

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

Minutes
4/5 September 2003
457th Regular Meeting
Central Valley Regional Water
Quality Control Board
3443 Routier Rd., Suite A
Sacramento, CA 95827

THURSDAY, 4 SEPTEMBER 2003

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Mark Salvaggio, Alson Brizard, Robert Fong, Cher Kablanow and Beverly Alves, Members

BOARD MEMBERS ABSENT

Christopher Cabaldon

STAFF PRESENT

Tom Pinkos, Ken Landau, Loren Harlow, Richard Loncarovich, William Marshall, Jerry Bruns, Bert VanVoris, Bill Croyle, Wendy Wyels, Tim O'Brien, Molly White, Kelly Briggs, Shakoora Azimi-Gaylon, Greg Issinghoff, Brian Erlandsen, Pete Osmolovsky, Karen Larsen, Janice Tanaka, Frances McChesney, and Catherine George, Staff Counsels

OTHERS PRESENT

Tacy Currey, Solano RCD
David Guy, Sacramento Valley Water Quality Coalition
Ryan Broddrick, Sacramento Valley Water Quality Coalition
Michael Payne, CA Dairy Quality Assurance Program
Gil Solorio, San Benito County
Reb Monaco, San Benito County
Khalil Abu-Saba, Applied Marine Sciences
Gordon Platenga, Nevada County
Doug Farrell, Nevada County
Drew Bedwell, Nevada County Board of Supervisors
Steven Stiles, Nevada County
Tess Dunham, Larry Walker and Assoc.
William Nelson, Citizen Advisory Committee

David Cory, SJR Exchange Contractors
Peter VanZant, Nevada County
Bill Jennings, DeltaKeeper
Mandy Rose, San Benito County
Greg Greeson, City of Escalon
Jim Thompson, City of Escalon
Kristin Castanos, City of Stockton
Tony Scott, San Joaquin Valley APCD
Ed Yates, CA League of Food Processors
Dick Taylor
Don Monaco
Mark Nicholson
Gorden Fluker
Jennie Zeff
Steven Zeff

THURSDAY – 4 SEPTEMBER 2003

PUBLIC FORUM

Peter Van Zant, Supervisor, Nevada County

Nevada County operates the Cascade Shores WWTP. Compliance with the renewed NPDES Permit will increase sewer fees from \$900/year to \$1925/year. District residents submitted a Prop 218 petition freezing the fees at \$900/year. The County is committed to achieving compliance but would like help in providing flexibility in attaining compliance.

Dick Taylor, Cascade Shores Home Owner

The costs to comply with the new Cascade Shore NPDES Permit are an enormous financial burden on the community. Regional Board assistance is needed to control costs. Chairman Schneider suggested that the impact of NPDES Permit limits on small communities could be a topic for a future workshop. Ms. Kablanow stated that concerned parties need to contact their legislative representatives since the Board often has no flexibility on these issues.

David Corey, San Joaquin Exchange Contractors

The West Side Ag Coalition continues to form. Individual member identification and land access issues are major barriers for the Group. The logistics of obtaining affirmative election of individuals to participate is an insurmountable problem, and will almost certainly not be complete by 1 November. Board members asked for notification of public coalition meetings.

William Nelson, Citizen, Lake of the Pines

The Board has failed rural communities. Environmental costs should not be shifted to small communities. There is no evidence of impacts from current discharges or benefits from the new limits.

Tess Dunham, Larry Walker and Associates

California Resource Management Institute through funding from Larry Walker and Associates has completed a report reviewing the adoption of the 1975 Basin Plan and some subsequent amendments. The Report concludes that the Board failed to comply fully with CWC Sections 13241/13242. Scientific and technical bases for policies are lacking. There has been none of the anticipated follow-up due to lack of funding. Mr. Longley suggested that the Report is incomplete without a discussion of the resources needed to “fix” the Plan. Chairman Schneider suggested development of a strategic document on how to address the various policy issues.

Bill Jennings, Delta Keeper, Et Al.

Discharging to streams with little or no dilution is difficult for dischargers, but the Basin Plan used to not allow such discharges. The Basin Plan does have big holes, but also has strong water quality protections. There have been a number of large fish kills in the Delta over the past few months. DeltaKeeper has taken Regional Board and other regulatory agency staff on three Delta boat trips in recent weeks. The environmental group fears about the likelihood of Ag Group failure are coming true; leaders are leaving and there are no members. Ag groups are competing for grant funding with “legitimate” watershed groups.

BOARD COMMUNICATION

Chairman Schneider reported the following contacts concerning the ag waiver: Yolo County Flood Control District meetings (discussion of process only), Lowell Ames regarding funding, Bruce Lowmzinger, farm tour regarding ag monitoring, and David Guy regarding NCWA funding concerns.

Karl Longley reported he had had a discussion with David Guy concerning identification of ag coalition group members. He had also been contacted concerning regulation of pesticide applicators, and had referred the contact to Board staff.

EXECUTIVE OFFICERS REPORT

Al Brizard had questions concerning the following items:

- Item 1 – Ag Waiver Update. (Note: Beverly Alves recused herself from the Board table for this item.) Bill Croyle and his staff provided the Board with an update on Petitions and lawsuits, EIR development, data management, public outreach, and monitoring.
- Item 6 – Soil-Cement Liner Technology. Why did Phoenix stop using soil cement liners? Bert VanVoris explained that maintenance of cracks was too expensive, which supports staff's concerns about long-term effectiveness of the technology and the need for oversight.
- Item 27 – Grease Hauler Operation Closes. Where does the grease go now that the disposal site is closed? Bert VanVoris explained that the grease now goes to POTWs and other approved sites. Counties are watching for illegal disposal activity.
- Item 61 – Musco Olive. What is the current status of compliance? Bert VanVoris explained that delinquent reports had been received in the past couple days, but had not yet been reviewed for adequacy. There are large, outstanding ACLs likely to be heard at the December Board meeting.

ENFORCEMENT

J. W. Myers, Inc., Avenue 14 Site, Madera County – *Consideration of Administrative Civil Liability Orders*

A public hearing was held. Brian Erlandsen presented the staff report. Dale Harvey and Loren Harlow gave additional testimony. The public hearing was closed and the Board Members deliberated on the amount of the Administrative Civil Liability. Due to the reluctance and non-responsiveness of the Discharger, the amount was increased to \$51,000.00.

MOTION: by Mr. Longley, seconded by Ms. Kablanow to approve the orders as amended. Unanimously approved.

Results of Feasibility Study for a Glennville Community Water Supply System, Glennville – *A Status Report*

Greg Issinghoff presented the staff report. Additional information was given by Loren Harlow. This was for the Board's information. No action was taken.

Kern County - Status of Discharges of Acid Mine Drainage, New Idria, San Benito County

Pete Osmolofsky presented the staff report. Additional information was given by

Budget Discussion – A Status Report

Richard Loncarovich presented the staff report.

The Board met in closed session to discuss ongoing litigation.

FRIDAY – 5 SEPTEMBER 2003

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Mark Salvaggio, Alson Brizard, Cher Kablanow and Beverly Alves, Members

BOARD MEMBERS ABSENT

Christopher Cabaldon and Robert Fong

The Board met in closed session to discuss ongoing litigation.

PUBLIC FORUM

David Guy, Sacramento Valley Water Quality Coalition

They are moving forward with coalition formation and will submit an NOI later this month. They have had a good working relation with Regional Board staff. They support the NCWA letter submitted earlier concluding that if the Ag Waiver is the highest Regional Board priority, then grant funds should be directed to the coalitions. The Board needs to paint the consequences of non-participation in the Ag waiver if the coalitions are to work. Chairman Schneider commented that Board staff needs to be more supportive of Ag grants, and that there should be a push to expedite the RFP for the next round of Prop 50 funding to possibly provide financial support for the Ag coalitions.

Tracy Currey, Solano County RCD

The County has approximately 10,000 parcels in Region 5 potentially subject to the Ag Waiver. She described the District's efforts to bring the coalition together.

Beverly Alves, Rice Farmer, Colusa County

The funding issue for the Ag Waiver is very cloudy to the Ag community. Are grants being denied because fees are wanted? Board members need to attend local coalition meetings to hear comments from farmers involved in the process.

Michael Payne, California Dairy Quality Assurance Program

An update on program status was provided. Nearly 10% of dairies statewide are participating in the program. He is concerned that a proposed Board requirement for engineering certification of waste management plans will waste money and reduce participation in the DQAP.

EXECUTIVE OFFICER'S REPORT

Jeanne Chilcott described the Consolidated Grant Process. Chairman Schneider directed that a letter be prepared for his signature to the State Board expressing the need to increase the opportunity and priority for funding Ag coalition group activities.

Tom Pinkos reported that the Penn Mine cleanup was completed with USEPA rescinding the order requiring Regional Board cleanup. Monitoring and maintenance activities will continue indefinitely.

UNCONTESTED CALENDAR

Ten Barrel Quarter Circle Land Inc., Ten Barrel Quarter Circle Inc., and Escalon Cellars, San Joaquin County – Consideration of a Revised Cease and Desist Order

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

R5-2003-0125

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

Amador County Public Works Agency, Amador Water Agency, Amador County Service Area No. 3, Lake Camanche Village Wastewater Treatment Plant, Amador County – Consideration of a Revised Cease and Desist Order

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

R5-2003-0126

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

Placer County Department of Facility Services, Sunset Septage Receiving Facility, Placer County - Consideration of a Rescission of Cease and Desist Order

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

R5-2003-0127 MOTION: by Mr. Salvaggio, seconded by Mr. Longley to approve the proposed order. Unanimously approved by role call vote.

City of Alturas, Wastewater Treatment Plant, Modoc County – Consideration of a Cease of Desist Order

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

R5-2003-0128 MOTION: by Mr. Longley, seconded by Mr. Salvaggio to approve the proposed order. Unanimously approved by role call vote.

Uncontested NPDES Permits

R5-2003-0129 City of Vacaville, Easterly Wastewater Treatment Plant, Elmira, Solano County
R5-2003-0130 City of Redding, Clear Creek Wastewater Treatment Plant, Shasta County
R5-2002-0020 City of Colusa, Wastewater Treatment Plant, Colusa County
R5-2003-0132 City of Modesto Municipal Separate Storm Sewer System, Stanislaus County
R5-2003-0133 City of Stockton and County of San Joaquin, Phase I Municipal Separate Storm Sewer System Permit, San Joaquin County

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

MOTION: by Mr. Longley, seconded by Mrs. Kablanow to approve the proposed orders. Unanimously approved.

Uncontested Rescissions

- a. Sunset International Petroleum Corporation, Raisin City Oil Field, Fresno County
- b. Macpet, Raisin City Oil Field, Fresno County
- c. US Air Force, McClellan Air Force Base, Davis Transmitter Site, Yolo County
- d. Mehdi Orandi Pistachio Plant, Tulare County
- e. Lionudakis Wood and Green Waste Recycling Inc., Lionudakis Wood and Green Waste Composting Facility, Sacramento County
- f. Charles Spinetta, Charles Spinetta Winery, Amador County

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

R5-2003-0134 MOTION: by Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Change of Name and/or Ownership

- a. West American Energy, Lord One Lease, South Belridge Oil Field, Kern County
- b. Cal Mill-Pioneer, Cal Mills Eco Farm, LLC, Amador County
- c. Wave Technologies, Inc., Clafin Facility, Edison Oil Field, Kern County
- d. Porterville Citrus, Terra Bella, Tulare County
- e. Community Renewable Energy Services, Inc., Dinuba Energy Cogeneration Facility

- f. Longbow, LLC, National Development-Merzoian Lease, Deer Creek Oil Field, Tulare County
- g. Berry Petroleum Company, USL-35, USL-14 Desert Glow, McVan and Fitzhugh Leases, Poso Creek Oil Field, Kern County
- h. Chevron Texaco Exploration & Production, Inc., Kern River Oil Field
- i. Chevron Texaco Exploration & Production, Inc., Kern River Oil Field

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

R5-2003-0135 MOTION: by Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Waste Discharge Requirements

- R5-2003-0136** Campbell Soup Supply Company, LLC, Seed Research and Development Facility, Yolo County
- R5-2003-0137** Kipling Korth, Kim Korth Stumph and Thomas Stumph, Korths Pirate Lair, Sacramento
- R5-2003-0138** David Biron, Big Break Marina, Contra Costa
- R5-2003-0139** Siller Brothers, Inc., dba Sound Stud, Shasta County
- R5-2003-0140** Louisiana-Pacific Corp, for the Closed Red Bluff Class III Wood Waste Landfill, Tehama County
- R5-2003-0141** California Natural Products, Wastewater Treatment Facility, San Joaquin County
- R5-2003-0142** City of Lincoln, Lincoln Landfill, Class III Landfill, Post-Closure Maintenance And Corrective Action, Placer County
- R5-2003-0143** Butte-Glenn Community College District, Butte College Wastewater Treatment Plant, Butte County
- R5-2003-0144** County of Tehama and City of Red Bluff, for Construction and Operation of Tehama
- R5-2003-0145** County and City of United States Army Corps of Engineers, Department of Water Resources, The Port of Stockton, Stockton Deep Water Ship Channel Maintenance Dredging Activities from Channel Mile 4.4 to Mile 41.0, Contra Costa, Sacramento and San Joaquin Counties
- R5-2003-0146** County of Tulare, Visalia Municipal Solid Waste Landfill, Tulare County

OTHER INFORMATION

Budget Discussion – A Status Report

Richard Loncarovich presented the staff report. This item was for the Board’s information only.

Moss Creek Winery and Harold Moskowitz, Napa County - Consideration of Administrative Civil Liability Order

This item was settled prior to the Board Meeting.

The Board adjourned to the 16/17 October 2003 meeting in Sacramento.