



Public Meeting

Central Valley Regional Water Quality Control Board

24 April 2008-Thursday 8:30 a.m.
25 April-Friday 8:30 a.m.
Central Valley Regional
Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

The purpose of this meeting is for the Board to obtain testimony and information from concerned and affected parties and to make decisions based on the information received.

Persons who want to submit written comments or evidence on any agenda item must comply with the **Meeting Procedures** described at the end of the listing of **Agenda** items. Persons wishing to speak at the meeting should complete an attendance card and provide it to staff. Although otherwise filling out the attendance card is voluntary, we do appreciate receiving a card from all persons in attendance.

Persons applying for, or actively supporting or opposing, waste discharge requirements before the Board must comply with legal requirements if they or their agents have or propose contributing more than \$250 to a Board member for an election campaign. Contact the Board office for details if you fall into this category.

Items showing times will begin no sooner than indicated. Items are numbered for identification purposes only and may not be considered in order. They may, however, be delayed by previous items. Items scheduled for the first day of a multi-day meeting may be delayed or continued to the next day of the meeting. The Board may conduct any scheduled hearing as a Panel Hearing as allowed by law in the event of a lack of a Board member quorum. In the event that a Panel Hearing is held, final action on that item will not be taken until a Board member quorum is present. Closed Session business is normally conducted during the lunch break, although the Board may adjourn to Closed Session at any time. Depending on the extent of Closed Session items, the lunch break may be lengthy. The Board Chair will announce prior to any Closed Session the anticipated time that the public session will resume.

Technical questions regarding agenda items should be directed to the responsible staff person whose name and direct phone number are indicated by the agenda item. If no staff person is listed, or for general questions and requests for agenda material, please contact Kiran Lanfranchi-Rizzardi at: (916) 464-4839.

The facility is accessible to people with disabilities. Individuals requiring special accommodations are requested to contact Ms. Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Board agendas and the approved minutes of Board meetings are posted on the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Copies of the items to be considered by the Board are posted on the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/ organized by agenda item number.

A listing of pending applications for Water Quality Certifications, pursuant to section 401 of the Federal Clean Water Act, may be obtained from the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/public_notices/ or by calling Pat Gillum at (916) 464-4709.

TIME LIMITATIONS

In order to move the Board meeting along in a timely manner, and assure time for adequate consideration of items later in the Agenda, the Chair may enforce maximum time limitations on each item. The goal is to complete all presentations, cross-examination, Board deliberation and voting within the allotted time. Allotted times are listed on the agenda following each item. Please consider the allotted time when preparing your presentations. Items with specific times listed will not be heard before that time but may be heard later.

ELECTRONIC PRESENTATIONS FOR BOARD MEETINGS

Power Point and other electronic presentations are frequently presented at the Regional Water Board Meetings. Please e-mail presentations to the Regional Board Webmaster at: webmaster5@waterboards.ca.gov at least 24 hours in advance, or bring your files either on a USB Flash Drive, or CD ROM and give them to Board Staff prior to the start of the meeting. Providing the electronic files in advance will allow the Board Meeting to proceed without any interruption.

THURSDAY– 24 APRIL- 8:30 A.M.

1. Introductions, approval of the March 2008 Minutes and Pledge of Allegiance.
2. Meeting Rules and Procedures.
3. Board Member Communications - Regional 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. There will be no voting or formal action taken.
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* (3 minute time limit per subject) 8:30 a.m.
5. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)

OTHER BUSINESS

6. [Revisions to Amended Attachment B of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands \(Amended Order Number R5-2006-0053\)](#) - *Consideration of proposed modifications to conditions under which growers can join coalition groups.* [Joe Karkoski (916) 464-4668] **(Time Limit 60 minutes)**
7. [Aquifer Storage and Recovery Projects in the Central Valley](#) – *Information Item* [Mary Serra (916) 464-4732] **(Time Limit-150 minutes)**
8. [Basin Plan Amendments for a Mercury Control Program for the Sacramento-San Joaquin River Delta Estuary Testimony Hearing](#) [Patrick Morris (916) 464-4621] **(Time Limit-150 minutes)**

FRIDAY– 25 APRIL- 8:30 A.M.

9. Introductions, approval of the March 2008 Minutes and Pledge of Allegiance.
10. Meeting Rules and Procedures.
11. Board Member Communications - Regional 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. There will be no voting or formal action taken.
12. 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* (3 minute time limit per subject) 8:30 a.m.
13. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
14. The Board will be asked to approve items from 18 through 22 with no discussion if no one is here to testify about them; see page 3 and 4 for a description/listing of items.

ENFORCEMENT

15. [City of Placerville Hangtown Creek Wastewater Treatment Plant, El Dorado County](#) – Consideration of NPDES Permit Renewal and Cease and Desist Order [Elizabeth Thayer (916) 464-4671] **(Time Limit- 30 minutes)**
16. [City of Vacaville Easterly Wastewater Treatment Plant, Solano County](#) – Consideration of NPDES Permit Renewal and Time Schedule Order [Kathleen Harder (916) 464-4778] **(Time Limit-30 minutes)**

OTHER BUSINESS

17. [Discussion of Strategic Planning](#)-The Board will continue its strategic planning and process of setting goals for the Central Valley Regional Water Board. **(Time Limit-120 minutes)**

UNCONTESTED ITEMS CALENDAR

Uncontested items are expected to be routine and noncontroversial; recommendations will be acted on without discussion. If any interested party, Board, or staff member requests discussion, the item may be removed from the Uncontested Items Calendar and taken up in the regular agenda order, or in an order determined by the Board Chair - 8:30 a.m.

ENFORCEMENT

18. [Ironhouse Sanitary District Wastewater Treatment Plant, Contra Costa County](#) – Consideration of New NPDES Permit and Time Schedule Order [Kathleen Harder (916) 464-4778]

NPDES PERMITS

19. [Uncontested NPDES Permits](#)
 - a) [Calaveras County Water District and Cain-Papais Trust Forest Meadows Wastewater Reclamation Plant, Calaveras County](#), (New)
 - b) [City of Modesto Water Quality Control Facility, Stanislaus County](#), (NPDES Permit CA0079103), (Renewal)
 - c) [El Portal Wastewater Treatment Facility, Mariposa County](#), (NPDES Permit CA0081759) (Update)
 - d) [Crystal Creek Aggregate, Inc., Aggregate Quarry, Shasta County](#), (NPDES Permit CA0082767) (Renewal)

WASTE DISCHARGE REQUIREMENTS

20. [Uncontested Waste Discharge Requirements](#)
 - a) [IT Environmental Liquidating Trust, Benson Ridge Facility, Operation of Class II Surface Impoundment and Post-Closure Maintenance of Class I Landfill, Lake County](#) (update)
 - b) [Wild Rose Vineyards LLC, Dole Fresh Vegetables, Inc., Former Dole Fresh Fruit/Victor Fruit, Post Closure Operation and Maintenance, Former Class II Surface Impoundments, San Joaquin County](#) (revision)
 - c) [BP West Coast Products, ARCO/BP Stockton Fuel Terminal #40T, Enhanced Bioremediation Pilot Study, San Joaquin County](#) (new)
 - d) [Thermalito Irrigation District, Water Treatment Plant, Butte County](#), (renewal)
 - e) [BAR 20 Partners, LTD, and Microgy, Inc, BAR 20 Dairy No. 2, Fresno County](#) (new)
 - f) [City of McFarland, Wastewater Treatment Facility, Kern County](#) (revision)
 - g) [J.G. Boswell Tomato Company, Buttonwillow Tomato Processing Facility, Kern County](#) (new)
 - h) [Lake Berryessa Resort Improvement District, Wastewater Treatment Facility, Napa County](#) (revision)
 - i) [Coffman Specialties, Inc. and Tiechert Construction Company, Boreal Temporary Batch Plant and Concrete/Asphalt Recycling Site, Nevada County](#) (new individual waiver)
 - j) [East Bay Municipal Utility District, Folsom South Canal Connection Project Dewatering Discharge to Land, Sacramento and San Joaquin Counties](#) (new individual waiver)
 - k) [East Bay Municipal Utility District, Camanche Dam Power House, San Joaquin County](#) (new)

21. [Uncontested Rescissions](#)

- a) Viken Industries, Inc., Huntsman Avenue Solid Waste Disposal Site, Fresno County, Order No. 97-071
- b) Sequoia Voting Systems, Inc., Tulare County, Order No. 99-085
- c) Calpine Greenleaf Incorporated, Unit One Cogeneration Facility, Sutter County, (NPDES Permit CA0081566), Order No. R5-2002-0012
- d) Bar-Vee Dairy, City of Turlock and Arthur G. Crowell Bar-Vee Dairy, Stanislaus County, Order No. R5-2002-0061
- e) Chevron U.S.A., Kern River Oil Field, Kern County, Order No. R5-2002-0066
- f) Defense Logistics Agency, Defense Distribution Depot San Joaquin (Sharpe), NPDES Permit for discharge of treated groundwater from cleanup activities Order No. R5-2002-0213 (NPDES No. CA0081931)
- g) City of West Sacramento Wastewater Treatment Plant, Yolo County, Waste Discharge Requirement Order No. R5-2003-0087, (NPDES Permit No. CA0079171), and Cease and Desist Order No. R5-2003-0088
- h) North Fork Aggregate, Shasta County, WDRs Order No. R5-2007-0120.

22. [Uncontested Change of Name and/or Ownership](#)

- a) Pacific Energy Resources Ltd., McDonald Anticline, Kern County, Order No. 58-502
- b) Harris Ranch Beef Company, Fresno County, Order No. 90-183
- c) POM Wonderful, LLC, Fresno County, Order No. 93-126
- d) T Northwest Properties, Suncor 76 Station No. 261152, Yolo County, Order No. 97-10
- e) Clark Pacific, Former Spreckels Sugar Company Facility, Yolo County, Order No. R5-2003-0047
- f) The Rumsey Band of Wintun Indians, Cache Creek Golf Club Water Reclamation Project, Yolo County, Order No. R5-2006-0121

The Regional Board may meet in closed session to consider personnel matters [Authority: Government Code Section 11126(a)]; to deliberate on a decision to be reached based upon evidence introduced in a hearing [Authority: Government Code Section 11126(c)(3)]; or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code Section 11126(e)]. Litigation items that may be discussed are listed below by the type of item:

Litigation filed against the Regional and/or State Water Board:

- a. 303(d) List - San Joaquin River Group Authority v. State Water Resources Control Board, and Does 1 through 100, inclusive. Sacramento County Sup. Ct.
- b. Aerojet Cleanup - CVRWQCB, et al. v. Aerojet-General Corp., et al, (Sacramento Co. Sup. Ct. No. 286073, consolidated with Nos. 288302 and 291981); CVRWQCB, et al. v. Aerojet-General Corp., et al., (EDCal No. CIV-S-86-0064-EJG) consolidated with U.S. v. Aerojet-General Corp., et al., (EDCal No. CIV-S-86-0063-EJG)
- c. Greener Globe Landfill WDRs - CVRWQCB v. A Greener Globe Corp., et al., (Placer Co. Sup. Ct. No. SCV11383
- d. Deer Creek Temperature Basin Plan Amendment - California Sportfishing Protection Alliance and Deltakeeper Chapter of Baykeeper v. SWRCB and CVRWQCB, (San Francisco Co. Sup. Ct. No. CPF-06-506430) (June 2006)
- e. Dixon Commercial Park CAO - DCP v. SWRCB, (Sacramento Co. Sup. Ct. Case No. 06CS00299), and ConAgra Foods and Monfort, Inc. v. CVRWQCB, (Solano Co. Sup. Ct. Case No. FCS027420), and Irrigated Lands 2006 Coalition & Individual Waiver Orders – CSPA and Baykeeper v. CVRWQCB (Sacramento Co. Sup. Ct.)
- f. Irrigated Lands 2006 Coalition & Individual Waiver Orders – CSPA and Baykeeper v. CVRWQCB (Sacramento Co. Sup. Ct. CAS07CS00807)
- g. Merced PCE Plumes - City of Merced, et al., v. R.A. Fields, CVRWQCB, (U.S. Ct. of Appeals, 9th Cir.) D.C. No. CV-F 92-5627 (REC/DLB) (EDCal); and City of Merced, et al., v. R.A. Fields, et al., (EDCal) No. CV-F 92-5627 REC/DLB
- h. San Joaquin River Salt and Boron TMDL and Dissolved Oxygen TMDL - San Joaquin River Exchange Contractors Water Authority, et al. v. SWRCB and CVRWQCB and San Joaquin River Group Authority, et al., v. SWRCB and CVRWQCB. (Sacramento Co. Sup. Ct. Consolidated Case Nos. 06CS01243, 06CS01244, and 06CS01310.)
- i. Toxic Hot Spots - San Francisco Baykeeper, Inc., et al. v. SWRCB, et al., (Sacramento Co. Sup. Ct. No. 99CS02722).
- j. Vacaville NPDES Permit - City of Vacaville v. SWRCB et al., (Solano Co. Sup. Ct. No. FCSO20945), and City of Vacaville v. SWRCB and CVRWQCB and California Association of Sanitation Agencies v. SWRCB and CVRWQCB, (Contra Costa Co. Sup. Ct., Case No. CIV MSN03-0956)
- k. Woodland NPDES Permit - City of Woodland v. SWRCB and CVRWQCB, (Yolo County. Sup. Ct.. Case No. PT04-14. Yuba City NPDES Permit - City of Yuba City v. SWRCB and CVRWQCB
- l. Tehama Market Associates et al. v. CVRWQCB (Butte Co. Sup. Ct. Case No. 141395.)
- m. Dairy General Waste Discharge Requirements- Asociacion de Gente Unida por el Agua et al. v. CVRWQCB (Sacramento County Sup. Ct. Case No 2008-00003604); Baykeeper et al v. CVRWQCB (Sacramento County Sup. Ct. Case No. 2008-00003603)

- n. Dolly Madison/Lagendorf Bakery CAO - Lorrie L. Greene v. State Water Resources Control Board (San Joaquin Co. Sup. Ct. No. CV034569)

Litigation filed by the Regional Board against other parties:

- a. Iron Mountain Mine Cleanup - State of Calif., CVRWQCB, et al. v. Iron Mountain Mines, Inc., et al., (EDCal No. CIV-S-91-1167-DFL-PAN) and U.S. v. Iron Mountain Mines, Inc., et al., (EDCal No. S-91-0768 DFL/JFM)
- b. Lake Berryessa Resort CDO - People of the State of California, ex rel, Attorney General Bill Lockyer and CVRWQCB v. Lake Berryessa Resort Improvement District, Napa County, Napa County Public Works Department, Napa County Board of Supervisors, and Does 1-500. (Napa. Co. Sup. Ct Case No. 26-32530)
- c. CVRWQCB v. River Highlands Community Services District et.al. . (Yuba Co. Sup. Ct.)

Petitions for Review of Regional Board Actions filed with State Water Resources Control Board.

- a. Alturas WWTP WDRs – Petition of California Sportfishing Protection Alliance (CSPA) for review of Waste Discharge Requirements for the City of Alturas Wastewater Treatment Plant, Modoc County. SWRCB/OCC File A-1790
- b. Angels WWTP NPDES Permit-Petitions of CSPA and Environmental Law Foundation for review of NPDES Permit for the City of Angels Wastewater Treatment Plant, Calaveras County. SWRCB/OCC Files A-1847 and A-1847 (a)
- c. Cache Creek Golf Club Reclamation Requirements - Petition of CSPA for review of Waste Discharge Requirements for The Rumsey Band of Wintun Indians, Cache Creek Golf Club Water Reclamation Project, Yolo County. SWRCB/OCC File A-1804
- d. Bell-Carter Olive Company, Inc.; City of Corning NPDES Permit – Petition of Environmental Law Foundation for review of the NPDES Permit for the Bell Carter Olive Company, Tehama County (SWRCB/OCC File A-1902
- e. Biggs WWTP NPDES Permit-Petition of CSPA for review of NPDES Permit for the City of Biggs Wastewater Treatment Plant, Butte County. SWRCB/OCC File A-1848
- f. Burney Forest Products NPDES Permit – Petition of SCPA for review of the NPDES Permit for Burney Forest Power, Shasta County. SWRCB/OCC File A-1865
- g. Clear Creek WTP - Petition of CSPA for review of the NPDES Permit for the Clear Creek Community Services Water Treatment Plant, Shasta County. SWRCB/OCC File A-1805
- h. Copper Cove WWTP - Petition of CSPA for review of Waste Discharge Requirements for Calaveras County Water District, Saddle Creek Gold Course, L.P., Copper Cove Wastewater Reclamation Facility, Calaveras County. SWRCB/OCC File A-1767
- i. Cutler-Orosi WWTF WDRs - Petition of CSPA for review of Waste Discharge Requirements for Cutler-Orosi Joint Powers Wastewater Authority Waste Water Treatment Facility, Tulare County. SWRCB/OCC File A-1792
- j. Dunsmuir WWTP NPDES Permit – Petition of CSPA for review of NPDES Permit for City of Dunsmuir Wastewater Treatment Plant, Siskiyou and Shasta Counties. SWRCB/OCC File A-1815
- k. El Dorado Irrigation District, Deer Creek Wastewater Treatment Plant NPDES Permit - Petition of CSPA for review of the NPDES Permit for the EID Deer Creek Wastewater Treatment Plant, El Dorado County (copper limitation). SWRCB/OCC File A-1831.
- l. El Dorado Irrigation District, El Dorado Hills Wastewater Treatment Plant NPDES Permit - Petition of CSPA for review of the NPDES Permit for the EID El Dorado Hills Wastewater Treatment Plant, El Dorado County
- m. Galt NPDES Permit - Petition of City of Galt for review of NPDES Permit. SWRCB/OCC File A-
- n. Indian Springs Geothermal - Petition of CSPA for review of Waste Discharge Requirements for Indian Springs Geothermal Heating System, Shasta County. SWRCB/OCC File A-1788.
- o. Irrigated Lands 2006 Coalition Group Ag Waiver Order – Petition of California Farm Bureau Federation, for Review of Coalition Group Conditional Waiver for Discharges from Irrigated Lands, Order No. R5-2006-0053. SWRCB/OCC File A-1759 (c)
- p. Lathrop Wastewater Recycling Plant -Petition of CSPA Petition for review of Waste Discharge Requirements and Master Reclamation Permit for the City of Lathrop Wastewater Recycling Plant, San Joaquin County. SWRCB/OCC File A-1794
- q. Linda CWD NPDES Permit - Petition of CSPA for review of Waste Discharge Requirements and Time Schedule Order for Linda County Water District Wastewater Treatment Plant. SWRCB/OCC File A-1793
- r. Livingston Industrial WWTP - Petition of CSPA for review of Cease and Desist Order for the City of Livingston Industrial Wastewater Treatment Facility, Merced County. SWRCB/OCC File A - 1802.
- s. Manteca WWTP NPDES Permit - Petition of CSPA for review of Resolution No. R5-2006-0101 amending Waste Discharge Requirements Order R5-2004-0028, NPDES No. CA0081558 for the City of Manteca Wastewater Quality Control Facility, San Joaquin County. SWRCB/OCC File A-1786
- t. Manteca WWTP NPDES Permit – Petition of City of Manteca for Review of NPDES Permit Order No. R5-2005-0028 and Cease and Desist Order No. R5-2005-0029. SWRCB/OCC File A-1791. (April 2005)
- u. Moccasin Creek Fish Hatchery NPDES Permit – Petition by CSPA for review of an NPDES Permit for the Department of Fish and Game Moccasin Creek Fish Hatchery, Amador County. SWRCB/OCC File A-1868
- v. Mt. Shasta Wastewater Treatment Plant NPDES Permit – Petition of CSPA for review of an NPDES Permit and Cease and Desist Order for the City of Mt. Shasta Wastewater Treatment Plant, Shasta County. SWRCB/OCC File A-1866
- w. North Fresno WWTP WDRs – Petition of CSPA for review of Waste Discharge Requirements for the City of Fresno and Copper River Ranch, LLC and Consolidated Land Company and consolidated Industries, Inc., and Fresno Metropolitan Flood Control district, North Fresno Wastewater Reclamation Facility, Fresno County. SWRCB/OCC File A-1791
- x. Oakwood Lake WWTP – Petition of CSPA for review of Waste Discharge Requirements for Oakwood Lake Water District and Beck Properties, Inc., Wastewater Treatment Plant, San Joaquin County. SWRCB/OCC File A-1803
- y. Placer County SMD No. 3 Wastewater Treatment Plant NPDES Permit – Petition by CSPA for review of an NPDES Permit for the Placer County Sewer Maintenance District No. 3 Wastewater Treatment Plant, Placer County. SWRCB/OCC A

- z. Redding Stillwater Wastewater Treatment Plant – Petition by CSPA for review of an NPDES Permit for the City of Redding Stillwater Wastewater Treatment Plant, Shasta County. SWRCB/OCC File A-1869
- aa. Shasta Lake WTP - Petition of CSPA for review of Waste Discharge Requirements for the City of Shasta Lake, City of Shasta Lake Waste Treatment Plant, Shasta County. SWRCB/OCC File A-1787
- bb. Tracy WWTP NPDES Permit-Petition of CSPA for review of NPDES Permit for the City of Tracy Wastewater Treatment Plant, San Joaquin County. SWRCB/OCC File A-1846 (b)
- cc. UC Davis Aquatic Biology NPDES Permit – Petition of CSPA for review of NPDES Permit for University of California, Center For Aquatic Biology and Aquaculture, Yolo and Solano Counties. SWRCB/OCC File A-1817
- dd. Valley Waste Disposal NPDES Permit – Valley Waste Disposal Company and Cawelo Water District, Kern Front No. 2 Treatment Plant – Cawelo Reservoir B, Kern County. SWRCB/OCC File A-1816
- ee. Visalia WWTP NPDES Permit -Petition of CSPA for review of Waste Discharge Requirements for the City of Visalia Wastewater Treatment Facility, Tulare County. SWRCB/OCC File A-1789
- ff. Tracy WWTP NPDES Permit-Petition of the Environmental Law Foundation for review of NPDES Permit for the City of Tracy Wastewater Treatment Plant, San Joaquin County. SWRCB/OCC File A-1846 (a)
- gg. Colfax ACL-Petition of the City of Colfax for review of action and failure to act by the CVRWQCB, CVR in requiring payment under Administrative Civil Liability Complaint No. R5-2007-0167, Placer County. SWRCB/OCC File A-1875
- hh. City of Lodi, White Slough Pollution Control Facility NPDES Permit - Petition by CSPA for review of an NPDES Permit for the City of Lodi, San Joaquin County. SWRCB/OCC File A-1886
- ii. Ameripride Services, Inc. – Petition of CAO R5-2007-0723, Sacramento County. SWRCB/OCC File A-1888.
- jj. Interstate Brands Corp., Lorrie Green et al., - Petition by Lorrie Green for review of CAO R5-2007-0725 for 1426 S. Lincoln, Stockton, San Joaquin County. SWRCB/OCC File A-1891.
- kk. City of Davis POTW – Petition of CSPA for review of NPDES Permit R5-2007-0132 for City of Davis, Yolo County. SWRCB/OCC File A-1894.
- ll. Yuba City POTW – Petition of CSPA for review of NPDES Permit R5-2007-0134 for Yuba City, Sutter Co. SWRCB/OCC File A-1895.
- mm. City of Colfax POTW – Petition of Ken Berry et al. for review of Cease and Desist Order R5-2007-0131 for City of Colfax, Placer County. SWRCB/OCC File A-1897.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

MEETING PROCEDURES

GENERAL MEETING RULES

The Regional Water Quality Control Board, Central Valley Region (Regional Board) and staff welcome information on issues and matters within the Regional Board's jurisdiction, but comments and submittals at the meeting should be concise and directed to specifics of the item under discussion to enable the Regional Board to be fully informed and take appropriate action.

Persons wishing to speak at the meeting are asked to complete an attendance card and provide it to staff. Although filling out the attendance card is voluntary, we do appreciate receiving a card from all persons in attendance.

Any person planning to make a presentation to the Regional Board that requires the use of visual aids (such as overheads, slides, or video projector) should contact the assigned staff person to make arrangements before the meeting date in order to avoid unnecessary delays during the meeting.

All interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Testimony should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral testimony (i.e., direct testimony or comment, as well as cross examination and closing statements) will be limited in time by the Board Chair (typically, for direct testimony, no more than 10 minutes for designated parties and 3 minutes for other interested parties). A timer may be used and speakers are expected to honor the time limits. Oral testimony must be relevant. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Any person may submit comments in writing on any agenda item. Written comments shall not be read into the record unless allowed by the Regional Board Chair. Persons who want to submit written comments, testimony, or evidence on any agenda item must provide such written documents to the Regional Board office in advance of the meeting, which must be by the date and time specified in the applicable Notice of Public Hearing or Meeting. Comments received by the noticed deadline will be included in the administrative record before the Regional Board. Staff may provide responses to comments. Written testimony or comments or evidence submitted after the noticed deadline will not be accepted and will not be incorporated into the administrative record. This rule may be modified at the discretion of the Regional Board Chair, for example, where a party demonstrates that application of the rule would create severe hardship, or where doing so would not prejudice any party. Written materials or other documents submitted at the Regional Board meeting must be provided first to Regional Board counsel who will advise the Regional Board regarding acceptance into the record.

PROCEDURE FOR UNCONTESTED (CONSENT) AGENDA ITEMS (see also 23 CCR 647.2(f))

Uncontested or consent agenda items are items for which there appears to be no controversy and which can be acted upon by the Regional Board with no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The Regional Board Chair will recognize late revisions submitted by staff and will then call for a motion and vote by the Regional Board.

If any Regional Board member or member of the public raises a question or issue regarding the item that requires Regional Board discussion, the item may be removed from the consent calendar and considered in its numerical order on the agenda, or in an order determined by the Regional Board Chair. Anyone wishing to contest a consent item on the agenda is expected to appear in person at the Regional Board meeting and explain to the Regional Board the reason the item is contested.

PROCEDURE FOR INFORMATION ITEMS (see also 23 CCR 649 et.seq.)

Information items are items presented to the Regional Board for discussion only and for which no Regional Board action or vote normally is taken. The Regional Board usually will hear only a presentation by staff, but comments by interested persons shall also be allowed. Members of the public wishing to address the Regional Board on the topic under discussion should submit an attendance card beforehand indicating their request to speak to the Regional Board. Comment from the public should be for clarification or to add to the Regional Board's

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understanding of the item; such comment must not be testimonial in nature or argumentative, as speakers are not under oath and the proceeding is not adversarial. Time limits may be imposed on interested persons.

PROCEDURE FOR CONTESTED AGENDA ITEMS

Contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Regional Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

Contested agenda items that are adjudicative, not quasi legislative, are governed by the rules for **adjudicative proceedings**. SWRCB regulations setting forth the procedures for **adjudicative proceedings** before the SWRCB and RWQCB are codified in Title 23 California Code of Regulations Division 3. Adjudicative proceedings before the State Water Resources Control Board (SWRCB) and the nine regional water quality control boards (RWQCB) are governed by SWRCB regulations as authorized by chapter 4.5 of the Administrative Procedure Act (commencing with section 11400 of the Government Code). SWRCB regulations further provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of chapter 5 do not apply to adjudicative proceedings before the SWRCB and RWQCB). A copy of those regulations and chapter 4.5 of the Administrative Procedure Act, section 11513 of the Government Code, and sections 801-805 of the Evidence Code can be found at http://www.waterboards.ca.gov/laws_regulations/.

An **adjudicative proceeding** is a hearing to receive evidence for determination of facts pursuant to which the SWRCB or a RWQCB formulates and issues a decision. A decision determines a legal right, duty, privilege, immunity, or other legal interest of a particular person or persons. Examples of adjudicative proceedings include hearings to receive evidence concerning the issuance of waste discharge requirements or National Pollutant Discharge Elimination System (NPDES) permits; concerning decisions or orders on water right applications, petitions or complaints; concerning cease and desist orders; and concerning orders setting administrative civil liability. Adjudicative hearings are not conducted according to the technical rules of evidence, and the Regional Board will accept any evidence or testimony that is reasonably relevant. The Notice of Public Hearing will set for the process for the hearing.

When the hearing is **formal** (as opposed to informal), participants in contested agenda items are either "designated parties" or other "interested persons". Only designated parties will have the right to cross-examination, and may be subject to cross-examination. Interested persons— i.e., nondesignated parties — do not have a right to cross-examination, but may ask the Regional Board to clarify testimony. Interested persons may also be asked to clarify their testimony at the discretion of the Regional Board.

The designated parties include:

- Staff of the Regional Board
- Discharger or Responsible Party
- Persons directly affected by the discharge

All other persons wishing to testify or provide comments for a formal hearing item are "interested persons" and not "designated parties". Such interested persons may request status as a designated party for purposes of the formal hearing by submitting such request in writing to the Regional Board no later than the date specified in the Notice of Public Hearing. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

All persons testifying must state their name, address, affiliation, and whether they have taken the oath before testifying.

The order of testimony for formal hearings generally will be as follows, unless modified by the Regional Board Chair:

- Testimony and cross-examination of Regional Board staff
- Testimony and cross-examination of discharger
- Testimony and cross-examination of other designated parties
- Testimony of interested persons
- Closing statement by designated parties other than discharger
- Closing statement by discharger
- Closing statement by staff
- Recommendation by Executive Officer (as appropriate)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges. Specific responsibilities and procedures of the Regional Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act.

BOARD MEMBERS	CITY OF RESIDENCE	APPOINTMENT CATEGORY
Sandra O. Meraz	Alpaugh	Water Supply
Karl Longley	Fresno	Water Quality
Soapy Mulholland	Springville	Undesignated (Public)
Vacant		Municipal Government
Cheryl K. Maki	Auburn	Water Quality
Katherine Hart	Granite Bay	Recreation, Fish, or Wildlife
Paul Betancourt	Kerman	Irrigated Agriculture
Dan Odenweller	Stockton	County Government
Vacant		Industrial Water Use

Pamela C. Creedon, Executive Officer
 Kiran Lanfranchi-Rizzardi, *Executive Assistant*
 Lori Okun, *Senior Staff Counsel Supervisor*
 Patrick Pulupa, *Staff Counsel*

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 Rudy Schnagl
 Joe Karkoski

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 Linda Bracamonte
 Kelly Briggs
 Robert Busby
 Jeanne Chilcott
 Wendy Cohen
 Cori Condon
 Charlene Herbst
 Victor Izzo
 Mary Serra
 Karen Larsen
 Patricia Leary
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