

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

Minutes
5/6 December 2003
452nd Regular Meeting
3443 Routier Rd
Sacramento, CA 95827

THURSDAY, 5 DECEMBER 2002

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Christopher Cabaldon, Cher Kablanow, Beverly Alves, Members

BOARD MEMBERS ABSENT

Mark Salvaggio, Robert Fong

STAFF PRESENT

Tom Pinkos, Ken Landau, Jim Pedri, Dennis Wilson, Bill Marshall, Jerry Bruns, Rudy Schnagl, Dennis Westcot, Wendy Wyels, Tim O'Brien, Patrick Morris, Janis Cooke, Janice Tanaka; Frances McChesney and Catherine George, Staff Counsels

OTHERS PRESENT

Bill Jennings, DeltaKeeper
Jim Wells
William Thomas, Dow Agro
Elaine Archibald, CUWA
Richard Denton
Linda Smith,
Bill Alleow
Dwayne Chamberlin,
Leena Brook,
Robert Dietrich
Pamela Lawenson
Geneva Page
Corey Evans
Susan Pelican
David Corey
Rick Belstom
Steven Pro,
John Boitler
David Bolen
William Allen
Bob Williams
Brent Newell

John Garder,
Kerry Morgan,
Kim Delfino
Dave Wagner
Steve Zia
David Alves
Gilbert Ramos
Perry Klausen
Mark Quissenberry
Linda Sheein
Tim Johnson
Debby Jackson
Leo O'Brian
Mark Christopher
Lauren Whitley
Sarah Toes
Carol Coalsworthy
Rachael Charsy
Tracy Brieger
Larry Dominier
Carla Kay Fullerton

Cal EPA CUSTOMER SERVICE AWARD

Bill Marshall presented the Cal EPA Customer Service Award to Dannas Berchtold of the Sacramento office Stormwater Unit.

EXECUTIVE OFFICERS REPORT

Chairman Schneider and Tom Pinkos attended a meeting with Congressman John Doolittle regarding regionalization of small wastewater treatment plants. The major concern was the potential imposition of costly improvements on the existing small plants that would make future regionalization difficult. (EO Report Item 13). On a related matter, Mr. Brizard requested a progress report on dealing with small community septic systems in Amador County.

Mark Bradley discussed his review of the Enforcement Trends Report presented by SWRCB at the November WQCC, and particularly the unusually high occurrence of violations reported by the Fresno office. To date it appeared that all offices believed they were reporting correctly. The Enforcement Policy and SWIM guidance on how to record violations is subject to interpretation, and there are inconsistencies in how the three offices are recording violations. Chairman Schneider asked that a letter to SWRCB be prepared requesting clarification of the violation entry procedures, and requested continued efforts to standardize violation data entry procedures within the Region. (EO Item 40)

Tom Pinkos mentioned consideration of a possible presentation to the Board about sewerage infrastructure needs as background for a number of upcoming permit and enforcement actions on communities with inadequate sewerage facilities, such as Esparto CSD (EO Item 35)

Tom Pinkos reported that 46 of the written responses had been prepared for the CEQA documents reported in EO Item 42. The Board requested that the number of written responses be included in future EO Reports.

Board Member Communication

Chairman Schneider appointed Cher Kablanow and Al Brizard to serve as the nominating committee for selection of Board Chair and Vice-Chair for calendar year 2003.

Meeting Schedule for 2003. Proposed meeting schedules for 6 and 8 Board meeting in 2003 were discussed. The Board decided to proceed with the eight meeting schedule with some date modifications. All meetings would be scheduled for Sacramento to minimize travel costs. All meetings would be initially scheduled as two-day meetings, with partial or full days dropped as workload allows. If appropriate, items could be scheduled for Thursday evenings. The possibility of video conferencing will be investigated.

Al Brizard reported on a briefing by SWRCB staff on the proposed Septic Tank Regulations to be released in 2003, which may eventually be incorporated into the Basin Plan.

Public Forum

Bill Jennings, DeltaKeeper, presented information on dissolved oxygen levels and fish kills reportedly related to the discharge of urban stormwater into small water bodies in Stockton. Chairman Schneider requested additional information from staff on the fish kills for the January 2003 Board meeting.

Bay Protection and Toxic Cleanup Plan - Consideration of a Resolution to Adopt a Regional Cleanup Plan for Pesticide Hotspots in the Delta

A public hearing was held. Jerry Bruns presented the staff report. Additional testimony was presented by Jim Wells, William Thomas, and Bill Jennings.

R5-2002-0200 MOTION By Mr. Longley , seconded by Mr. Cabaldon to adopt the resolution as amended. Unanimously approved.

Waste Discharges from Irrigated Lands - Consideration of an Initial Study and Negative Declaration, and a Resolution to Conditionally Waive Waste Discharge Requirements

A public hearing was held. Rudy Schnagl presented the staff report. The following individuals provided additional information:

Agriculture Panel - Tess Dunham, Steve Forsberg, David Guy, Allan Short and Tim O'Hallerin;
Environmental Panel – Michael Lozeau, Bill Jennings, Jonathan Kaplan and Terry Olag;
Elaine Archibald, Richard Denton, Linda Smith, Bill Alleow, Dwayne Chamberlin, Leena Brook, Pamela Lawenson, Geneva Page, Corey Evans, Susan Pelican, David Corey, Rick Belstom, Steven Proe, John Boitler, David Bolen, William Allen, Bob Williams, Brent Newell, John Garder, Kerry Morgan, Kim Delfino, Dave Wagner, Steve Zia, David Alves, Gilbert Ramos, Perry Klausen, Mark Quissenberry, Linda Sheein, Tim Johnson, Debby Jackson, Leo O'Brian, Mark Christopher, Lauren Whitley, Sahrah Toes, Carol Coalsworthy, Rachael Charsy, Tracy Brieger, Larry Dominier, and Carla Kay Fullerton

R5-2002-0228 - R5-2002-0201 MOTION By Mr. Longley, seconded by Mrs. Alves to adopt the proposed orders. Approved with Mr. Cabaldon voting no.

Tuolumne Utilities District, Tuolumne County – Consideration of Revised Master Wastewater Recycling Permit and Cease and Desist Order

A public hearing was held. Wendy Wyels presented the staff report. Additional testimony was presented by Gary Egar.

R5-2002-0202 MOTION By Mr. Longley, seconded by Mr. Cabaldon to adopt the proposed master wastewater recycling permit. Unanimously approved.

R5-2002-0203 MOTION By Mr. Longley, seconded by Ms. Kablanow to adopt the Cease and Desist Order. Unanimously approved by role call vote.

Discharges from Silvicultural Activities – Status Report on Action Planned for January 2003 Board Meeting

Jim Pedri presented the staff report. This was an update for the Board. There was no action taken.

Anadarko Petroleum Corporation, Boeing Satellite Systems, Inc., Calpine, Cypress Amax Minerals Company, Freeport McMoran, Inc./Aminoil, Inc., Geothermal Inc., Geothermal Kinetics, Inc., Hughes Aircraft Company/Thermogenics, Inc., IMC Global, Maxus Energy Corporation, MCR Geothermal, MSR Public Power Agency, Natomas, Northern California Power Agency, Ocean Energy Resources Inc., Pacific Gas and Electric Company, Phelps Dodge, Phillips Petroleum Company, Republic Geothermal, Sacramento Municipal Utility District, Santa Fe Geothermal Inc./Occidental Geothermal, Inc., Shell Oil Company, State of California Department of Water Resources, Sunoco, Thermal Power, and Union Oil Company of California dba Unocal, Geothermal Inc. Facility, Class II Surface Impoundments and Disposal Trenches, Closure, Post-Closure Maintenance and Groundwater Cleanup, Lake County – Consideration of a Resolution Approving an Initial Study and Adopting a Mitigated Negative Declaration and of a Cleanup and Abatement Order and Monitoring and Reporting Program

A public hearing was held. Bill Brattain presented the staff report. Additional testimony was presented by Linda Dredorn, Chris Casey, and Yvonne Riesly.

R5-2002-0204

MOTION

By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed order. Unanimously approved

FRIDAY, 6 DECEMBER 2002

The Board met in closed session to discuss ongoing litigation

Waste Discharges from Irrigated Lands - *Consideration of an Initial Study and Negative Declaration, and a Resolution to Conditionally Waive Waste Discharge Requirements*

Chairman Schneider made a motion to rescind the action the Board took on 5 December 2002, and was seconded by Mr. Brizard. 3 ayes, 3 nos, motion did not carry.

PUBLIC FORUM

Robert Dietrich, neighbor of Dorsett Llama facility expressed concern over the continued pollution and health problems from the adjacent llamas, the failure of the Sacramento County enforcement settlement to address his concerns, and the failure of the Regional Board staff to respond to his letters and follow up on the Regional Board Notices of Violation. Chairman Schneider assured Mr. Dietrich that staff would follow up on the issue and requested a report from staff for the January 2003 meeting.

Steve Falkner of the El Dorado Irrigation District described planned upgrades to the Deer Creek Treatment Plant to assure continued discharge of high quality wastewater.

UNCONTESTED CALENDAR

Placer County Sanitation Area No. 28, Zone No. 6, Sheridan Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order*

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

R5-2002-0208

MOTION

By Mr. Longley, seconded by Ms. Kablanow to adopt the NPDES Permit Renewal. Unanimously approved

R5-2002-0209

MOTION

By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

El Dorado Irrigation District, Deer Creek Wastewater Treatment Plant, El Dorado County – *Consideration of NPDES Permit Renewal and Cease and Desist Order*

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

R5-2002-0210

MOTION

By Mr. Longley, seconded by Mr. Cabaldon to adopt the NPDES Permit Renewal. Unanimously approved

R5-2002-0211

MOTION

By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

Uncontested NPDES Permits

R5-2002-0212 United States Department of the Air Force, Aircraft Control And Warning Site Groundwater Treatment System, Former Mather Air Force Base, Sacramento County

R5-2002-0213 Defense Distribution Depot San Joaquin, Sharpe Groundwater Remediation System, San Joaquin County

R5-2002-0214 Stimpel-Wiebelhaus Associates dba SWA At Mountain Gate and Curtis Partners LLP, Shasta County

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

MOTION By Mr. Cabaldon, seconded by Mr. Longley to adopt the NPDES Permits. Unanimously approved

Uncontested Waste Discharge Requirements Rescissions

Elm-Morton Apartments, Fresno County, Order No. 72-50
Lodi Nut Company, Inc., San Joaquin County, Order No. 87-183
Jaxon Enterprises Jasper Gravel Pit, Glenn County, Order No. 92-125
Johns Manville Manufacturing Inc., Johns-Manville Asbestos/Cement Pipe Corp. and Formosa Plastics, USA, San Joaquin County, Order No. 94-051
Synagro West, Inc., David Fowler, Tony Souza, Vaqueros Farms, Inc., and Contra Costa County, Byron Hot Springs Biosolids Application to Land, Contra Costa County, Order No. 94-362
United States Air Force, Mather Soils Bioremediation Facility, Former Mather Air Force Base, Sacramento County, Order No. 95-221
United States Air Force, Castle Soils Bioremediation Treatment Facility, Former Castle Air Force Base, Merced County, Order No. 96-251
Del Monte Foods Plant No. 25, Fresno County, Order No. 98-068
NEC Electronics Inc., Roseville Manufacturing Facility, Placer County, Order No. 99-018
Mirant Delta, LLC, Contra Costa Power Plant Sludge Disposal, Contra Costa County, No. 5-01-248
Pacific Ultrapower Chinese Station Power Plant, Joint Venture General Partnership of Covanta Energy, Constellation Energy and North America Power, Tuolumne County, Order No. R5-2002-0025

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

R5-2002-0215 MOTION By Ms. Kablanow, seconded by Mr. Longley to adopt the proposed order. Unanimously approved

Uncontested Change of Name and/or Ownership

Brush Creek Mine, Sierra County, Order No. 75-026
Gardner's Point Mine, Brush Creek Mining Company and Speckert Mining Company, Sierra County, Order No. 85-021
Fig Garden Packing Inc., Fig Packing Facility, Fresno County, Order No. 94-135
Keaton Best Western Motel, Keaton Best Western County Motel, Yolo County, Order No. 98-015
Sensient Technologies Corporation, Dehydrated Flavors Plant, Merced County, Order No. 98-088
Charles M. Somers, Bonita M. Bahre, Gregory Graves, and the David J. and Sharon J. Usher Revocable Clayton Regency, LLC, Clayton Regency Mobile Home Park, Contra Costa County, Order No. 5-01-35
Trust, Clay Station 1200, Sacramento County, Order No. R5-2002-0170

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

R5-2002-0216 MOTION By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed order. Unanimously approved

Uncontested Waste Discharge Requirements

R5-2002-0217 Lake County Public Services Department, Eastlake Sanitary Landfill, Class III Landfill, Class II Surface Impoundment, Lake County
R5-2002-0218 Western Placer Waste Management Authority, Western Regional Sanitary Landfill Facility, Class II and Class III Landfills, Placer County
R5-2002-0219 North County Recycling Center and Sanitary Landfill Facility, San Joaquin County

- R5-2002-0221** Mountain Of Attention Sanctuary, Johannine Daist Communion, Lake County
R5-2002-0222 Calaveras County Water District and La Contenta Investors, La Contenta Wastewater Treatment and Reclamation Facility, Calaveras County
R5-2002-0223 Valley Waste Disposal Company, Broad Creek No. 2 Facility, Midway-Sunset & Buena Vista Oil Fields, Kern County
R5-2002-0224 Amador City, Wastewater Treatment and Export System, Amador County
R5-2002-0225 Alpine Packing Company, Inc., Wastewater Treatment System, San Joaquin County
R5-2002-0226 Ford Construction Company, Inc., Foothill Materials, Inc., Hogan Quarry, Calaveras County
R5-2002-0227 Calaveras Materials, Inc. and Harold J. Schmidt, Hughson Plant, Stanislaus County

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

MOTION By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed orders. Unanimously approved

- R5-2002-0220** Teichert Aggregates, Tracy Rock Plant, San Joaquin County

MOTION By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed orders. Approved with Mr. Cabaldon abstaining.

Waste Discharges from Confined Animal Facilities - Consideration of a Resolution to Conditionally Waive Waste Discharge Requirements

A public hearing was held. Polly Lowry presented the staff report. Additional testimony was given by Paul Martin, Brent Newell, Tess Dunham, Steve Nash, Denise Mullinax, Bill Jennings, Jean Chapman, Bill Mattos, J.P. Cativiela, Jeff Pallsguard, Bill Allayaud and Ken Payne.

- R5-2002-0205** MOTION By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed order. Approved with Mr. Schneider voting no.

County of Sacramento and Cities of Citrus Heights, Elk Grove, Folsom, Galt and Sacramento; Storm Water Discharges from Municipal Separate Sewer System, Sacramento County - Consideration of NPDES Permit Renewal

A public hearing was held. Brett Stevens presented the staff report. Additional testimony was presented by Dave Brent, Robert Faulkner, Bill Busath, Cecilia Jensen, Rich Lorenz, Kevin Becker, Clarence Cohon, Tony Elee, Sandra Matthews, Alta Tura and Bill Jennings.

- R5-2003-0206** MOTION By Mr. Cabaldon, seconded by Mr. Longley to adopt the proposed order. Unanimously approved.

Control of Mercury in Clear Lake - Continuation of Hearing to Consider a Resolution to Adopt Proposed Amendments and Certify Environmental Documents

A public Hearing was held. Patrick Morris presented the staff report. Additional information was presented by Vicky Foy.

The meeting adjourned to the 30/31 January 2003 regular meeting.