

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
22/23 June 2006
479th Regular Board Meeting
11020 Sun Center, Suite 200
Rancho Cordova, CA 95670

THURSDAY, 22 JUNE 2006

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members

STAFF PRESENT

Pamela Creedon, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Boyers, Janice Tanaka, Bill Croyle, Wendy Wyels, and Wendy Cohen

OTHERS PRESENT

Paul Souza
Jan Ennenga
Miriam Torres
Stan Lester
David Cory
David Nesmith
Denise Sagara
Bob Strickland
David Guy
Linda Sheehan
Grant Lea
Susan Hopkins
Eddie Scher
Sujatha Jahagindar
Amy Vanderwalker
Ray León
John Chiles
Esther Martinez
Braulio Martinez
Sandra Melaz
Jakki McDonald
Bill Jennings
Laurel Firestone
Josefina Flores
Ruth Martinez
Carrie McNeil
Cassandra Lopez
Gail Delihant
Diane Van de Pol
Jose Guerrero
Ofelia Guerrero
Jose Parama
Angelica Martinez
Susana DeAnda
Whitey Rasmussen
Kevin Stinnette
Dennis Bray

Jayne Battey
Craig Clarke
Betsy Weiland
Martine Reyes
Sonya Harrigfeld
April Williams
Jim Mortensen
Margarita Salazar
Jeff Scharff
Deborah Davis
Wayne Zipser
Denise Morison
Karin Ashwanden
Elke Guenter
Alan Wade
John Banks
Hank Willy
David Scatena
Rod Schuler
Julia Berry
Warren Lutz
Katie Hopkins
Barbara Todd
Maxine Clark
Kari Burr
Jim Crenshaw
Laurel Firestone
Gustavo Aguirre
Cynthia Lashbrook
Norman Crow
Dave Wagner
Jim Atherstone
Peter McGaw
David Fries
John Herrick
Tacy Currey
Richard Ross

Jackson Chapman
Jay Gan
Bill Thomas
Tim Johnson
Mark Kimmelshue
Roberta Firoved
Rafela Garza
Mindy McIntyre
Vicki Lee
Steve Bond
Joe McGahan
Parry Klassen
Rick Landon
John Meek
Tony Cho
Dan Bainer
Michael Jackson
Jeff Louk
Charlotte Wells
Martin McIntyre
Rick Bettis
Maria Pearson
Chuck March
Hector Hernandez
Bertha Estrella
Vianey Nunez
Mary Jackson
Cliff Rich
Sandy Tucker
Chris White
Rod Hall
Erin Guerrero
Veronica Mendoza
Lucina Mendoza
Diego Guerrero
Luz Guerrero
Maria Orozco

Tom Orvis
 Staci Heaton
 Lera Sparks
 Nasser Dean
 Warren Truitt
 Waldo Holt
 Woody Alspaugh

Jeff Pylam
 David Bolland
 Gary Adams
 John Banks
 Dr. C. Mark Rockwell
 Jonathan Kaplan
 Nelson Brooke

John Hewitt
 David Orth
 Barbara Vlamis
 Mike Riehl
 Keith Petterson

BOARD MEMBER COMMUNICATIONS

Soapy Mulholland reported that she had attended a three-day Delta Workshop.

Dan Odenweller reported that he attended the Delta Vision Conference at UOP and made a presentation on the work of the Salinity Task Force to the Central Valley Clean Water Association.

Karl Longley reported attending a 16 May meeting with Joe Grindstaff (CBDA) and Pamela Creedon regarding salinity, a 18 May meeting on Sustainable Conservation in Modesto, a 19 May meeting with the Fresno County Water Forum regarding San Joaquin Valley salinity, the retirement party for Hugh Johns from the Kings River Conservation District, and the 7 June Delta Vision Conference at UOP.

PUBLIC FORUM

Jeff Scharf presented an update on the Humboldt Road Burn Dump cleanup. Parties are working to get necessary permits for cleanup. The application for the 404 Permit was submitted, but no action was apparent. Pamela Creedon contacted personnel in the Corps of Engineers to try to get things moving. Completion of cleanup is still hoped for this summer. The City is still on the sidelines.

OTHER BUSINESS

The Board appointed Karl Longley as Vice Chair.

The May Board Meeting Minutes were approved as written.

Stewardship Council – An Information Item

Jayne Battey, Executive Director of the Stewardship made a presentation regarding her organization. This was for the Board's information. No action was taken.

Sierra Conservancy – An Information Item

James Branham, Executive Officer of the Sierra Conservancy made a presentation regarding his agency. This was for the Board's information. No action was taken.

Reuse of Food Processing By-Products Within Stanislaus County – Consideration of a Resolution

A public meeting was held. Wendy Wyels presented the staff report. Additional information was given by Sonja Harrigfeld, April Williams, Martin Reyes, Jan Ennenga, and Carrie McNeal.

R5-2006-0052

MOTION:

By Mr. Brizard seconded by Mr. Longley to adopt the proposed resolution.
 Unanimously approved.

Board Member Sopac Mulholland recused herself from the Conditional Waivers agenda item under protest. During the Conditional Waiver item, she removed herself from the dais.

Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region – Consideration of Adoption of Conditional Waivers

A public hearing was held. Bill Croyle, Wendy Cohen and Ken Landau presented the staff report. Additional testimony was given by David Guy, Jianying Gan, Tim Johnson, John Meek, Parry Klassen, Joe McGahan, David Orth, Jackie McDonald, Rick Landon, Bill Jennings, Carrie McNeil, Linda Sheehan, Kevin Stinette, Nelson Brooke, Luis Guerrero, David Cory, Dennis Sagara, Tony Cho, Ruth Martinez, Cassandra Lopez, Sandra Melaz, Susanna Dan, Veronica Mendoza, Maria Orozco, Stan Lester, Bob Strickland, Michael Jackson, John Hewitt, Margarita Salazar, Braulio Martinez, Esther Martinez, Jonathan Kaplan, Barbara Vlamis, Gary Adams, John Banks, David Boblen, Peter McGaw, Jim Atherstone, Cynthia Lashbrook, John Herrick, Norman Crow, Amy Vanderwalker, John Childs, Grant Lee, Gail Delihant, Sujatha Jahagindar, Grant Lea, John Chiles, Ray León, Roberta Firoved, Gustavo Aguirre, David Fries, Tacy Currey, Jakki McDonald, Laurel Firestone, Ruth Martinez, Josefina Flores, Cassandra Lopez, Susana DeAnda, Angelica Martinez, Lucina Mendoza, Mindy McIntyre, Whitey Rasmussen, Vicki Lee, Katherine Hopkins, Deborah Davis, Josefina Flores, and Berta Vega.

R5-2006-0053 & R5-2006-0054

MOTION:

By Mr. Brizard seconded by Mr. Longley to adopt the proposed resolution. Approved with a vote of 5 to 2.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 6:30 p.m. and continued to the Friday session.

FRIDAY, 23 AUGUST 2006

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Linda Adams, Vice Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members.

BOARD MEMBERS ABSENT

Kate Hart

STAFF PRESENT

Pamela Creedon, Ken Landau, Jack DelConte, Janice Tanaka, David Boyers, Wendy Wyels, Jerry Bruns, Victor Izzo, Howard Hold, Kelly Briggs, and Lori Weber.

OTHERS PRESENT

Bill Thomas
Bob Lossius
Chuck March
David Cory
Bill Jennings
Warren Tellefson
Craig Allison
Jack Jones
Tom Smythe
Pamela Francis

Keith Petterson
John Spain
Priscilla Stuckey
Drew Hunt
Jonathan Keehn
Ron Munson
Sharon Delgado
Bill Jennings
Kathryn Tobias
Jeff Heusel

Karen Caffee
Jeff Jewett
Jeff Palumbo
Russell Keenan
Susan Levitz
Daniel Carlson
Kathleen Considine
Sheryl Watson
Garrick Tung
Alan Klein

PUBLIC FORUM

Bill Jennings, CalSPA, said the previous day had been an amazing exposition of irrationality. He had the impression that the Board had adopted a requirement that the Conditional Waiver Order automatically require Management Plans when an Exceedance Report is required, but was uncertain. Pamela Creedon stated that this automatic requirement for Management Plans had not been included in the motion adopted by the Board. Various Board members expressed that they had intended to

include this provision in the Order. The Board voted to bring the Coalition Group waiver back as an action item at the August meeting to consider two narrow parts of the waiver: the automatic requirement for Management Reports, and the conditions under which additional participants joining a Coalition Group is prohibited.

Warren Tellefson, CVCWA, gave thanks to Dan Odenweller for the salinity presentation at the CVWCA annual meeting. CVWCA will recommend salinity task force members and will assist in locating facilities for planned workshops.

David Cory agreed the Board needs to look at the deadline for Coalition Group participation. He is concerned with the membership list decision and the Board should re-look at this issue. He is concerned over the public input process. There could be a better communication process to address Board member concerns. Board members discussed alternatives to improve communications, including simultaneous panels allowing open discussion, and video equipment to allow remote participation.

Bill Thomas, South San Joaquin Coalition, said that the new Order has led to uncertainty and needs to be reviewed. Coalition Groups may need more time to submit participant lists since the Coalitions have focused on map submissions.

Chairman Schneider commented that on Thursday the California Highway Patrol had been at the meeting to assure the safety of all attendees. He appreciated their professionalism and noted that the Executive Officer will be sending a thank you letter to CHP.

UNCONTESTED CALENDAR

Board Member Cabaldon was not present for the Uncontested Calendar.

Sacramento County Department of Airports, Sacramento International Airport, Sacramento County – Consideration of Rescinding NPDES Permit and Cease and Desist Order

A public hearing was held. No one appeared to contest the proposed orders.

R5-2005-0062	MOTION:	By Mr. Longley seconded by Mr. Odenweller to adopt the proposed NPDES Permit. Unanimously approved.
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R5-2006-0063	MOTION:	By Mr. Longley seconded by Mr. Odenweller to adopt the proposed Cease and Desist order. Unanimously approved.
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ExxonMobil Production Company, Hill Lease, South Belridge Oil Field, Kern County – Consideration of Cease and Desist Order

A public hearing was held. No one appeared to contest the proposed order.

R5-2006-0064	MOTION:	By Mr. Longley seconded by Mr. Odenweller to adopt the proposed Cease and Desist order. Unanimously approved.
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County of Fresno and River Ranch, L.L.C. Mendota Solid Waste Disposal Site, Fresno County – Consideration of Cease and Desist Order

A public hearing was held. No one appeared to contest the proposed order.

R5-2006-0065	MOTION:	By Mr. Longley seconded by Ms. Mulholland to adopt the proposed Cease and Desist order. Unanimously approved.
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Uncontested Rescissions**R5-2006-0066**

- a. Former Silva Acres Dairy (Antonio Amaral), Merced County, 92-204
- b. Former Lourence Dairy, Sacramento County, Part of General, 96-274
- c. City of Oroville, Class II Surface Impoundments, Butte County, 97-231
- d. PG&E's Kettleman Compressor Station, Kings County, 99-145
- e. Procter and Gamble Manufacturing Company, Sacramento County, 5-01-064
- f. Western Hills Water District Wastewater Treatment Plant, Stanislaus County, R5-2003-0019
- g. Gaylord Container Corporation, Antioch Paper and Pulp Mill, Contra Costa County, R5-2003-0073 and R5-2003-0069

Uncontested Change of Name and/or Ownership**R5-2006-0067**

- a. Sandy Point & River Bend MHPs, Southern Estates LLC, Fresno County, 90-098
- b. US Filters Westates, US Filter Inc, Tehama County, 91-209
- c. William Oswood, Dingerville USA, Butte County, 93-241
- d. Kennewick Man, LLC, Clear Creek Mobile Estates, Shasta County, 94-268
- e. Donald R. Johnson dba All Valley Septic Service and David and Ramona Williams, Williams Ranch Septage Disposal Site, Tehama County, 99-122
- f. Cool Village Investments, LLC. El Dorado County, R5-2003-0023

Uncontested Waste Discharge Requirements

- a. Norcal Waste Systems Ostrom Road Landfill, Inc., Ostrom Road Class II Solid Waste Landfill Facility, Construction, Operation, and Corrective Action, Yuba County **R5-2006-0068**
- b. Syar Industries, Inc., Syar Madison Plant, Yolo County **R5-2006-0069**
- c. Kellogg Supply, Inc., Soil Amendment Packaging Facility, San Joaquin County **R5-2006-0070**
- d. Biosolids Recycling, Inc, Joseph and Connie Jess, and Paul and Sally Marciel, Jess Ranch and Marciel Ranch Biosolids Application Sites, Alameda County **R5-2006-0071**
- e. Aera Energy LLC, South Wastewater Disposal Facility, South Belridge Oil Field, Kern County **R5-2006-0072**
- f. Aera Energy LLC, Row 4 w/Lost Hills Wastewater Disposal Facility, South Belridge Oil Field, Kern County **R5-2006-0073**
- g. U.S. Air Force – Beale Air Force Base, Landfills No. 2 and No. 3 Class III Landfills, Postclosure Maintenance and Monitoring, Yuba County **R5-2006-0074**
- h. California Department of Corrections and Rehabilitation, Operation of Class II Surface Impoundments, Deuel Vocational Institution, San Joaquin County **R5-2006-0075**
- i. Sean W. Smith and Calaveras River Land Company, Inc., Jenny Lind Tailing Pile Removal and Reclamation Project, Calaveras County **R5-2006-0076**

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley seconded by Ms. Mulholland to adopt the proposed Cease and Desist order. Unanimously approved.

CONTESTED CALENDAR

Nicoletti Oil Facility, Nicoletti Oil Inc., ExxonMobil Corp., Merced County - Consideration of Resolutions approving a Remedial Action Plan, a California Environmental Quality Act Notice of Determination and Consideration of a Cleanup and Abatement Order to implement the Remedial Action Plan

A public hearing was held. Mark Clardy presented the staff report. Additional testimony was given by Jeff Housel, Ton Vorster and Duncan Austin.

R5-2006-0055

MOTION: By Mr. Longley seconded by Mr. Brizard to adopt the proposed resolution approving an

Initial Study and Mitigated Negative Declaration. Unanimously approved.

R5-2006-0056 MOTION: By Mr. Longley seconded by Mr. Odenweller to adopt the proposed resolution approving a Remedial Action Plan. Unanimously approved.

R5-2006-0057 MOTION: By Mr. Longley seconded by Mr. Brizard to adopt the proposed Cleanup & Abatement order. Unanimously approved.

State of California, Department of Parks and Recreation, Empire Mine State Historic Park, Nevada County – Consideration of New NPDES Permit and Time Schedule Order

A public hearing was held. Melissa Hall and Steve Rosenbaum presented the staff report. Additional testimony was given by Ron Munson, Drew Hunt, Jonathan Keehn, Carrie McNeil, Sharon Delgado, Priscilla Stuckey, Bill Jennings and Katherine Tobias.

R5-2006-0058 MOTION: By Mr. Longley seconded by Mr. Brizard to adopt the proposed Time Schedule order. Unanimously approved.

R5-2006-0059 MOTION: By Mr. Longley seconded by Mr. Brizard to adopt the proposed NPDES order. Unanimously approved.

Amendment to the Basin Plan for the Control of Nutrients in Clear Lake – Consideration of Adoption of Proposed Amendment and Filing of a Draft Environmental Document

A public hearing was held. Lori Weber presented the staff report. Additional testimony was given by Bob Lossius, Bill Thomas and Chuck March.

R5-2006-0060 MOTION: By Mr. Betancourt seconded by Mr. Cabaldon to adopt the proposed Basin Plan Amendment. Unanimously approved with late revisions.

Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Diazinon and Chlorpyrifos Runoff into the Sacramento-San Joaquin Delta - Consideration of Adoption of Proposed Amendment and Filing of a Draft Environmental Document

A public hearing was held. Additional testimony was given by Bill Jennings and Bill Thomas.

R5-2006-0061 MOTION: By Mr. Longley seconded by Mr. Cabaldon to adopt the proposed Basin Plan Amendment. Unanimously approved with late revisions.

Waste Discharges From Individual On-Site Sewage Systems – Discussion of Proposed Statewide Regulations (AB 885 Mandate) – An Information Item

Jim Pedri and Ron Dykstra presented the staff report. Additional information was presented by Jim Hemminger. This was for the Board's information. No action was taken.

Salinity Management Plan – A Status Report

Rudy Schnagl presented the staff report. This was for the Board's information. No action was taken.

The meeting was adjourned at 3:30 p.m. to the 3-4 August Regular Board Meeting.