

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

Minutes
6 June 2003
456th Regular Meeting
Regional Board Office
3443 Routier Rd., Suite A
Sacramento, CA 95827

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Mark Salvaggio, Alson Brizard, Christopher Cabaldon, Robert Fong, Cher Kablanow, Members

BOARD MEMBERS ABSENT

Beverly Alves

STAFF PRESENT

Tom Pinkos, Ken Landau, Wendy Wyels, Jack DelConte, Dave Carlson, Jerry Bruns, Polly Lowry, Wendy Wyels, Richard McHenry, Trinh Pham, Kelly Briggs, Joe Karkoski, Daniel McClure, Mary Menconi, Janice Tanaka, Frances McChesney, Lori Okun and Catherine George, Staff Counsels

OTHERS PRESENT

Steve Engfer, Mariposa County
Al Butterfield, City of Yuba City
Mike Paulucci, City of Yuba City
Mitchell Mysliwic, Larry Walker Assoc.
Betsy Elzufon, Larry Walker Assoc.
Tess Dunham, Larry Walker Assoc.
Larry Walker, Larry Walker Assoc.
Bill Jennings, DeltaKeeper
David Cory, SJR Exchange Contractors
Daniel Russell, U.S. Fish & Wildlife
Sheryl Gill, Dept of Pesticide Regulation
Marshall Lee, Dept of Pesticide Regulation
Kathy Brunetti, Dept of Pesticide Regulation
Debra Denton, USEPA
Armand Ruby, Larry Walker Assoc.
Kris Walters, Sacramento Regional
Joe Dillon, NOAA Fisheries
David Weinberg, Makhteshim Agan
Parry Klassen, CUWA

Rob Kiss, Blue Diamond Growers
Gary Obenauf, California Dried Plum Board
Jerry Lo, City of West Sacramento
Rudi Gdnik, City of Grass Valley
Jeffrey Hauser, Ecologic Engineering
Bill Lewis, City of Yuba City
Peter McGaw, City of Yuba City
Bob Barkhouse, City of Yuba City
Kristen Castanow, Sacramento County
Wendell Kido, Sacramento County
Steve Dominguez, City of West Sacramento
Devere Maukio, City of Grass Valley
Larry Von Kaenel, City of West Sacramento
Greg Fabun, City of West Sacramento
Thomas Grovhoug, City of West Sacramento
Oscar Vellegas, City of West Sacramento
John Hernandez

EXECUTIVE OFFICER'S REPORT

Tom Pinkos reported on his meeting with Assemblyman Salinas regarding New Idria Mine (Item No. 6). San Benito County is requesting identification of responsible parties and cleanup of the mine site.

Tom Pinkos reported that JoAnne Kipps has prepared a detailed memorandum of the Musco Olive inspection (Item No. 17). That memo is currently under management review.

Tom Pinkos reported that a Cleanup and Abatement Order for the Humbolt Road Burn Dump was issued subsequent to preparation of the list of enforcement actions in the EO Report. Details of the Order will be included in the July Report.

Regarding Public Outreach, Mr. Pinkos called the Board's attention to:

- 5 May meeting of Mr. Brizard and Ms. Kablanow with the Wine Institute. A memo documenting the meeting is being prepared.
- 13 May meeting with the Rice Industry, discussing alternatives to regulation of wastewater discharges from rice farming.
- 19 May meeting with Senator Ashburn regarding Kern Ridge Growers. Mr. Salvaggio requested a correspondence concerning that meeting.
- Meeting with the California League of Food Processors regarding their new Manual of Good Practice for land disposal of food processing wastes. Mr. Longley asked for a summary of the document. Mr. Brizard suggested that the Food Processors and the Wine Institute get together on common issues.

Mr. Longley referenced the Budget Update and predicted a rough ride for the budget this year. It will be difficult for the Board and many agencies to fulfill their mandates.

Mr. Longley requested an update on the sewage spills experienced by the Tuolumne Utilities District (Item 43). Additional information will be included in the July EO Report.

Ms. Kablanow asked if the work to excavate fossils found at the Fairmead Landfill (Item No. 2) were compromising water quality. Bert Van Voris explained that fossil studies were not causing any water quality problems.

Ms. Kablanow asked if solar evaporation of Ag wastewater was prohibited by the Toxics Pit Act (Item No. 7). Greg Vaughn explained that the Act prohibited hazardous concentrations on chemicals in unlined ponds, so it depended on the types of accumulated salts. Dennis Westcot explained that the specific problem was that Selenium could build up to hazardous concentrations.

Ms. Kablanow asked about the impact of proposed legislation by the Wine Institute on the General WDRs recently adopted by the Board (Item No. 15). Frances McChesney explained that the proposed legislation would eliminate the General WDRs.

Ms. Kablanow asked if the conceptual plans had been received from the Roll-In Mobilehome Park (Item No. 18). Bert Van Voris reported that the plans had been received and are under review.

Ms. Kablanow asked what Staff was presenting in the 3 and 20 May public meetings concerning the Ag waiver. Bill Croyle explained that Staff discusses the requirements of the December 2002 waiver and the review process currently being conducted.

Mr. Cabaldon asked about the status of legislation proposing to remove the authority for adoption of WDRs and Permits from the Regional Board members. The matter will be researched.

Chairman Schneider expressed his concern regarding timber harvest activities (Item No. 3) and recent newspaper articles regarding the new framework for approval of harvest plans. If public review of proposed plans is inadequate, the Board may need to consider rescinding the Timber Harvest Waiver.

Chairman Schneider thanked Staff for work on grant projects (Item No. 9)

Chairman Schneider emphasized the need for memos documenting Regional Board member site inspections to be completed in a timely manner and made available for public review. Thorough

documentation of the inspection is needed, although the Board may not want to continue the practice of going on the inspections.

BOARD MEMBER COMMUNICATIONS

Chairman Schneider read Senator Burrton's letter and discussed newspaper coverage, all concerning the Ag waiver. He reported that Al Brizard and he will meet with the Senate Rules Committee on 18 June as part of their reconfirmation.

Dr. Longley reported that he had made a presentation on the regulation of irrigated agriculture wastewater at the 8 May ACWA Spring Conference, and that Al Brizard and he had talked with the president of the Agriculture Bureau on the same matter.

Mark Salvaggio stated, in regards to allegations of improper Board member communications regarding the ag waiver votes, that he had not had any communication with any other Board member, or had any information on pre-determination of a motion for the agenda items.

There was a general discussion on how to provide adequate opportunity for public review of any changes to the Ag waiver. It was recognized that substantial deviation from changes from the waiver proposed in the Agenda might necessitate recirculation of the proposed changes and consideration of adoption at a later meeting.

Christopher Cabaldon reported on the CalFed Drinking Water Subcommittee meeting:

- An environmental justice policy was adopted for mercury contamination
- There was discussion of the ag waiver
- The Secretaries of CalEPA and Resources signed a new watershed MOU which formed the California Watershed Council and has caused some confusion with "watershed groups" operating under the waiver.

PUBLIC FORUM

David Corey that ground breaking work is being made on agricultural non-point source problems. The first steps are organization and monitoring, with the need for an orderly process, not regulation. The Ag community needs time to implement the December waiver, with the next steps handled in future waivers.

Bill Jennings, DeltaKeeper, spoke regarding:

- There is a difference between Board meeting inspections for the purpose of education, versus an inspection regarding items on the agenda.
- Regarding the Ag waiver, the concerns of the environmental groups have been ignored by the Staff and the Board. Beverly Alves should not participate in the Ag waiver discussion and SWRCB should take over the issue, as indicated by the Attorney General's preliminary decision. Many important items expected to be in the new staff proposal have been eliminated. New proposals must be circulated for public review before Board consideration. Don't blow the last of the Board's credibility. A workshop on ex parte communication is suggested. (Frances McChesney stated that the Chief Counsel has prepared many documents on ex parte communications, so a workshop is not needed.)

UNCONTESTED CALENDAR

Uncontested Rescissions

- a. Monterey Oil Company, Jutbu Lease, Jacalitos Oil Field, Fresno County
- b. Packway Materials, Inc., and Ellen E. Taylor, et al., Wilcox Ranch Gravel Processing Operation, Shasta County

- c. Teichert & Sons, Inc., Teichert Aggregates, Aspen VI, Gravel Quarry 7 Flood Control Basin, Sacramento County
- d. Pete Brunello dba Lassen Forest Products, Tehama County
- e. Reclamation District 341, Sherman Island Channel Island Demonstration Project, Sacramento County
- f. Nestle USA – Beverage Division Inc., Former Ripon Facility, San Joaquin County
- g. Calaveras County Water District, Saddle Creek Golf Club, L.P., Saddle Creek Golf Course Reclamation

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

R5-2003-0091 MOTION: By Mr. Salvaggio, seconded by Mr. Longley to approved the proposed rescission order. Unanimously approved.

Uncontested Change of Name and/or Ownership

- a. Thomas Oil Co, Strand, Posuncula KCL, Kern County
- b. Baer, William, Black Oak General Store, Mariposa County
- c. Enoch Packing Company and Britz Investment Co., Inc., Fresno County

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

R5-2003-0092 MOTION: By Mr. Salvaggio, seconded by Mr. Longley to approve the proposed change of name and/or ownership order. Unanimously approved.

Uncontested Waste Discharge Requirements

- R5-2003-0093** Yuba Sutter Disposal, Incorporated, Yuba Sutter Disposal Incorporated Class III Landfills, Post-Closure Maintenance and Corrective Action, Yuba County
- R5-2003-0094** County of Mariposa, For Operation, Mariposa County Municipal Solid Waste Landfill, Mariposa County
- R5-2003-0096** Mineral Resources LLC and Goodall Estate Company, Morris Ravine Quarry, Butte County
- R5-2003-0097** Jerry G. Brassfield, Brassfield Estate Winery, Lake County
- R5-2003-0098** Teichert Aggregates, Marysville Plant, Yuba County
- R5-2003-0099** Newport Pacific Capital Company, Inc., Arbor Mobile Home Park Wastewater Treatment Facility, Acampo, San Joaquin County
- R5-2003-0100** SPX Corporation, Marley Cooling Tower Company Stockton Facility, In Situ Groundwater Remediation Pilot Study, San Joaquin County
- R5-2003-0101** Wallace Community Service District, Wallace Lake Estates Wastewater Treatment Facility, Calaveras County

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

MOTION: By Mr. Longley, seconded by Mr. Salvaggio to approve the proposed orders. Unanimously approved.

R5-2003-0095 Western Farm Service Inc., Merced Facility, In Situ Groundwater Remediation Pilot Study, Merced County

A public hearing was held. Amy Terrel presented a short staff report. David Hernandez provided additional information.

MOTION: By Mrs. Kablanow, seconded by Mr. Longley to approve the proposed order as amended. Unanimously approved.

Sacramento County Sanitation District No. 1, Walnut Grove Wastewater Treatment Plant, Sacramento County – Consideration of NPDES Permit Renewal

A public hearing was held. Anand Manidi and Greg Vaughn presented the staff report. Additional testimony was presented by Kristen Castanos, Wendell Kido, Bill Jennings and Dave Carlson.

R5-2003-0084 MOTION: By Mr. Longley, seconded by Mr. Schneider to approve the proposed order as amended. Unanimously approved.

J.W. Myers, Inc., Petroleum Storage Facilities in Madera and Coarsegold, Madera County - Consideration of Administrative Civil Liability Orders

A public hearing was held. The Board declined to adopt the order assessing Administrative Civil Liabilities and to direct the Executive Officer to withdraw the complaint and reissue a new complaint.

MOTION: By Ms. Kablanow, seconded by Mr. Longley to withdraw the complaint. Unanimously approved.

Sierra Pacific Industries, Camino Lumber Mill, El Dorado County – Consideration of NPDES Permit Renewal and Cease and Desist Order

This item was removed from the agenda.

City of Yuba City, Wastewater Treatment Plant, Sutter County – Consideration of NPDES Permit Renewal and Cease and Desist Order

Melissa Hall presented the staff report. Additional testimony was given by Peter McGaw, Bob Barkhouse, Bill Lewis, and Richard McHenry.

R5-2003-0085 MOTION: By Mr. Fong, seconded by Mr. Cabaldon to approve the NPDES order. Unanimously approved.

R5-2003-0086 MOTION: By Mr. Longley, seconded by Mr. Salvaggio to approve the Cease and Desist Order. Unanimously approved by role call vote.

City of West Sacramento, Wastewater Treatment Plant, Yolo County – Consideration of NPDES Permit Renewal and Cease and Desist Order

Board Member Christopher Cabaldon recused himself from this item. A public hearing was held. Richard McHenry presented the staff report. Additional testimony was given by Oscar Vellegas, Tom Grovhoug, and Larry Walker.

R5-2003-0087 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the NPDES order. Unanimously approved.

R5-2003-0088 MOTION: By Mr. Longley, seconded by Mr. Salvaggio to approve the Cease and Desist Order. Unanimously approved by role call vote.

City of Grass Valley, Wastewater Treatment Plant, Nevada County – Consideration of NPDES Permit Renewal and Cease Desist Order

A public hearing was held. Richard McHenry presented the staff report. Additional testimony was given by Jeff Hanson and Devere Maukio.

R5-2003-0089 MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the NPDES order. Unanimously approved.

R5-2003-0090 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the Cease and Desist Order. Unanimously approved by role call vote.

Workshop on Proposed Amendments to The Sacramento River and San Joaquin River Basin Plan to Control the Discharge of Diazinon and Orchard Pesticide Runoff into the Sacramento and Feather Rivers – Information Item

Ken Landau, Mary Menconi, Joe Karkoski and Daniel McClure presented the staff report. Additional information was given by Debra Denton, Kathy Brunetti, Armand Ruby, Joe Dillon, Bill Jennings, David Weinburg, Parry Klassen, Gary Obenauf, and Rob Kiss.

This was for the Board's information. No Action was taken.

The Board met in closed session to discuss ongoing litigation.

The meeting was adjourned to the 10/11 July 2003 regular Board Meeting.