

AGENDA

Public Meeting

Central Valley Regional Water Quality Control Board



23 April 2009 – 8:30 a.m.
24 April 2009 – 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 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 Greg Vaughn at (916) 464-4742.

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.

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.

THURSDAY, 23 APRIL – 8:30 A.M.

1. Introductions, approval of the 499th Board Meeting Minutes and the 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/)

INFORMATION ITEMS AND OTHER BUSINESS

6. [Consideration of Resolution Delegating Powers and Duties to the Executive Officer](#) – [Patrick Pulupa 916-341-5189] **(Time Limit-5 minutes)**
7. [Delta Mercury Control Program. Update on the Stakeholder Process](#) – (Informational Item) [Patrick Morris 916-464-4621] **(Time Limit 60 minutes)**
8. [Consideration of a Resolution in Support of Regionalization, Reclamation, Recycling and Conservation for Wastewater Treatment Plants](#) [Ken Landau (916) 464-4726] **(Time Limit-15 minutes)**
9. [Update of Municipal Wastewater Regionalization Efforts in Placer County](#) – (Informational Item) [Diana Messina (916) 464-4828] **(Time Limit-60 minutes)**
10. [Irrigated Lands Regulatory Program: Status of Irrigated Lands Regulatory Program Coalition Group Monitoring and Reporting Program](#). (Informational Item) [Karen Larsen (916) 464-4646] **(Time Limit – 30 minutes)**

CONTESTED ITEMS CALENDAR**WASTE DISCHARGE REQUIREMENTS**

11. [Order Amending Order No. R5-2007-0035](#) – *Consideration of Waste Discharge Requirements General Order for Existing Milk Cow Dairies* [Polly Lowry (916) 464-4601] **(Time Limit-45 minutes)**

ENFORCEMENT

This item will not be heard before 1:00 p.m.

12. [Eldorado County and the United States Department of Agriculture, Eldorado National Forest, Rubicon Trail, Eldorado County](#) – *Consideration of a Cleanup and Abatement Order* [Marty Hartzell (916) 464-4630] **(Time Limit-180 minutes)**

FRIDAY, 24 APRIL – 8:30 A.M.

13. Introductions and the Pledge of Allegiance.
14. Meeting Rules and Procedures.
15. 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.

16. 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.*
17. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
18. The Board will be asked to approve items 24 through 33 ~~32~~ with no discussion if no one is here to testify about them. See page(s) 3-4 for a description/listing of items -(updated on 16 April 2009)

CONTESTED ITEMS CALENDAR

ENFORCEMENT

19. [Nevada County Sanitation District No. 1, Lake of the Pines Wastewater Treatment Plant, Nevada County](#) – *Consideration of NPDES Permit Renewal, Rescission of Cease and Desist Order, and Rescission of Time Schedule Order* [Bryan Smith (530) 226-3425] **(Time Limit-30 minutes)**
20. [Donner Summit Public Utilities District Wastewater Treatment Plant, Nevada County](#) – *Consideration of NPDES Permit Renewal (NPDES No. CA0081621) and Cease and Desist Order* [Diana Messina (916) 464-4828] **(Time Limit-90 minutes)**
21. [Oakwood Lake Water District And Beck Properties, Oakwood Lake Subdivision Mining Reclamation Project, San Joaquin County](#) – *Consideration of Administrative Civil Liabilities for Mandatory Minimum Penalties* [Barry Hilton (916) 464-4762] **(Time Limit-30 minutes)**

NPDES PERMIT

22. [City of Rio Vista Beach Wastewater Treatment Plant, Solano County](#) – *Consideration of Order amending Waste Discharge Requirements Order No. R5 2008 0108 (NPDES No. CA0079588)* [James Marshall (916) 464 4772] **(Time Limit- 30 minutes)**

WASTE DISCHARGE REQUIREMENTS

23. [Barrel Ten Quarter Circle Land Company, Barrel Ten Quarter Circle, Escalon Cellars, San Joaquin County](#) – *Consideration of Revised Waste Discharge Requirements* [Timothy O'Brien, (916) 464-4616] **(Time Limit-45 minutes)**

UNCONTESTED ITEMS CALENDAR

Uncontested items are expected to be routine and non-controversial; 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

24. [City of Live Oak Wastewater Treatment Plant, Sutter County](#) – *Consideration of Amendment to Cease and Desist Order No. R5 -2009-0012*
25. [City of Lincoln Wastewater Treatment Plant, Placer County](#) – *Consideration of Order Amending Time Schedule Order No. R5-2008-0157*
26. [City of Willows and ECO Resources, Inc., Willows Wastewater Treatment Plant, Glenn County](#) – *Consideration of Order Rescinding Cease and Desist Order Willows WWTP CDO No. R5-2006-0010*

OTHER BUSINESS

27. [Central Valley Region Emergency, Abandoned and Recalcitrant 2008/2009 Annual Site Priority List](#), *Consideration of Resolution Adopting the Priority List.* [Jim Munch (916) 464-4618]
28. **NPDES PERMITS**
 - a. [Dicalite Minerals Corporation, Diatomaceous Earth Mine, Shasta County](#) – (renewal)
 - b. [Wheelabrator Shasta Energy Company, Inc., and Wheelabrator Lassen, Inc., Electrical Power Generation Facilities, Shasta County](#) – (renewal)

29. WASTE DISCHARGE REQUIREMENTS FOR CONFINED ANIMAL FACILITIES

- a. Alston Farms Dairy No. 2, Tehama County (New Order and Mitigation Declaration) [Jennifer LaBay (916) 464-4735]

30. WASTE DISCHARGE REQUIREMENTS

- a. Chico Redevelopment Agency, For Post-Closure Maintenance of Humboldt Road Burn Dump Operational Unit, Butte County (revision)
- b. Chico Redevelopment Agency, For Post-Closure Maintenance of Humboldt Road Private Properties Operational Unit, Butte County (revision)
- c. George Reed, Inc., Munn & Perkins Aggregate Processing Facility, San Joaquin County – (revision)
- d. San Joaquin County Department of Public Works, Harney Lane Landfill, Class III Landfill, San Joaquin County – (revision)
- e. Setton Properties, Inc., Pistachio Processing Plant No. 2, Tulare County – (new)
- f. Stanislaus County Department of Environmental Resources, Geer Road Class III Landfill, Post-Closure Maintenance and Corrective Action, Stanislaus County – (revision)
- g. Starwood Power-Midway, LLC and PAO Investments, LLC Starwood – Midway Power Plant, Fresno County – (new)
- h. Sulara Enterprises, Inc., For Post-Closure Maintenance of Drilling Mud Disposal Facility, Glenn County – (revision)
- i. Taft Federal Prison Wastewater Treatment Facility, Kern County – (revision rescinding NPDES Permit No.CA0083755)
- j. Waste Management of Alameda County, Inc., Altamont Landfill and Resource Recovery Facility Class II and Class III Municipal Solid Waste Landfills and Class II Surface Impoundments, Construction, Operation, and Corrective Action, Alameda County – (revision)

31. NPDES PERMIT RESCISSIONS

- a. County of Plumas, and U.S. Department of Agriculture, Forest Service, Gopher Hill Landfill Leachate Disposal System, Plumas County – Waste Discharge Requirements Order No. R5-2002-0159 (NPDES No. CA0084875) for Conversion to NPDES General Order No. R5-2008-0082 (NPDES Order No. CAG995002)
- b. Formica Corporation, Sierra Plant, Placer County – Waste Discharge Requirements Order No. R5-2005-0055 (NPDES No. CA0004057) and Cease and Desist Order No. R5-2005-0056

32. WASTE DISCHARGE REQUIREMENT RESCISSIONS

- a. Dicker Pistachio Processing Plant, Madera County, Order No. 92-192
- b. Pacific, Gas and Electric Company, McDonald Island Gas Storage Facility, Order Number 96-176, San Joaquin County
- c. J.R. Simplot Company and Occidental Chemical Corporation, Former Courtland Facility Groundwater Treatment System, Yolo County, Waste Discharge Requirements Order No. 97-008.
- d. Union Pacific Railroad Company Former Maintenance Facility, Tracy, San Joaquin County, Order No. 98-213.
- e. Mencarini And Jarwin, Inc., dba Chrome Craft, Former Chrome Craft Facility, Sacramento County, Waste Discharge Requirements Order No. R5-2004-0017

33. UNCONTESTED CHANGE OF NAME AND/OR OWNERSHIP

- a. CEMEX Lemon Cove Sand & Gravel Plant, Tulare County, Order No. 74-151
- b. CEMEX Friant Sand & Gravel and Batch Plant, Fresno County, Order No. 90-083
- c. Golden Feather Mobile Home Park LLP, Oroville, Butte County, Order No. 91-163
- d. Rancheria Angus RV Park, Shasta County, Order No. 93-004

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. Anselmo et al. v. Jensen et al (Shasta Co. Superior Ct. Case No. 164445)
- b. Preston Avery, an Individual, and Lois Avery, an Individual, and as Trustees of the Avery Family Revocable Trust of July 14, 2000 v. State Water Resources Control Board of the State of California, et al. (Sacramento Co. Sup. Ct. No. 06CS00399).
- c. 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)
- d. Dolly Madison/Lagendorf Bakery CAO - Lorrie L. Greene v. State Water Resources Control Board (San Joaquin Co. Sup. Ct. No. CV034569)
- 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)
- f. Greener Globe Landfill WDRs - CVRWQCB v. A Greener Globe Corp., et al., (Placer Co. Sup. Ct. No. SCV11383
- g. Irrigated Lands 2006 Coalition & Individual Waiver Orders – CSPA and Baykeeper v. CVRWQCB (Sacramento Co. Sup. Ct. CAS07CS00807)
- h. 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
- i. 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.)
- j. Toxic Hot Spots - San Francisco Baykeeper, Inc., et al. v. SWRCB, et al., (Sacramento Co. Sup. Ct. No. 99CS02722). Tehama Market Associates et al. v. CVRWQCB (Butte Co. Sup. Ct. Case No. 141395.)
- k. k) Tehama Market Associates et al. v. CVRWQCB (Butte Co. Sup. Ct. Case No. 141395.)
- l. 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)
- m. 303(d) List - San Joaquin River Group Authority v. State Water Resources Control Board, and Does 1through 100, inclusive. Sacramento County Sup. Ct.
- n. Yuba City NPDES Permit - City of Yuba City v. SWRCB and CVRWQCB (Alameda County Sup.Ct.)
- o. Bell Carter NPDES Permit- Environmental Law Foundation v. CVRWQCB (Tehama County Sup.Ct.)

Litigation filed by the Regional Board against other parties:

- a. 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)
- b. 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)
- c. 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) CVRWQCB et al. v. River Highlands Community Services District (Yuba Co. Sup.Ct.)
- d. CVRWQCB et al. v. River Highlands Community Services District (Yuba Co. Sup.Ct.)

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

- a. Folsom Corporation Yard Landfill, Sacramento County – Petition by Save the American River Association, Inc. (WDRs Order No. R5-2008-0106 for Clean Closure) SWRCB/OCC File No. A-1946
- b. Forward Landfill (San Joaquin County) – Petition of Ken Berry (Cleanup and Abatement Order No. R5-2008-0714) SWRCB/OCC File No. A-1978
- c. 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
- d. Soper Company Spanish Mine Petition by California Sportfishing Protection Alliance SWRCB/OCC File NO. A-1948 (NPDES Order No. R5-2008-0104 , Nevada County
- e. Stockton WWTP NPDES Permit – Petitions of City of Stockton, California Sportfishing Protection Alliance and San Luis and Delta-Mendota Water Authority and Westlands Water District (WDRs Order No. R5-2008-0154) SWRCB/OCC File Nos. A-1971 and B-1971
- f. Syngenta Seed, Inc. Woodland Seed Processing Facility – Petition of California Sportfishing Protection Alliance SWRCB/OCC File NO. A-1970 (WDRs R5-2008-0158)

- g. Tracy WWTP NPDES Permit - Petitions of the Environmental Law Foundation and CSPA for review of NPDES Permit for the City of Tracy Wastewater Treatment Plant, San Joaquin County. SWRCB/OCC File A-1846(a), A-1846(b)
- h. Tuolumne Utilities District Sonora Regional Wastewater Treatment Plant, Jamestown Sanitary District Wastewater Treatment Plant NPDES Permit (Tuolumne County) – Petition of California Sportfishing Protection Alliance (WDRs Order No. R5-2008-0162) SWRCB/OCC File No. A-1967
- i. U.C. Davis Wastewater Treatment Plant (Yolo County) – Petition of California Sportfishing Protection Alliance (NPDES Permit/WDRs Order No. R5-2008-0183) SWRCB/OCC File No. A-1988
- j. Vacaville Easterly WWTP - Petition of City of Vacaville for review of NPDES Permit No. R5-2008-0055 and TSO No. R5-2008-0056, Solano County. SWRCB/OCC File A-1932

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 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.

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)
- Close hearing
- Deliberation and voting by Regional Board

Closing statements shall be for the purpose of summarization and rebuttal, and are not to be used to introduce new evidence or testimony, or to restate direct testimony. After considering evidence, testimony, and comments, the Regional Board may choose to adopt an order regarding a proposed agenda item. All Regional Board files, exhibits, and agenda

**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

Katherine Hart
Cheryl K. Maki
Sandra O. Meraz
Karl E. Longley
Dan Odenweller
Soapy Mulholland
Vacant
Vacant
Nicole M.Bell

CITY OF RESIDENCE

Granite Bay
Auburn
Alpaugh
Fresno
Stockton
Springville

Elk Grove

APPOINTMENT CATEGORY

Recreation, Fish or Wildlife
Water Quality
Water Supply
Water Quality
County Government
Undesignated Public
Industrial Water Use
Municipal Government
Irrigated Agriculture

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

SACRAMENTO OFFICE

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Kenneth Landau
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Joe Karkoski (Acting)

Supervisors:

Jerry Bruns	Joe Karkoski
Brian Newman	Rudy Schnagl
Antonia Vorster	Wendy Wyels
Diane Messina	Joe Mello (Acting)

Seniors:

Duncan Austin	Linda Bracamonte
Robert Busby	Jeanne Chilcott
Wendy Cohen	Cori Condon
Charlene Herbst	Victor Izzo
Karen Larsen	Jim Marshall
Sue McConnell	Calvin McGee
Diana Messina	Joe Mello
Patrick Morris	Amanda Montgomery
James Munch	Steve Rosenbaum
Mary Serra	Brett Stevens
Greg Vaughn	Vacant
Vacant	

FRESNO OFFICE

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Vacant

Supervisor:

Lonnie Wass
Vacant

Seniors:

Hope Boone	Shelton Gray
Dale Harvey	Dane Johnson
John Noonan	Doug Patteson
Clay Rodgers	David Sholes
Russell Walls	

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