WILL PRESENT A SUMMARY OF THE WORK ACCOMPLISHED BY THE 19 WATER QUALITY PROGRAMS IN THE REGION OVER FISCAL YEAR 2021/22, AND OBJECTIVES FOR THE UPCOMING YEAR**

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EO Pulupa indicated this is the Annual Program Report to the Board that occurs every August. It includes a summary of financial documents, unit resources, priorities approved by the Board in December, and Program Manager work plans. An important component of this presentation is reviewing achievements and how those relate to the approved 2021 Strategic Plan. The four main objectives of the Strategic Plan include Adaptive Prioritization (tailoring permits, enforcement actions, and planning actions based on threat to water quality), strategic engagement (particularly with underserved and underrepresented communities), internal process improvements (to achieve greater efficiency), and engagement in racial equity goals. Development of a climate change portal and addressing climate change issues within the region will be deferred slightly due to the adoption of the State Water Board's Racial Equity Resolution. The Central Valley Water Board's management team, along with a Racial Equity Work Group, is developing a regional Racial Equity Resolution. The climate change portal will be resumed to ensure achievement during the life of the Strategic Plan. Each Program will include FY 21/22 accomplishments and FY 22/23 priorities.

**Permitting Programs**

These Programs include the NPDES Program, Waste Discharged to Land Program, Water Quality Certification Program, and Stormwater Program.

**NPDES Program:** EO Pulupa reviewed the recent large upgrade to the Sacramento Regional Sanitation District's nutrient removal system. This facility is regulated under the NPDES Program, which is a US EPA delegated program to the State of California. This program protects beneficial uses by regulating point source discharges to surface waters. FY 21/22 accomplishments include adaptive prioritization. The Program is under extraordinary constraints to develop sophisticated permits and issue them in a way that is protective of water quality, while taking resources and streamlining into account. The program developed tools to streamline permitting and increase water quality consistency and those tools continue to be used. This includes mid-permit reviews, template review, calculation tool review, and general permit usage review, as well as tools to help review methods and sampling requirements employed by the dischargers. FY 22/23 priorities include focus on increasing permitting



efficiency, quality, and consistency. Staff continues to conduct mid-permit reviews to identify data issues. This is especially significant to small communities to allow permittees to resolve data quality issues prior to submitting renewal applications. New statewide toxicity provisions will be implemented efficiently and effectively to ensure permit renewals are not delayed. Staff will continue to maintain compliance with US EPA permit renewal metrics (over 80% of permits reissued on the five-year timeframe).

**Waste Discharged to Land Program:** This Program primarily regulates waste discharges affecting groundwater quality and is the oldest state water quality program regulating sewage treatment facilities and other industries. 1,400 facilities are regulated under this program. In FY 21/22, the program adopted 10 new individual permits, enrolled 64 facilities under existing general orders, and reviewed numerous proposals of the Salt and Nitrate Control Programs, which advances several strategic objectives, particularly in terms of engagement. The program advanced the goals of septic to sewer consolidation programs under SB 1215 (the septic to sewer financing program). To set the groundwork for successful implementation, a lot of communication must happen between both the communities with failing septic systems looking for new sewer options and the communities that propose to take manage those systems. That communication is vital to work toward a sustainable vision in the Valley. FY 22/23 priorities include continued prioritization of CV-SALTS implementation, conduct stakeholder outreach, serve underrepresented and underserved communities during the permitting process, and develop new region-wide general orders, which is a large streamlining initiative to reduce backlog and increase consistency. Those efforts include a large Domestic Wastewater Facility General Order, a Nut Hulling General Order, and a Food Processor General Order.

**Water Quality Certification Program:** This Program protects wetlands riparian areas and headwaters by issuing certifications with enforceable provisions to ensure federally permitted projects meet state water quality objectives. In FY 21/22, staff engaged with tribal members to explain the application permitting process (one of the strategic plan objectives), participated in the development of a Utility Wildfire Mitigation General Order in collaboration with the State Water Board, developed a general permit to regulate maintenance dredging activities, and participated in number of program-related trainings, including wetland delineation training, which is crucial due to ever changing regulations. This program ensures whether it is a water of the state not subject to federal regulation or federal jurisdictional water, those water quality protections are maintained. Approximately 10% of sites are regulated and while dormant, could have a significant impact to water quality. FY 22/23 priorities include focusing on streamlining and simplifying permitting processes to promote efficiency, transparency, and public engagement, and focusing on targeted regulated inspections and threats to water quality. There are some resources coming from Caltrans to help streamline permitting of Caltrans projects. Much of the work Caltrans is working on to improve infrastructure coincides with areas that could have a high impact to water quality. Therefore, they are providing some resources to help expedite projects needing permits and environmental reviews.

**Stormwater Program:** This program implements construction, industrial, and municipal permits to regulate the discharge of pollutants in stormwater to waters of the US. It often performs inspections statewide (approximately 800 per year) in industrial sites located within disadvantaged communities. As staff assess racial equity and strategic plan goals and perform inspections, they ensure they are not impacting those communities and their neighbors. In FY

21/22, the program participated in multi-agency trash cleanups of waterways that supported water quality mitigation efforts, wildfire impacts, and watersheds (staff are knowledgeable on wildfire). Staff is revising the region-wide Municipal Stormwater General Order. This extensive effort began in FY 21/22 and will continue into FY 22/23. FY 22/23 priorities include maintaining a strong field presence through inspections and enforcement, continuation of work with MS4 permittees (municipal sanitary sewer systems that are separate sewer systems), work with permittees on development, review, and approval of stormwater quality management plan elements, and look to strategies to capture municipal trash and promote watershed level trash cleanup. The Board has MSw4 entities engaged on this issue and staff is trying to engage with the State Water Board to put resources into those watershed level trash cleanup efforts. A portion of the Pyrethroids Control Program deals with urban waterways that are often impacted by MS4 permittees. Permittees continue to support implementation of that program in their systems.

### **Comments/Questions from Board Members**

Chair Bradford asked if trash cleanup on the waterways was unfunded because it required mechanical removal technologies at the wastewater treatment plants, and if there were any prospects for getting those actions funded to promote organization and increased frequency. EO Pulupa explained the statewide trash TMDL requires MS4 permittees to have complete capture of trash within their system, or a complete capture alternative to get zero trash coming out of the system into waterways. Some partners expressed interest in this and asked if there was a way to have an offset, such as longer compliance timeframes for the installation of the concrete capture systems. However, there is a much larger issue related to trash in the waterways from encampments developing along sensitive waterways. Staff is working with State Water Board to collaborate on this issue and get a proposal put forth.

Board Member Avdis commented that since he lives next to a drainage corridor, he is frequently reminded of the amount of trash and illegal debris making its way into the American and Sacramento Rivers, the Delta, and ultimately into the ocean. It is a significant problem, and he hopes the State Water Board focuses on ways to mitigate this issue.

Board Member Ramirez commented the City of Merced is struggling with the same issues. The Mayor began a Kayak Club whereby volunteers donate their time and effort every other weekend to provide cleanup services. This issue is affecting both big and small communities and she hopes we continue to find creative solutions and funding while working with the State Water Board.

### **Planning, Monitoring, and Assessment Programs**

These Programs consist of the Basin Planning Program (including TMDL and the Delta Programs), CV-SALTS, Surface Water Ambient Monitoring Program (SWAMP), and Non-Point Source Program.

**Basin Planning Program:** Basin plans provide the foundation for all Central Valley Water Board regulatory actions. Total Maximum Daily Load (TMDL) Delta Programs fall within this planning program and provide resources to the CV-SALTS Program. FY 21/22 accomplishments include adoption of Tribal Beneficial Use (TBU) definitions to the Basin Plans

and development of a region-wide assessment work plan focused on evaluation of bio-stimulatory and bio-integrity impacts (harmful algal blooms, nitrification, water quality issues related to dissolved oxygen) in collaboration with the State Water Board. This Plan addresses the types of nutrients and biological systems supported by the waterways. Staff also completed the 2021 Triennial Review Process. Priorities for FY 22/23 include staff will continue to allocate resources to implement CV-SALTS, implement the region-wide bio stimulatory and bio integrity assessment work plan, and continue the regulatory process to add TBU definitions to Basin Plans, as well as develop basin plan amendments to designate waterbodies for TBU.

**TMDL Program:** This program addresses water quality impairments by conducting a regulatory exercise to allocate remedial responsibilities to those responsible for pollution and those contributing to water quality problems. FY 21/22 accomplishments include completion of the 2020/2022 Integrated Report, establishment of priority TMDL implementation for Pyrethroids, dissolved oxygen, salt, and boron, continued data analysis and strategic reconsideration of the Delta Methylmercury TMDL, and continued implementation of the Pyrethroid TMDL. FY 22/23 priorities include continued implementation of existing priority TMDLs, develop decisions for the 2024 Integrated Report, update the 303(d) list to prepare for the 2026 Integrated Report, continue the implementation of the Pyrethroid Pesticide TMDL and Control Program, and revise the Clear Lake Nutrient TMDL to achieve strategic plan objectives.

**Delta Program:** the Delta Program is driven by the Delta Regional Monitoring Program (DRMP) and the Delta Nutrient Research Plan (DNRP). FY 21/22 accomplishments include the continued management of the DRMP and continued development of monitoring workplans, continued implementation of the DNRP (including data analysis of existing studies), and the development of new studies on nutrients (HABs and HAB toxins). FY 22/23 priorities include staff continuing to implement the new DRMP structure, update permits and orders, evaluate RMP monitoring proposals, and continue implementation of the DNRP (including analysis of existing studies and development of new studies on nutrients).

**CV-SALTS:** FY 21/22 accomplishments include finalization of the CV-SALTS Basin Plan amendments, provided oversight of Early Action Plan and Management Zone activities, guided the development of the Prioritization and Optimization Study, and engaged in stakeholder activities (including regular meetings with Environmental Justice Advocates). FY 22/23 will build on that success and ensure program requirements (such as the provision to replace drinking water to impacted communities) are met, serve as liaisons at stakeholder implementation meetings (including the Management Zone support meetings and Salt Control Program Prioritization and Optimization meetings), continue to support enforcement efforts, and coordinate and participate in stakeholder meetings and public outreach events.

**SWAMP:** FY 21/22 accomplishments include completion of Phase 1 of the bacteria source identification monitoring in the Lower American River, development of Summer recreational beneficial use assessments in the Delta and Upper San Joaquin River and Lower Kings River watersheds, participated in HAB activities and the development of partnership monitoring programs, and monitoring of post-fire water quality monitoring in the Caldor fire burn areas. FY 22/23 priorities include continuing phase 2 of the bacteria source identification in the Lower American River, support the statewide HAB Program, continue summer recreational beneficial

use assessments in the Upper San Joaquin River, Lower Klamath River, and Lower Kings River watersheds, provide lab contract support for the Delta RMP efforts, update online monitoring maps and data portals weekly for the public, and support the long-term trend monitoring project in the Sacramento River Watershed with the Department of Water Resources.

**Non-Point Source (NPS) Program:** Non-point source pollution is the number one leading cause of water quality impairments in California and around the Country. The NPS Program leverages limited grant funds to restore water quality in the areas impacted by non-point source pollution. FY 21/22 accomplishments include participation in the Clear Lake Blue Ribbon Committee (that helped identify funding for watershed activities in that watershed), completion of the Clear Lake Harmful Algal Bloom Environmental Drivers Study, and development of the North Complex Wildfire post-fire report and summary report on potential effects of prescribed fire on water quality. FY 22/23 priorities include managing grants, continued TMDL implementation (which includes the Central Valley Pesticide TMDLs and Control Programs, San Joaquin River Salts, and Boron TMDL), oversee aeration activities in the Stockton Deep Water Ship Channel, and review data submittals, monitoring reports, and SQMPs for pesticides and selenium. Additional priorities include post-fire erosion and sediment control (which includes data gathering associated with the Dixie Fire), and overseeing Watershed Based Plan implementation for Battle Creek watershed.

### **Questions and Comments from Board Members**

Member Yang commented he appreciated the extra work staff puts in to address the needs of underrepresented communities and communities of color.

Vice Chair Kadara commented she applauded the work staff continues to do with disadvantaged and underrepresented communities and encouraged staff to strive to do even more.

### **Administrative Program**

The Administrative Program is the backbone of all the work that occurs in the region. FY 21/22 accomplishments include updating of the Office Procedure Manual and administrative support intranet web pages, modernized procedures for the California Integrated Water Quality System Data Management Support project, processed 100 requests for personnel action, efficiently processed and reconciled 916 employee training requests, and assisted technical programs in the production and remediation of over 900 web accessible documents. FY 22/23 priorities include continued facilitation of return to the office hybrid work environment, collaboration with the Division of Administrative Services and the Department of General Services to adjust space utilization in regional offices, and engagement with the State Water Board's Racial Equity Workplan with respect to recruitment, retention, and engagement of diverse talent within the organization.

### **Special Permitting Programs**

**Irrigated Lands Regulatory Program (ILRP):** FY 21/22 accomplishments include expansion of the on-farm drinking water well monitoring program (resulting in over 10,600 wells

monitored), completion of 10 surface Water Quality Management Plans, approval of Groundwater Protection Values, approval of ILRP exemptions for the Goose Lake subwatershed and managed wetlands, and completion of in-person listening sessions for small, highly diversified farmers. FY 22/23 priorities include review and approval of Groundwater Protection Targets, update Groundwater Management Plans, implement Salt and Nitrate Control Program requirements, initiate a contract to fund UC Extension Small Farm Advisor (to continue outreach to small, highly diversified farms), and continue work on alternative ILRP regulatory frameworks for low-risk commodity types to ease the regulatory burden to those not causing water quality issues.

**Oil Fields Program:** Most of California's oil field production occurs in the Central Valley. FY 21/22 accomplishments include the enrollment of facilities under General Orders, approval of five pond closure plans, completion of 67 inspections, issued various orders requiring operators to assess whether injected fluids have mitigated outside approved boundaries, reviewed aquifer exemptions, issued 65 UIC project review letters, reviewed multiple well stimulation program applications, groundwater monitoring exclusions, and groundwater monitoring reports. FY 22/23 priorities include the closure of inactive ponds, pursue appropriate enforcement for oil field-related violations, review pond activities that threaten beneficial use waters, review aquifer exemption and proposed UIC projects, and review well stimulation permit applications, requests for monitoring exclusions, groundwater monitoring programs, and monitoring reports to protect water quality. The Central Valley Region was allotted more resources and staff will determine the best use of those resources to protect water quality.

**Land Disposal Program:** This program regulates land discharges of solid and liquid waste to prevent water quality issues. FY 21/22 accomplishments include completion of internal workshops to facilitate discussions on programmatic issues and to foster staff integration, development of standard operating procedures (SOP) for permit revisions, designed review processes for new waste management units, and adopted 12 individual permits. FY 22/23 priorities include enhance collaboration and coordination by holding additional internal workshops, identify additional SOPs to enhance consistency, participate in updated financial assurances and technical training, revise permit requirements for permitted facilities based on threat, complexity, and compliance status, and use available data (including CalEnviroScreen) to increase outreach during the permit revision process.

**Confined Animal Facilities Programs:** FY 21/22 accomplishments include completion of 321 inspections, issued formal enforcement orders for off-property discharges from dairies or for overapplying to land application areas, reviewed and commented on several remediation work plans from dairies in areas of shallow groundwater, and participated in the CDFA's grant program for dairy digesters to reduce short-lived climate pollutants. FY 22/23 priorities include maintenance of robust field presence, participate in the State Water Board's review of the Dairy General Order, and prioritize enforcement against unpermitted off-site discharges of waste, and violations of monitoring programs and nutrient management requirements at dairies, full-coverage poultry facilities, and full-coverage bovine feedlots. Lastly, maintain focus in ensuring these areas are protective of water quality.

**Mines Program:** FY 21/22 accomplishments include inspection of 23 mines to assess site conditions and compliance, assisted with permit development, monitored construction activities, utilized an updated approach to rank water quality threats posed by mines (since 2021 staff has used the updated approach to rank 44 out of 105 mines), continued engagement regarding proposed ventures to re-open the Idaho-Maryland Mine. FY 22/23 priorities include engagement and collaboration for Sulphur Bank Mercury Mine remedy selection, work with the trustee at the Bully Hill/Rising Star Mines to stabilize the sites with remaining settlement funds, continue to participate in public processes, evaluate potential threats and mitigation measures associated with the proposed reopening of the Idaho-Maryland Mine, and continue ranking mine sites using the water quality threat prioritization scheme. Lastly, conduct 25 site assessments, compliance, permit development, and construction inspections of mine facilities that pose a threat to water quality.

**Cannabis Program:** This program regulates waste discharges associated with cannabis cultivation consistent with state policy. FY 21/22 accomplishments include enrollment of 157 cultivators into the program, conducted 56 enforcement inspections, conducted six virtual region-wide outreach events, conducted two enforcement initiatives, and oversaw 21 voluntary cleanup cases at illegal cultivation sites. FY 22/23 priorities include increase enrollments, pursue enforcement of sites posing the most egregious water quality threats, and create efficiencies, improved workflow, and reduction of backlogged historical sites.

**Forest Activities Program:** FY 21/22 accomplishments include 287 inspections (including post-fire salvage logging and post-fire utility activities), executed grants and contracts to improve forestlands impacted by legacy logging, furthered capacity to detect pesticides in remote forested watersheds, built online training and certification system for US Forest Service and Bureau of Land Management staff, and continued California Environmental Quality Act work to support a new permit for nonpoint source discharges on federal lands. FY 22/23 priorities include continue to provide oversight of timber harvesting activities across federal and non-federal land for compliance with the Timberland General Order, continue internal and interagency coordination, inspections, compliance, and enforcement activities to address utility corridor vegetation management activities and federal nonpoint source permit development, including tribal outreach and engagement with federal agency leadership.

### **Questions and Comments from Board Members**

Vice Chair Kadara noted the enrollment in the Cannabis Program was up to 157, and stated this program historically had difficulty enrolling permittees. She asked how staff was increasing enrollments. EO Pulupa replied the actual enrollment number is much higher in total and the 157 was FY 21/22 enrollments. The challenge with the Cannabis Program lies in the fact that many counties do not authorize outdoor cannabis cultivation activities, so staff works closely with the law enforcement in allowable counties to enforce water quality protections without the benefit of Board-issued permits in these counties.

### **Compliance and Cleanup Programs**

**Compliance and Enforcement Program:** Compliance and enforcement is the largest program area at the Central Valley Water Board, spanning nearly every program with 57 staff

persons. FY 21/22 accomplishments include completion of 1,570 inspections resulting in 414 enforcement actions. One of the largest accomplishments was the Steelhead Creek area. This program collaborated with various partners and participating agencies to clean-up 38,500 pounds of trash and debris from the riparian areas around Steelhead Creek. FY 22/23 priorities include intra-office engagement on compliance issues and permit language during development, initiation of a CV-SALTS enforcement task force, and support of US EPA's environmental justice initiative of increased stormwater enrollment and enforcement, illegal dumping, and water quality impacts surrounding homeless encampments.

**Site Cleanup Program:** FY 21/22 accomplishments include technical review of over 1,000 site investigation, remediation, and remedial design documents, 19 sites moved from investigation to active remediation, closed 34 sites, removed over 15 million pounds of contaminated soil, soil gas, free product (gasoline, solvents, diesel, etc.), and contaminated groundwater from the environment, and staff continued efforts to identify sites eligible for grants through the Site Cleanup Subaccount Program. FY 22/23 priorities include tracking the number of pounds of contamination removed from the environment and develop new measures to demonstrate the impact the work is having on water quality, monitor per fluorinated chemicals in groundwater and continue to evaluate the groundwater impacts from 1, 2, 3-Trichloropropane, identify and enroll under-funded projects in funding opportunities, and proactively engage communities in cleanup plan development.

**Underground Storage Tank (UST) Program:** FY 21/22 accomplishments include moved 11 UST cases into remediation, reviewed 324 open cases for possible closure, and closed 47 cases. FY 22/23 priorities include continue to address priority cases, review all open cases for possible closure, ensure every open case receives at least one case review with written directive/correspondence during the year (if feasible), update the Path to Closure fields in GeoTracker for all open cases so all responsible parties are aware of the steps remaining for case closure, and continue to address community engagement in cleanup proposals and case closures.

### **Questions and Comments from Board Members**

Member Ramirez commented the Site Cleanup Program was her first exposure to the Water Board when she worked for the City of Merced. Seeing the amount of removal from these sites measured in pounds was very important because these efforts affect a lot of people and water supply municipalities. She also stated she appreciated the end-of-year report to help the public understand how the work performed during the year has helped to move the state forward in the protection of water quality.

Chair Bradford commented he is amazed when he sees the scope, diversity of the programs, and amount of work accomplished during the year. He felt engaging the community and working with other agencies is commendable and thanked EO Pulupa for the report.

Member Avdis thanked EO Pulupa for the thorough report and indicated he would be following-up via phone with additional questions.

Vice Chair Kadara thanked EO Pulupa for the summary and stated she is appreciative of the report at the end of each fiscal year to let the Board know how well staff is doing with the implementation of the 19 water quality programs. She was glad to see money going into funds for the oil fields projects and commended EO Pulupa and staff for the excellent work.

Member Brar thanked EO Pulupa and staff for the depth and scope of work performed and stated the report is a good indicator of where we are, where we have been, and where we are going.

Member Yang thanked EO Pulupa and staff and stated he was proud to be on a Board that makes an impact, provides solutions to protecting California's water, and moves those protections forward.

Member Lee Reeder thanked EO Pulupa for the report and indicated it was very clear and helped her understand where we were, where we are, and where we are going. Being a new Board Member, it helped her understand where she fitted into the big picture.

### **Comments from Interested Persons**

Mr. Michael Garabedian, Placer County Tomorrow, reviewed the reasons he felt the Industrial Pretreatment Program was vitally important in California. He felt the state's rapid movement towards direct potable reuse of sewage water, which began in 2009 when the State Water Board adopted a Water Recycling Policy (via a self-appointed stakeholder group that did not allow him in the meetings) was too rapid. The attorneys in that group made a presentation to the Sacramento Bar and when he asked if they looked at the Industrial Pretreatment Program as part of that effort, they indicated they did not. Governor Brown reorganized and took the Drinking Water Division out of Public Health and put it under the State Water Board, which is a critical responsibility. Now there is chronic illegal dumping in the sewer systems and many potential dangers to the water system. For example, wrong contaminants got into the drinking water system, resulting in deaths and public health problems in Los Angeles. The State of California was delegated the Industrial Pretreatment Program from US EPA in 1989, the same as the NPDES Program. Mr. Garabedian stated he felt strong public involvement in the program should be a priority for the State Water Board. He regretted not seeing public involvement on their agenda at the recent Tahoe Meeting. So, the Regional Board is in a critical position. Mr. Garabedian further indicated when tried to find out if the Industrial Pretreatment Program had been on a State Water Board Agenda, he found out it hadn't. He indicated a fairly new staff person at State Water Board indicated the Regional Boards were enforcing the program. He further felt the Regional Boards had a dilemma in figuring out how to add this relatively new and important program to its responsibilities. He stated he was aware staff was considering it when looking at general orders, but it is a critical program to human health directly and he looked forward to working on industrial pretreatment with the Regional Board as much as possible in the future.



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**AGENDA ITEM 9 – TIME SCHEDULE ORDER. E. & J. GALLO WINERY, FRESNO WINERY, FRESNO COUNTY – CONSIDERATION OF A TIME SCHEDULE ORDER TO ELIMINATE THE DISCHARGE OF ION EXCHANGE REGENERATE TO LAND**

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This item was removed from the Agenda.

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**AGENDA ITEM 10 – GENERAL WASTE DISCHARGE REQUIREMENTS FOR MAINTENANCE DREDGING OPERATIONS – CONSIDERATION OF NEW GENERAL WASTE DISCHARGE REQUIREMENTS**

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**Staff Presentation (Regional Board)**

Stephanie Tadlock, Senior Environmental Scientist in the 401 Water Quality Certification and Dredging Unit explained her presentation discusses the General Order for Maintenance Dredging Operations, the difference between soil excavation and dredging, and why it is important for the Regional Board to regulate these operations for water quality purposes.

Dredge material in the Central Valley is rarely (if ever) discharged back to surface waters. The Regional Board is expanding the regulation of unconfined placement, which could occur at nearby aquatic sites or upland areas protected from re-entering the water source. One of the most important aspects of dredging placement is how it is disposed of or reused. Some dredged material can have constituent composition rendering it unsuitable for beneficial reuse, most dredged material represents a vital resource for a wide range of applications considered beneficial. Reuse has become common in upland areas to repair levy deficiencies, assist in reversing island subsistence, creation of wetland habitat, and as foundational material for future construction activities.

Dredging material has the potential to contain substances that may cause problems to water quality, even when placement of material is in upland areas. These substances may not be mobilized until the material is distributed or oxidized in the upland environment. Constituents and dredged material may leach into groundwater, be subject to erosion, pose a threat as dust, or be taken up into the food shade by plants. Most dredged material can be classified as material considered non-hazardous and would not negatively impact water quality or the environment. Most dredge material is placed upland if it is categorized as inert waste placed in areas with no connectivity with existing water resources.

Current dredging activities are regulated under several orders, including individual Waste Discharge Requirements, Water Quality Certifications issued under Section 401 of the Clean Water Act, the Low Threat General Waste Discharge Requirements, and a Maintenance Dredging General Order for activities within the Stockton or Sacramento deep water ship channels (performed by Port Authorities or the Department of Water Resources (DWR)), maintenance dredging within the San Joaquin Delta, and maintenance dredging within the Delta. In addition, the Regional Board has a Memorandum of Understanding (MOU) with the US Army Corp of Engineers for their regular dredging of the Stockton deep water ship channels. These existing requirements do not address coverage for maintenance dredging operation needs outside of the Sacramento/San Joaquin Delta boundaries. These operations include lake dock dredging, irrigation canal maintenance, and pond maintenance due to the

prevalence of activities requiring regulation outside the Delta. Over many years, staff has taken reporting and data collected from Delta activities and expanded those opportunities outside of the Delta further into the broader Sacramento/San Joaquin Valley to provide coverage under this Order.

After research and development of standards consistent with three basin plans, the proposed General Order would replace the Orders authorizing maintenance dredging activities within both deep-water ship channels operated by DWR and port authorities (as well as any maintenance dredging activities in the Delta). This will provide further authorization for dredging operations replacement outside the Delta. It will encompass all maintenance dredging operations within the Sacramento, San Joaquin, and Tulare Lake Basins. However, due to the existing MOU with the Army Corp of Engineers, there is ongoing data collection, and this memorandum would remain in place and not be included as part of the new General Order. Non-maintenance dredging activities will continue to use the existing applicable orders as previously adopted.

This General Order categorizes dredging operations based on a risk analysis on a project-by-project basis of dredging material placement methodology and location proposals. Three categories are used to prescribe pre-project sampling, project site monitoring, and restrictions, and are determined by the level of risk the sediment runoff has of returning to its original water source. Category 1 has the highest risk of return. These areas include placement at a site where high potential for runoff to discharge into surface water or groundwater may occur. Category 2 projects with a possible risk of return include placement at a site with a potential of return for all runoff discharge to surface water and or groundwater. Category 3 are sites with lowest risk of return. These include a site with a curbed and near-impervious surface, or otherwise lacks connectivity to any waters of the state. These areas are described as having a near permeable surface area that has a very low risk of opportunity to percolate through the surface of any wetted or dried material that surface has accumulated.

Ms. Tadlock then described the different requirements within the Dredging General Order. The Order will include pre-dredge sediment testing, dredge site monitoring, placement site monitoring, placement site discharge/effluent monitoring, receiving water monitoring, and reporting. The enrollee is required to notify the Board at least seven days prior to dredging placement, submit a notice of completion within 30 days following the completion of the dredging activities. Monthly monitoring reports are required to report active dredging and discharge spoils. A detailed total volume of dredged materials must be submitted prior to September 1st each year for operations tracking in our databases after the dredging operational work window ends and dredging activities conclude.

During the development of the General Order, opportunity for internal review and public comment was provided on multiple occasions. Prior to circulating the tentative order to the public, comments were requested from all Board offices. Fresno and Redding staff with expertise in dredging provided comments and suggestions in January of 2022. The tentative general order was first circulated to the public for review from April 6 through May 6, 2022. The Board received one public comment. A workshop was provided to the commenter and the discussion resulted in a more robust order. Once all suggestions were incorporated, a second public circulation was initiated June 15 to July 15, 2022. No additional comments were

received during the second public review. Ms. Tadlock closed the presentation, indicated staff recommended Board adoption of the new General Order for Maintenance Dredging Operations, and entered the presentation and related materials into the record.

**Staff Comments and Recommendation**

EO Pulupa stated an extraordinary amount of work went into developing this Order and it is representative a large milestone. EO Pulupa thanked staff for their work and recommended adoption of the Order.

**Questions and Comments from Board Members**

Chair Bradford asked if there was a lot of public input. Ms. Tadlock replied there was one comment indicating it was a good start and offered input to improve the Order. Ms. Tadlock stated after discussing public comments with staff and management, it was determined the Board would benefit from the suggestions and allow staff to regulate these operations as intended. As a result, a more robust Order was generated.

Member Ramirez commented it was a great presentation and she appreciated the explanation at the beginning of the presentation that defined maintenance dredging operations.

Vice Chair Kadara thanked Ms. Tadlock for the presentation and felt it was a comprehensive and educational presentation.

**MOTION TO ADOPT AGENDA ITEM 10 - GENERAL WASTE DISCHARGE REQUIREMENTS FOR MAINTENANCE DREDGING OPERATIONS**

Motioned: Member Avdis  
Seconded: Member Lee Reeder

Roll Call Vote:

Member Ramirez	Yes
Member Lee Reeder	Yes
Member Brar	Yes
Member Yang	Yes
Member Avdis	Yes
Vice Chair Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 7-0-0

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**MEETING ADJOURNED**

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The Board meeting adjourned at 12:32 p.m. to the 13/14 October 2022 Board Meeting in Redding, California.