

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

588th BOARD MEETING MINUTES

THURSDAY, 10 AUGUST 2023, 9:00 A.M.

BOARD MEETING LOCATION

Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT

Avdis, Nick	Kadara, Denise
Bradford, Mark	Lee Reeder, Elena
Joslin, Nick	Yang, Sean

STATE WATER BOARD MEMBERS PRESENT

None

STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PRESENT

Jahr, Jessica	Moskal, Chris	Wadhwani, Emel
Knight, Kennedy	Toft-Dupuy, Bailey	West, Yvonne

REGIONAL BOARD STAFF PRESENT

Andam, Lani	Garver, Kelli	Pulupa, Patrick
Baum, JJ	Harvey, Dale	Pyle, Jeffrey
Chow, Bob	Hatton, Scott	Snyder, Clint
Collins, Michael	Howard, Meredith	Tadlock, Stephanie
Coughlin, Gene	LaBay, Jennifer	Walters, Anne
Durette, David	Laputz, Adam	
Elankovan, Saranya	Maxwell, Mindy	

ADDITIONAL IDENTIFIED ATTENDEES

Antypas, DeeDee	Houdesheldt, Bruce	Pensar, Bill
Bedore, Paul	Karkoski, Joe	Rodgers, Nancy
Cativiela, J.P.	King, Ben	
Cory, David	Longley, Karl	
Dunham, Tess	Nelson, Martha	

AGENDA ITEM 1 – CALL TO ORDER

Chair Bradford called the 588th Board Meeting to order and made introductions. Executive Officer (EO) Patrick Pulupa introduced staff. Vice Chair Avdis led the Pledge of Allegiance.

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Chair Bradford submitted the following communication:

- 10 July 2023 – Participated in the monthly Water Board Chairs' Discussion.

Member Kadara submitted the following communications:

- 11 July 2023 – Participated in the Nitrate Control Program Implementation Meeting with stakeholders.
- 17 July 2023 – Participated in the State Water Board Climate and Racial Equity Session.
- 29 July 2023 – Participated in a training organized by Self-Help Enterprises, Community Water Center, and Leadership Counsel for Justice & Accountability. The focus of the training was effective communication with stakeholders.

Member Lee Reeder submitted the following communications:

- 11 July 2023 – Participated in the Nitrate Control Program Implementation Meeting with stakeholders.

AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE

Chair Bradford noted State Water Board Member Nichole Morgan was unable to attend in person for the update. However, a written summary was provided to Board Members, with copies available for interested persons:

August 2023 State Board Liaison Report

Media Releases

- **July 11:** [Next phase of recycled water begins for California](https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20230711-recycled-water-next-phase.pdf)

(https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20230711-recycled-water-next-phase.pdf)

- **July 12:** [State Water Board releases draft report on expediting permitting for seawater desalination plants](https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20230712-seawater-desalination-plants)

([https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20230712-](https://www.waterboards.ca.gov/press_room/press_releases/2023/pr20230712-seawater-desalination-plants)

x2-draft-desalination-report.pdf).

Desalination Siting and Streamlining Report

- On July 10, State Water Board staff released the [Draft Seawater Desalination Siting and Streamlining Report to Expedite Permitting \(Draft Report\)](https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/docs/2023/DraftSeawaterDesalinationSitingandStreamlining.pdf)

(https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/docs/2023/DraftSeawaterDesalinationSitingandStreamlining.pdf).

for public comment, and the deadline for comments was July 28. The Draft Report was developed by a Seawater Desalination Interagency Group headed by the state as part of the [Water Supply Strategy](https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/docs/ca-water-supply-strategy.pdf)

(https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/docs/ca-water-supply-strategy.pdf).

- On July 21, staff hosted an informational public webinar to provide an overview of the recommendations and describe the process for submitting comments on the Draft Report. State board staff, in coordination with the Seawater Desalination Interagency Group, considered comments and are in the process of finalizing the Draft Report for submittal to the Governor's Office.

Hexavalent Chromium Maximum Contaminant Level

- On August 2, the State Board conducted a public hearing for a proposed hexavalent chromium maximum contaminant level (MCL) regulations. SWRCB-DDW-21-003.

Once-Through Cooling

- On August 15, the State Water Board considered adoption of the proposed final amendment to the Water Quality Control Policy on the use of coastal and estuarine waters for power plant cooling (Once-Through Cooling or OTC Policy) to Revise the Compliance Schedules for the Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations, and the Diablo Canyon Nuclear Power Plant, as well as the proposed final staff report and the responses to comments, are now available on the OTC policy program's official policy documents [webpage](https://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/policy.html)

(https://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/policy.html).

Scott River Minimum Flows

- On August 15, the State Water Board held a public hearing to receive oral comments from interested parties and the public on the Petition for Rulemaking to set minimum flows on the Scott River (Petition).

Direct Potable Reuse Regulations

- On July 21, the State Water Board released proposed regulations for direct potable reuse.
- The public hearing will be conducted on September 7, during a regularly scheduled State Water Board meeting.

FY 2023-24 Fee Stakeholder Meetings

- August 3 – Water Quality and Water Rights Fees Stakeholder Meeting.
- August 4 – Drinking Water and ELAP Fees Stakeholder Meeting.
- Meeting will be held remotely via webcast and Zoom.

Clean Water State Revolving Fund Intended Use Plan (CWSRF IUP) & Drinking Water State Revolving Fund Intended Use Plan (DWSRF IUP)

- The proposed DWSRF IUP was adopted by the State Water Board during the July 18th meeting. The adoption hearing for the CWSRF IUP was delayed.

SAFER

- On July 14, State Water Board staff held a public webinar to provide an opportunity for stakeholders to learn about and provide feedback on the overview of the proposed Drinking Water Cost Assessment Model updates.
- On August 11, the Safe and Affordable Funding for Equity and Resilience (SAFER) Advisory Group will hold its third meeting of 2023.

California's Water Supply Strategy Implementation Actions

Water Rights staff are working on Item 4.3 of the California Water Supply Strategy to “[m]odernize water rights administration for equity, access, flexibility, and transparency,” which supports the broader action of the Strategy to “[i]mprove all water management actions with better data, forecasting, conveyance, and administration of water rights.” Specifically, staff are working on the Updating Water Right Data for California (UPWARD) effort as directed in the Strategy. On June 15, 2023, the Division of Water Rights opened the application period for membership in the UPWARD Advisory Group. The Group will be composed of approximately 20 members that represent different water right holders and interests, including tribes, from throughout California. Applications were accepted through July 28, 2023, and the first meeting is tentatively scheduled for mid-September 2023. Details on the application process and expectations for the Group are available on the Board’s [UPWARD website](https://waterboards.ca.gov/upward/)

(<https://waterboards.ca.gov/upward/>).

On July 10, 2023, State Water Board staff released the Draft Seawater Desalination Siting and Streamlining Report to Expedite Permitting (Draft Report) for public comment. The Draft Report was developed by a Seawater Desalination Interagency Group headed by the State Water Board and comprised of state and federal agencies that review environmental documents and permit or lease applications for proposed

seawater desalination facilities, to fulfill a directive in [California's Water Supply Strategy: Adapting to a Hotter Drier Future](#)

(https://www.waterboards.ca.gov/water_issues/programs/ocean/desalination/docs/ca-water-supply-strategy.pdf).

The Seawater Desalination Interagency Group identified criteria for siting seawater desalination projects where they are cost effective and environmentally appropriate to facilitate approval under existing regulatory requirements, as well as recommendations for potential changes to the requirements to streamline permitting. The Seawater Desalination Interagency Group hosted an informational public webinar on Friday, July 21, 2023, to share the impetus and approach for developing the Draft Report, provide an overview of the recommendations, and describe the process for submitting comments on the Draft Report. State Water Board staff, in coordination with the Seawater Desalination Interagency Group, considered comments and are in the process of finalizing the Draft Report for submittal to the Governor's Office.

Comments from Board Members

None.

AGENDA ITEM 4 – PUBLIC FORUM

Ben King thanked the Board for the opportunity to comment and stated he is an active stakeholder in groundwater quality control issues for the development of sub basins around the Sutter Buttes. Mr. King wished to bring attention to the groundwater contamination at the Colusa National Refuge and Sacramento National Refuge. Mr. King read an excerpt from the 2011 Water Management Plan Report prepared by the United States Department of Fish and Wildlife noting mercury and hexavalent chromium levels above the Environmental Protection Agency's criteria. The Report noted use of this water could have detrimental effects on the aquatic and wildlife resources that utilize those areas.

EO Pulupa thanked Mr. King for his input and indicated the information would be forwarded to the Board's Total Maximum Daily Load (TMDL) team. The Board has a methylmercury TMDL Program that is exploring inputs to the Delta (including the Cache Creek watershed). One of the activities staff will be doing in the year to come will be the 10 year review of the methylmercury TMDL Program. EO Pulupa indicated staff would ensure Mr. King is included on those notices and thanked Mr. King for his comments.

Bill Pensar indicated he was representing the Lemon Cove Sanitary District (LCSD) and stated he lived in the area and was concerned about the \$3,500 fee being charged to the District by a Management Zone for fees associated with the CV-SALTS Nitrate Control Program. Mr. Pensar stated the LCSD serves 106 people on about 22 acres and the surrounding areas were charged much less. Mr. Pensar indicated his purpose for addressing the Board was to request a reduction in fees because \$3,500 is more than 50% of their annual revenue.

EO Pulupa thanked Mr. Pensar for his comments and indicated the Division of Drinking Water issued an enforcement order for LCSD's failure to provide safe drinking water to its residents. Therefore, the Board could not discuss this matter due to an active enforcement order. LCSD has a non-compliant facilities both for its drinking water and wastewater. The Board will continue to work through those issues in collaboration with the Management Zone LCSD participates under.

Comments from Board Members

Chair Bradford thanked Mr. King and Mr. Pensar for their comments and concerns.

Member Kadara addressed Mr. King and Mr. Pensar and stated the Board welcomed public comments and thanked them for taking the time to attend the Board Meeting to express their comments and concerns.

AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT

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:

- Michael Collins, Water Resources Control Engineer in the National Pollutant Discharge Elimination System Program (Redding Office), and
- Jeffrey Pyle, Engineering Geologist in the Waste Discharge Requirements Program (Fresno Office).

Questions and Comments from Board Members

The Board Members congratulated Jeff and Michael for the pride they take in their work and thanked them for their efforts.

Member Kadara noted page 25 of the EO Report discussed several facilities in the Poso Creek Oil Field where surface ponds were used for produced wastewater disposal. A file review conducted for the facilities before an inspection found the operator had not submitted any monitoring reports for the facilities. The ponds are not active, and the operators stated they wanted to close the ponds but had not submitted a closure plan for staff review. As per Cleanup and Abatement Order (CAO) No. R5-2015-0722, the operator is required to submit annual facility inspection reports but has not submitted them in several years. Ms. Kadara asked what the status was for these facilities. EO Pulupa responded Fresno staff was following-up with the facilities regarding Notices of Violation issued to obtain the necessary documentation. If the facilities did not respond

to the Notices, the action could come before the Board for additional enforcement action.

Comments from Interested Persons

None.

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING

Motion to adopt previous Board meeting minutes from the 22 June 2023 Board Meeting.

MOTION TO ADOPT JUNE 2023 MEETING MINUTES

Motioned: Vice Chair Avdis

Seconded: Member Lee Reeder

Roll Call Vote:

Member Joslin	Abstain
Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Vice Chair Avdis	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 5-0-1

AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 10 – 13

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 10)

- a. Evergreen Sierra East, LLC; for College Park, Site A Project – Consideration of new Waste Discharge Requirements
- b. Richland Planned Communities, Inc.; The Ranch in Antioch Master Planned Residential Community Project – Consideration of new Waste Discharge Requirements

NPDES (AGENDA ITEM 11)

- a. City of Stockton, Regional Wastewater Control Facility – Consideration of NPDES Permit Amendment (NPDES Permit CA0079138)
- b. Tehama County Sanitation District No.1, Mineral Wastewater Treatment Plant, Tehama County – Consideration of NPDES Permit Renewal (NPDES No. CA0084069)

RESCISSIONS (AGENDA ITEM 12)

- a. E&B Natural Resources Management Corporation, Antelope Hills Oil Field, Hopkins A, Hopkins A South, Phippen, Voight, and Williams Leases, Kern County – Waste Discharge Requirements Order No. 58-443
- b. E&B Natural Resources Management Corporation, Antelope Hills Oil Field, Pickrell-Mitchel and Pickrell-Williams Leases, Kern County – Waste Discharge Requirements Order No. 69-111
- c. Rio Pluma, LLC, Butte County – Waste Discharge Requirements Order No. 99-074
- d. Sacramento Regional Wastewater Treatment Plant, Sacramento Regional County Sanitation District, Sacramento County Water Agency, Sacramento County – Master Water Reclamation Permit Order No. 97-146
- e. Sierra Pacific Industries, Shasta Lake Class III Landfill, Shasta County – Waste Discharge Requirements Order No. R5-2003-0081

CHANGE OF NAME (AGENDA ITEM 13)

- a. Lehigh Cement West, LLC, Lehigh Southwest Cement Company (f/k/a Calaveras Cement Company), Former Calaveras Cement Plant, Calaveras County – Waste Discharge Requirements Order Nos. R5-2022-0072 and R5-2020-0063
- b. Original Sixteen to One Mine, Sierra County – NPDES Permit CA0081809

Comments from Interested Persons

None.

MOTION TO ADOPT AGENDA ITEM 7 (Uncontested Calendar Items 10 through 13) with Late Revisions to Item 11 a. (City of Stockton NPDES Permit)

Motioned: Vice Chair Avdis
Seconded: Member Yang

Roll Call Vote:

Member Joslin	Yes
Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Vice Chair Avdis	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 6-0-0

**AGENDA ITEM 8 – PRESENTATION OF CALIFORNIA STATE SENATE
RESOLUTION FOR CLAY RODGERS**

Chair Bradford provided some background on Clay Rodgers and noted Clay graduated from California State University, Fresno with a Bachelor of Arts and Master of Science in Geology. Clay was employed by the Central Valley Regional Water Board from 1999 to 2003 and since 2007 until April 2023. In addition to his experience at the Central Valley Water Board, Clay had 19 years of professional consulting experience and was a Professional Geologist and Certified Engineering Geologist in California. As Assistant Executive Officer, Clay managed the Fresno Office until his passing in April 2023. Clay leaves behind a loving family and many friends.

EO Pulupa expressed Clay’s passing was an incredible loss to many. Clay was an incredible mentor and friend and took a great deal of effort to support his staff and others he worked with. Clay truly had a love for the work he performed and was a rare individual in that he had the technical background and an impeccable moral compass to always do what was right and guide his staff accordingly. Condolences were expressed to Nancy Rodgers, Clay’s widow.

Chair Bradford then read a Resolution from Honorable Shannon Grove, 12th State Senatorial District, and Honorable James Patterson, State Assembly 23rd District in recognition of Clay’s work.

Following the reading of the Resolution, multiple people came forward with pictures and remembrances of Clay. They spoke of his friendship, valued leadership, and unwavering support of protecting California’s groundwater. Remembrances were provided by:

- Dr. Karl Longley, former Chair of the Central Valley Water Board
- David Cory, Central Valley Salinity Coalition
- Tess Dunham, Attorney with Khan, Soares, and Conway
- Joe Karkoski, Deputy Director, Division of Financial Assistance, State Water Board
- Bruce Houdesheldt, Director of Water Quality, Northern California Water Association
- J.P. Cativiela, President, Cogent Consulting and Communications, Inc.

After the Board Members talked about their remembrance of Clay, Chair Bradford thanked everyone that took time to provide their tribute. Nancy Rodgers also thanked everyone for their input and stated the memorial meant a lot to her and her family.

Chair Bradford called for a moment of silence to remember Clay.

AGENDA ITEM 9 – END-OF-YEAR REPORT AND PRESENTATION OF PROGRAM VIDEOS

EO Pulupa presented a summary of the work accomplished by the 19 water quality programs in the Region over Fiscal Year (FY) 2022/23.

The staff Program Managers created program videos for each of the water quality programs. Each video introduced the Program Manager and staff and described the work performed in each program to protect California's groundwater. The 2023 videos replaced the 2016 videos. The videos are posted on Board's website and are an effective communication tool for the public.

EO Pulupa provided an overview of the Portfolio Management process and noted the end of year report is provided in August of each year because the Programs are managed on a FY from July 1 through June 30 of each year. EO Pulupa then reviewed Program Manager staffing changes since last year's update and noted there had been some key retirements and indicated it was a top priority of the Executive Management Team to fill those vacancies.

Overall, performance targets for FY 2022/23 were generally met and included:

- 94% of inspections performed in the Forest Activities Program;
- 4,087 notifications of 4,119 required ILRP Drinking Water Monitoring (99% compliance achieved);
- Achieved major success with the ARCO handover of Walker Mine;
- 25 Oilfield Pond Closure Reports completed;
- The draft Pyrethroid Research Plan was Released for public comment;
- Industrial and Construction Stormwater Inspections at 152% and 117% of targets, respectively; and
- The NPDES General Order was adopted.

Challenges included inspections in the Confined Animal Facilities (CAF) Program were below target, partially due to flooding response/digester evaluations. However, there were some significant enforcement actions approved. Some target goals in the Title 27

Waste Discharge to Land (Landfill) Program were not achieved. Staff is currently working on reprioritization under a new Program Manager.

Goals moving forward include:

- Continued evaluation of operational needs for a hybrid workforce;
- Continued implementation of CV-SALTS (including the Nitrate Control Program) through the WDR Program, Irrigated Lands Regulatory Program, CAF Program, and Non-15 Program;
- Managerial and staff development for new Program Managers; and
- Implementation of racial equity goals (including the racial equity goals that are part of the Board's Resolution), in the water quality programs, as well as diversifying the staff and ensuring diverse recruitment efforts.

Questions and Comments from Board Members

Member Kadara thanked the Executive Team and staff for their work in meeting objectives despite challenges. She further commented the videos were a great tool for the public to easily understand the work performed by the Board.

In terms of resources with the enlarged jurisdiction of the Central Valley Water Board, Member Avdis asked if the timing of permits in the Water Quality Certification (WQC) Program would be delayed for the regulated community because of the *Sackett* decision. EO Pulupa responded the WQC Program experienced a 25% drop in the amount of certifications in the first quarter of 2023. However, part of the decrease was related to cyclical components. Staff was working with the Office of Enforcement and legislative staff to ensure these concerns are addressed. A clearer picture is expected in the coming months.

Member Yang asked what progress was made as it related to the recently adopted racial equity goals, and how additional outreach could be performed for the Spanish speaking community. EO Pulupa responded the recently adopted goals are now part of the 2023/24 work plans. Therefore, Managers would be providing regular updates to the Executive Team, and a report would be coming at the end of year assessment during the August 2024 Board Meeting. Member Yang also thanked EO Pulupa and staff for the work on the videos.

Member Lee Reeder commented she was excited to share the videos with stakeholders to help them easily understand the work performed.

Chair Bradford commended EO Pulupa and staff on managing the changes related to the loss of Clay Rodgers, as well as staff retirements. As it relates to the videos, Chair Bradford felt the CV-SALTS Program Video was excellent and noted the work previous Chair Dr. Karl Longley performed in that area.

The Board reviewed the Administrative Program and CV-SALTS Program videos and EO Pulupa confirmed they would receive the links to review all of them.

Comments from Interested Persons

None.

MEETING ADJOURNED

The Board meeting adjourned at 12:32 p.m. to the 12/13 October 2023 Board Meeting in Redding, California.