

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

Minutes
28/29 November 2005
474th Regular Board Meeting
11020 Sun Center, Suite 200
Rancho Cordova, CA 95670

MONDAY, 28 NOVEMBER 2005

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, David Coupe, William Croyle, Wendy Cohen, Devra Lewis, Patrick Morris and Michele Woods.

OTHERS PRESENT

David Orth, SSJVWQC
John Hewitt, Cal Farm Bureau
Bill Jennings, CA Sportfishing Alliance
David Cory, SJR Exchange Contractors
Rick Landon, Yolo Sub Watershed
Warren Tellefson, CVCWA
Michael Lozeau, DeltaKeeper
Parry Klassen, East SJ Water Quality Coalition
John Meeks, SJ & Delta Water Coalition
Roberta Firoved, CA Rice Commission
Peter McGaw, TID
Bill Thomas, SSJVWQC
Joseph McGahan, Westside Watershed
Robert Gromm, Preston Avery
Gail Delihant, Asm. Greg Aghazarian's office
Debra Liebersbach, TID
Shirley Batchman, Industry Relations
James Atherstone, SSJID
Elaine Archibald, CUWA

David Guy, Sacramento Valley WQ Coalition
Tim Johnson, CA Rice Commission
Kristin Castanos, CA Rice Commission
Dan Otis, DWR
Donna Podger, CA Bay Estuary
Khalil Abusaba, CVCWA
Dave Tamayo, Sacto Stormwater Permittees
Maria Wong, Yolo County HCP
Robert Shanks, SRCSD
Tom Maurer, US Fish & Wildlife
Ramona Swenson, The Nature Conservancy
Linda Fiack, Delta Protection Agency
Marshall Lee, DPR
David Cone, Kings River Conservation Dist.
Stan Lester
Nancy Lea

EXECUTIVE OFFICER'S REPORT

Mr. Longley commented that the San Joaquin River TMDL (Item 21) was important and requested comments from the Executive Officer on recent events. Mr. Pinkos reported that the State Water Board had adopted the TMDL and had set a requirement for completion of salinity standards on the San Joaquin River upstream of Vernalis.

Mr. Longley noted that no one had bid on the Penn Mine property at the County tax sale (Item 37).

Mr. Pinkos reported on the following:

- Senator Florez will hold a hearing on 5 December in Wasco regarding air and water pollution issues at dairies. Lonnie Wass of the Fresno office will attend.
- The \$600,000 ACL Complaint against Grizzly Creek Development (Item 1) in Plumas County was settled for \$575,000. The developer violated the General Construction Stormwater NPDES Permit.

- The Yakima Compost Company (Item 2) paid a \$50,000 ACL Complaint for failure to submit annual fees, plus all outstanding fees.
- The Superior Court issued a very favorable ruling on the appeal of the Boy's Ranch WDRs (Item 12). The ruling clarified that the Basin Plan term "use" related to groundwater protection was equivalent to "beneficial use" as defined in the Basin Plan, and did not require that the groundwater was being actively used as a drinking water supply as the discharger had contended.
- Reports of Waste Discharge have been requested of all existing dairies (Item 22). Staff is very pleased with the response, with almost all Reports being received. Thanks were extended to the Dairy Quality Assurance Program for assistance in the extensive outreach program to the dairies.

BOARD MEMBER COMMUNICATIONS

Chairman Schneider announced that on 22 November Mr. Dan Odenweller resigned as a Board member of the California Sport Fishing Alliance. Mr. Odenweller had been appointed to the CalSPA Board shortly before being appointed to the Regional Water Board, had attended only a small portion of one CalSPA Board meeting, and had not participated in any CalSPA Board business of substance.

Ms. Adams reported attendance at a Wine Institute meeting on non-board business, and attendance at an East San Joaquin Water Quality Coalition meeting to introduce herself, but did not stay for any discussions of substance.

Mr. Longley reported that he had attended:

- The Irrigated Lands Program Technical Issues Committee meeting on 7 November
- A seminar on appearances before the State and regional Boards on 9 November
- The Upper Kings River Water Forum meeting
- The Yolo County Agriculture Coalition Alliance meeting on 17 November but participated in no discussions of substance.

The Chair asked Al Brizard, Linda Adams, and Dan Odenweller to serve as a nominating committee for calendar year 2006. Frances McChesney clarified that the Water Code requires each regional board to elect a chair and vice-chair at the first meeting of each year.

PUBLIC FORUM

Bill Jennings, CalSPA, spoke on the following:

- He gave thanks to Tom Pinkos for his work as Executive office, noting that his predecessors had not dealt with many current issues and diminishing resources.
- The State Board had adopted both the Salt and Dissolved Oxygen TMDLs, requiring the Regional Board to adopt salinity compliance points farther upstream.
- The State Board is considering a Cease and Desist Order against the Bureau of Reclamation and the Department of Water Resources. The Bureau and Department have questioned why they should be expected to meet a 0.7 mmhos/cm salinity when the City of Manteca is only required to meet a 1.0 mmhos/cm salinity standard.
- The Pelagic Organism Decline workshop identified three causes for the decline of the Delta fishery: water exports, aquatic toxicity, and invasive species. This is the first acknowledgment of significant toxicity in the Delta.
- The Executive Officer's Report mentions that there are extra Cleanup and Abatement Fund monies from the Penn Mine cleanup. These monies should be retained to respond to the anticipated blowout of the portal plug at the mine.
- He is concerned that Regional Board staff still opposes inclusion of invasive species on the 303(d) List.
- CalSPA continues to be active in enforcement of water quality and permit violations.

Warren Tellefson, introduced the Central Valley Clean Water Association, a consortium of 47 local public agencies that collect, treat and recycle wastewater. The Association works with Board staff on a wide range of water quality issues. Further information can be obtained at www.CVCWA.org.

BASIN PLANNING

Amendment to the Basin Plan for the Control of Methylmercury in the Sacramento-San Joaquin Delta Estuary—*Workshop to Receive Comments*

A public hearing was held. Patrick Morris and Michele Wood presented the staff report. Dan Otis, Donna Podger, Khalil Abusaba, Warren Tellefson, Dave Tamayo, Bill Jennings, Linda Fiack, Maria Wong, Ramona Swenson, Robert Shanks and Tom Maurer gave additional testimony.

This was a workshop to received comments. There was no Board action taken.

ENFORCEMENT

Rancho Murieta Community Services District and Rancho Murieta Country Club, Sacramento County - *Consideration of a Revised Cease and Desist Order*

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE HEARD AT THE JANUARY 2006 BOARD MEETING.

IRRIGATED LANDS

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 Devra Lewis presented the staff report. Kristen Castanos, David Guy, Tim Johnson, Mike Lozeau, Bill Thomas, Elaine Archibald, James Atherstone, David Cory, Bill Jennings, John Hewitt, Peter McGaw, Debra Liebersbach, David Orth, Shirley Batchman, Rick Landon, Nancy Lee, Stan Lester, Marshall Lee, Sopac Mulholland, and Parry Klassen gave additional testimony.

MOTION: By Mr. Longley, seconded by Mr. Brizard to a resolution of a 6 month extension to the waiver. Motion carried with a 3/3/1 vote.

The meeting was continued at 5:30p.m. to the Tuesday session.

TUESDAY, 29 NOVEMBER 2005

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Jim Pedri, Janice Tanaka, Frances McChesney, Catherine George, Steve Blum, Ted Cobb, Antonia Vorster, Karen Clementsen,

OTHERS PRESENT

Steven Looper, EGUSD
Janna Herren, DFG
Gail Delihant, Asm Aghazarian
Kyle Leach, Holdrege & Kull
David Cory, SJR Exchange Contractors
John Jeter, Hilmar Cheese
Mark Fogelman, Hilmar Cheese
Craig Bloomgarten, Hilmar Cheese

Virginia Drake, Humboldt Road Burn Dump
Jack Grossman
Rachael Hersh-Burdick
Ken Rodrigues
Boris Tgorvich
Randy Nelson
Frances Goldberry

BOARD MEMBER COMMUNICATION

Mr. Brizard explained that he had spent a sleepless night wondering just what the Board had done on the Irrigated Lands Waiver, and asked for an explanation of the Board's action. Frances McChesney and Tom Pinkos explained that the Board had extended the current conditional waivers by approximately six months to past the June 2006 Board meeting, with direction to work on membership lists, clarifying Table 1, and the definition of "who is a discharger." Ms. McChesney clarified that the conditional waiver is a pending adjudicatory matter, so ex parte rules are in effect. Water Code Section 13269 may or may not be satisfied by the Board action.

Mr. Longley stated that the membership issue should be brought back in June, but the discharger issue could come back at any time, and the water quality management plan proposal looks ok. Ms. McChesney explained that parties unhappy with the Board action can file a petition with the State Board within 30 days. The State Board has 270 days to act on the petition. A lawsuit cannot be filed until the State Board acts.

Mr. Pinkos stated that staff would review Coalition responses regarding membership lists. Unless the Board directs otherwise, he will consider withdrawal of Coalition approval if a Coalition has not been responsive to the request. Ms. McChesney cautioned that this matter was not on the Agenda.

PUBLIC FORUM

David Corey expressed thanks to Tom Pinkos and Karl Longley for their service to the Board. He started learning about water quality issues with selenium in the San Joaquin River and helped develop the Grasslands Bypass Project. He broadened his involvement into Coalition and regional issues. He advocates from a wide range of experience, including extensive enjoyment of California waterways.

UNCONTESTED CALENDAR

ENFORCEMENT

Sacramento Rendering Companies, Rancho Cordova Rendering Plant, Sacramento County – Consideration of Revised Waste Discharge Requirements and Adoption of a New Cease and Desist Order

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

R5-2005-0166 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

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

R5-2005-0167 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

TA Operating Corporation, Blue Beacon U.S.A., L.P. And Tejon Ranchcorp, Travelcenters Of America Complex, Kern County – Consideration of Order Rescinding Cease and Desist Order No. 5-01-003

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

R5-2005-0168 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

United States Department of Defense, Defense Logistics Agency, Defense Distribution Depot San Joaquin, San Joaquin County - Consideration of a Time Schedule Order to Comply with Order No. R5-2003-0213

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

R5-2005-0169 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

NPDES PERMITS

Uncontested NPDES Permits

R5-2005-0170 Grizzly Ranch Community Services District, Wastewater Collection, Treatment, and Recycling Facility, Plumas County

R5-2005-0171 Aerojet-General Corporation, Interim Groundwater Extraction and Treatment Systems, ARGET, GET E/F, GET H, Interim GET H, GET K, Interim GET K, GET L, GET L1, Sailor Bar Park Well, Chettenham Well, and Low Threat Discharges, Sacramento County

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

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

WASTE DISCHARGE REQUIREMENTS

Uncontested Change of Name and/or Ownership

- a. Hamilton Branch Community Services District and Tim T. Brown, Gard M. Anderson, and M. Donn Marshall, dba Creekside Subdivision, Plumas County

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

R5-2005-0171 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Rescissions

- a. Gotland Oil, Inc., BBJ-BAMB Lease, Semitropic Oil Field, Kern County
- b. Gotland Oil, Inc., Chapman-BHM Lease, Semitropic Oil Field, Kern County
- c. Gotland Oil, Inc., Supreme Lease, Semitropic Oil Field, Kern County
- d. Gotland Oil, Inc., Williams-Elliott 15 Lease, Semitropic Oil Field, Kern County
- e. Gotland Oil, Inc., Williams-Elliott 24 Lease, Semitropic Oil Field, Kern County
- f. California Department of Corrections, Sierra Conservation Center, Wastewater Treatment Plant, Tuolumne County

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

R5-2005-0172 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Waste Discharge Requirements

R5-2005-0174 United States Bureau of Land Management, Clear Lake Lava, Inc., and Bev and Bill Van Pelt, Hidden Valley Sand and Gravel, Lake County

- R5-2005-0175** Randy Wentzel, Glen Oaks Mobile Home Park Wastewater Treatment Facility, Placer County
- R5-2005-0176** Cedar Ridge View LLC. Cedar Ridge View Mobile Home Park Wastewater Treatment and Disposal System, Amador County
- R5-2005-0177** Baker Commodities, Inc., Hanford Hide Skinning And Hide Curing Facility, Kings County
- R5-2005-0178** Air Force Real Property Agency, Former McClellan Air Force Base, In-Situ Chemical Oxidation Treatability Study at Former Davis Global Communications Site, Yolo County

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

MOTION: By Mr. Longley, seconded by Mr. Brizard to a 6 month extension of the waiver. Motion carried with a 3/3/1 vote.

CONTESTED CALENDAR

ENFORCEMENT

Hilmar Cheese Company, Inc, and Hilmar Whey, Inc., Merced County - Consideration of a Settlement Agreement of the proposed Administrative Civil Liability Complaint

A public hearing was held. Catherine George presented the staff report. Additional testimony was given by Mark Fogelman, Craig Bloomgarten, Bill Jennings, Boris Tgorvich, Ken Rodrigues, and John Jeter.

MOTION: By Mr. Brizard, seconded by Mr. Betancourt to continue the item to the March Board Meeting. Unanimously approved.

Virginia L. Drake, Trustee, Drake Revocable Trust – Consideration of Administrative Civil Liability Orders

- a. Humboldt Road Burn Dump Area 8, Assessors Parcel Number 011-780-014, Butte County
- b. Humboldt Road Burn Dump Area 7, Assessors Parcel Number 011-780-018, Butte County

A public hearing was held. Karen Clementsen presented the staff report. Additional testimony was given by Greg Peterson, Virginia Drake, Randy Nelson, Frances Goldberry, and Mr. Simmons.

MOTION: By Mr. Cabaldon, seconded by Mr. Betancourt to continue the item to a future Board Meeting. Unanimously approved.

Nevada County Sanitation District No. 1, Cascade Shores Wastewater Treatment Plant, Nevada County Consideration of a Cease and Desist Order

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE HEARD AT A FUTURE BOARD MEETING.

OTHER BUSINESS

The Board met in closed session to discuss ongoing litigation.

The October minutes were approved as written.

The meeting was adjourned at 3:10 p.m. to the 26/27 January Regular Board Meeting.