

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

Minutes
470th Regular Board Meeting
Joe Serna/Cal EPA Building
1001 I Street
Sacramento, CA 95814

THURSDAY – 23 JUNE 2005 – 8:30 A.M.

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members. Mr. Cabaldon departed for the day at 10:45 a.m.

*Art Baggett, Gerald Secundy and Tam Doduc, SWRCB Board Members

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Coupe, William Croyle, Jerry Bruns, Wendy Cohen, Diana Messina, Margie Lopez-Read, Patrick Morris, Richard McHenry, and Janis Cooke.

OTHERS PRESENT

Maria Rea, U.S. EPA
Tom Maurer, U.S. Fish & Wildlife
Roberta Larson, Placer County
Jim Durfee, Placer County
Gail Delihant, Asm Aghazarian's Office
Bill Jennings, DeltaKeeper
Russ Grimes, Jones & Stokes
Richard Casias, RCC Group
John Bischoff, SAIC Engineering
David Guy, SJWQC
John Meek, San Joaquin County
Thaddeus Bettner, Westlands Water District
David Cory, SJ River Exchange Contractors
Joe McGahan, Westside SJ River Watershed
Bill Thomas, South SJ River WQ Coalition

Peter McGaw, Turlock Irrigation District
Parry Klassen, CURES
Petrea Marchand, Yolo County
Jim Eaton, Cache Creek Wild
Ivan Karnes, Caltrans
Maria Wong, Yolo County
Wendell Kido, SRCSD
Vicki Murphy, Family Water Alliance
Dr. Richard Miller, Wilbur Hot Springs
Becky Wood, Teichert
Max Stevenson, Yolo County Flood Control
Kevin O'Dea, Cache Creek Technical Advisory
Darell Slotton
Bill Johnson

EXECUTIVE OFFICER'S REPORT

Tom Pinkos provided an update on the Nicoletti Oil Cleanup in Merced County and highlighted a meeting that he and Mr. Brizard attended with the Department of Food and Agriculture concerning the food processing industry.

Tom Pinkos also reported that on 19 May he made a presentation to the State Water Resources Control Board on Central Valley Region priorities, and then attended along with Ken Landau the annual CVWQA Conference.

Karl Longley mentioned the importance of design standards for dairy waste facilities (Item 28), and requested that Irrigated Lands Program Technical Issues Committee meetings be included in future EO Reports.

Chairman Schneider commented that it was good to see coordination between Irrigated Lands, TMDL and other programs (Item 13), and suggested pursuit of Department of Parks and Recreation grants for erosion in OHV parks.

BOARD MEMBER COMMUNICATIONS

Karl Longley reported attendance at the following meetings:

May 3	Irrigated Lands Waiver TIC, Toxicity and Triggers, Rancho Cordova
May 20	Fresno County Ag, Water & Environmental Committee, Fresno
May 25	SWR Technical Review Committee Meeting, Sacramento
June 11	House Committee on Resources, Water and Power Subcommittee Field Hearing, Fresno
June 11	Stakeholder meeting with Congressman Costa
June 16	International Center for Water Technology Meeting, Fresno
June 17	Wine Institute Meeting, Rancho Cordova
June 21	Irrigated Lands Waiver TIC – Sediment & Sediment Toxicity, Rancho Cordova

Mr. Longley read into the record a statement regarding salt accumulation and disposal. Al Brizard concurred with Mr. Longley's concerns. The Chair directed Mr. Longley to work with the Executive Officer to schedule a workshop on the issue.

Mr. Brizard reported a meeting with the California Department of Food and Agriculture and the Executive Officer regarding food processors, and a productive meeting with the Wine Institute.

Chairman Schneider mentioned the Memorandum of Understanding being developed for a pilot program under which county agricultural commission staff would assist with Irrigated Lands Program work. The Chairman also reported attendance at Yolo County meetings at which he discussed processes for establishing the Cache Creek mercury TMDL.

PUBLIC FORUM

Ginger Drake, a property owner involved in the Humboldt Road Burn Dump cleanup in Chico requested that the Board have patience regarding cleanup of her property while court action is completed, and questioned why enforcement action has not been taken against the City of Chico. According to Ms. Drake, the City built a berm of waste material on her property without permission, and \$179,000 has been spent delineating the problem, but cleanup should require cooperation of the City. A letter was sent to the Executive Officer on 4 June 2004 on the issues, but no response was received. Tom Pinkos said that he would review the case with staff and legal counsel and report back to the Board.

ENFORCEMENT

Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order*

A public hearing was held. Richard McHenry presented the staff report. Additional testimony was given by Jim Durfree and Bill Jennings.

MOTION: By Mr. Brizard, seconded by Mr. Cabaldon to approve the NPDES order renewal. Unanimously approved.

MOTION: By Mr. Brizard, seconded by Mr. Palmer-Byrd to approve the Cease and Desist order. Unanimously approved by role call vote.

City of Tracy Wastewater Treatment Plant, San Joaquin County – Consideration of Administrative Civil Liability Order

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE SCHEDULED FOR A LATER BOARD MEETING.

OTHER BUSINESS

***Art Baggett, Tam Doduc, and Gerald Secundy; State Water Resources Control Board Members joined Regional Board Members to hear the following item.**

Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands Within The Central Valley Region – Information Report

The staff report was given by William Croyle, Wendy Cohen, Margie Lopez-Read, and Diana Messina. Additional information was given by David Guy, Joe McGahan, Bill Thomas, Peter McGaw, Parry Klassen, John Meek, David Cory, Thaddeus Bettner and Bill Jennings. This was for the Boards' information. The Boards took no action.

BASIN PLANNING

Amendments to the Basin Plan for the Control of Mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch – Consideration of a Resolution to Adopt Proposed Amendments and Certify Environmental Documents

A public workshop was held. Patrick Morris and Janis Cooke presented the staff report. Petrea Marchand, Max Stevenson, Kevin O'Dea, Darell Slotton, Tom Maurer, Maria Wong, Maria Rea, Wendell Kido, Vicky Murphy, and Bill Jennings gave additional information.

The meeting was adjourned to the Friday session.

FRIDAY – 24 JUNE 2005 – 8:30 A.M.

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack Del Conte, Richard Loncarovich, Janice Tanaka, Frances McChesney, David Coupe, Lori Okun, Antonia Vorster, Lonnie Wass, Dale Harvey and Dane Johnson,

OTHERS PRESENT

Bill Jennings, DeltaKeeper
Bryant Owens, Planada CDC
David Corser, Planada CSO
Daniel Chavez, Planada CSO
Alfonso Manrique, Planada CSO
Elizabeth Ostlich, South Kern I.C.
Katharine Wagner, South Kern I.C.
Mark Fogelman, Hilmar Cheese

Marie Liu, Senator Florez' office
Shannon Wright, CH@M Hill
Mark Gilsy, South Kern I.C.
Ginger Drake
Bill Johnson
Bob Hampton

STAFF RECOGNITION

Tom Pinkos presented Resolutions for retiring staff members Jim Rohrbach and Dennis Wilson of the Redding office. The Annual Cliff Wisdom Award was presented to Jon Marshack.

PUBLIC FORUM

Bill Johnson stated that he was impressed with the increased complexity of Board issues and commended the Board members for rising above political positions in decision making. Major expenditures are being made on salt and other water quality problems in the San Joaquin Valley.

Bill Jennings, DeltaKeeper reported that a recent court ruling clarified that NPDES Permits are needed for ship ballast water discharges, and that Congress has pending legislation establishing numeric effluent limits for the discharges. Jennings asked what is needed to get action on DeltaKeeper's 4 ½ year old petition to the Region to take action on ballast waters? Jennings also stated that the Board's lack of action will be petitioned. Staff stated that a status report will be prepared for the Board on ballast water discharges.

OTHER BUSINESS

The April 23/24 minutes were approved as written.

Tom Pinkos announced his plans to retire on 30 December 2005. He will remain active as Executive Officer until that date. Board members expressed thanks for his work, wished him well, and gave statements of support for his authority to represent the Board until a successor is appointed.

UNCONTESTED CALENDAR**OTHER BUSINESS*****City of Maricopa, Kern County – Consideration of a Resolution Approving and Accepting the City of Maricopa's Declaration of Potential Water Pollution and a Time Schedule***

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

R5-2005-0081

MOTION: By Mr. Cabaldon, seconded by Mrs. Palmer-Byrd to approve the proposed resolution. Unanimously approved.

South Shafter Community, Kern County – Consideration of a Resolution Approving and Accepting the Kern County Health Officer's Declaration of Potential Water Pollution and a Time Schedule

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

R5-2005-0083

MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed resolution. Unanimously approved.

ENFORCEMENT***Sulara Enterprises, Inc., Drilling Mud Disposal Facility, Glenn County – Consideration of an Order Rescinding Cease and Desist Order***

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

R5-2005-0085

MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved by role call vote.

California Department of General Services, Office of State Printing, Sacramento County - Consideration of NPDES Permit Renewal and Time Schedule Order

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

R5-2005-0086 MOTION: By Mrs. Palmer-Byrd, seconded by Mr. Longley to approve the proposed NPDES order. Unanimously approved.

R5-2005-0087 MOTION: By Mr. Cabaldon, seconded by Mrs. Palmer-Byrd to approve the proposed Time Schedule order. Unanimously approved.

**City of Vacaville, Gibson Canyon Creek Wastewater Treatment Plant, Solano County -
*Consideration of a Cease and Desist Order***

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

R5-2005-0088 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Cease and Desist order. Unanimously approved by role call vote.

City of Loyalton, Wastewater Treatment Plant, Sierra County - *Consideration of a Cease and Desist Order*

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

R5-2005-0089 MOTION: By Mrs. Palmer-Byrd, seconded by Mr. Brizard to approve the proposed Cease and Desist order. Unanimously approved by role call vote.

NPDES ORDERS

Uncontested NPDES Permits

- R5-2005-0090** a. Metropolitan Stevedore Company, Port of Stockton, San Joaquin County
- R5-2005-0091** b. San Joaquin County Service Area 31, Flag City Wastewater Treatment Plant, San Joaquin County
- R5-2005-0092** c. Rockwell International Corporation and Porterville Unified School District, Groundwater Cleanup System, Tulare County (amended)
- R5-2005-0093** d. Southern California Edison Company, Balsam Meadows Hydroelectric Project, Eastwood Powerhouse Facility, Fresno County (amended)

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

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders as amended. Unanimously approved.

WASTE DISCHARGE REQUIREMENTS

Uncontested Change of Name and/or Ownership

- a. Merrill and Charlene Minto dba Mountain View Mobile Acres, Butte County

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

R5-2005-0094 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed orders. Unanimously approved.

Uncontested Rescissions

- a. Kinder Morgan Energy partners, L.P. through its operating partner SFPP, L.P., Holt Petroleum Release Site, Interim Groundwater Remediation System, Holt, San Joaquin County
- b. Port of Stockton, West Complex Dock Dredging Project, San Joaquin County
- c. Tosco Corporation and UNOCAP, Coalinga Pump Station, Fresno County

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

R5-2005-0095 MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

Uncontested Waste Discharge Requirements

- R5-2005-0096** a. Millennium Holdings, LLC., Rising Star Waste Rock Containment Facility, Shasta County
- R5-2005-0097** b. Amador Water Agency and Mace Meadows Golf and Country Club, Inc., Buckhorn Water Treatment Plant and Reuse Site, Amador County
- R5-2005-0098** c. County of Kern for Operation and Construction Bakersfield Metropolitan (BENA) Sanitary Landfill, Kern County
- R5-2005-0099** d. Weimar Institute, Inc., Wastewater Treatment Facility, Placer County
- R5-2005-0103** e. Chincholo Setmilt California, LLC/JT Investments Fruit Processing Facility, San Joaquin County
- R5-2005-0100** f. Calaveras County Department of Public Works, Rock Creek Municipal Solid Waste Class II Landfill and Class II Surface Impoundment, Calaveras County
- R5-2005-0101** g. Chevron USA, Incorporated, for Closure Midway Solid Waste Disposal Site, San Luis Obispo County
- R5-2005-0102** h. County of Tulare for Operation Woodville Municipal Solid Waste Landfill Tulare County

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

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

CONTESTED CALENDAR**ENFORCEMENT****City of Dixon, Wastewater Treatment Facility, Solano County – Consideration of a Cease and Desist Order**

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

R5-2005-0078 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed Cease and Desist order. Unanimously approved by role call vote.

Tsar Nicoulai Caviar LLC. and Ralph F. Nix Revocable Trust, Wilton, Sacramento County - Consideration of Negative Declaration and New NPDES Permit

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

R5-2005-0079 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the Negative Declaration. Unanimously approved.

R5-2005-0080

MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed NPDES order. Unanimously approved.

**Planada Community Services District, Wastewater Treatment Facility, Merced County –
*Consideration of Administrative Civil Liability Order***

A public hearing was held. Dale Harvey presented the staff report. Alfonso Manrique, David Courser, Daniel Chavez and Bryant Owens gave additional testimony.

R5-2005-0076

MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed Cease and Desist order. Unanimously approved by role call vote.

Consideration of a Referral to the Attorney General to file an enforcement action under California Water Code Section 13350, for collection of judicial civil liability against Hilmar Cheese Company or whether the Board should maintain the action administratively

A public hearing was held. Lori Okun and David Coupe, Office of Chief Counsel, State Water Resources Control Board presented legal arguments. There was also legal argument presented by Mark Fogelman and comment from Bill Jennings. The hearing was held pursuant to Water Code section 13350(g) to consider a Resolution to request the Attorney General to seek judicial civil liability against Hilmar Cheese Company, Inc. and Hilmar Whey Protein, Inc. for violations of Waste Discharge Requirements Order No. No. 97-206. The designated parties at the hearing were representatives of Hilmar Cheese Company and the Executive Officer of the Regional Board. Both parties opposed referring the matter to the Attorney General. At the close of the hearing, the Regional Board did not adopt the Resolution and, therefore, did not refer the matter to the Attorney General.

**South Kern Industrial Center, LLC for Operation Biosolids Storage and Composting Facility, Kern County –
*Consideration of Waste Discharge Requirements***

A public hearing was held. Lonnie Wass presented the staff report. Linda Ostdich, Marie Liu, and Bob Hampton gave additional testimony.

R5-2005-0077

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed Waste Discharge Requirements. Unanimously approved.

**William Isaac and Linkside Place, LLC. Linkside Place Subdivision, Butte County -
*Consideration of an Administrative Civil Liability***

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE SCHEDULED FOR A LATER BOARD MEETING.

Regional Board Budget – *A Status Report*

Richard Loncarovich presented the Board a Status Report on the Regional Board Budget.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned at 4:00 p.m. to the 5 August 2005 regular meeting.