



**MINUTES OF BOARD MEETING**  
 December 5 -6, 2016 Board Meeting  
 Central Valley Regional Water Board  
 11020 Sun Center Drive, Suite 200

**MINUTES DECEMBER 5/6, 2016**

**MONDAY, DECEMBER 5, 2016**

Chair Longley called to order the 548<sup>th</sup> Board meeting of the central Valley Regional Water Quality Control Board

**BOARD MEMBERS PRESENT**

Brar, Raji	Costantino, Jon	Kadara, Denise	Longley, Karl
Marcum, Daniel	Ramirez, Carmen	Schneider, Robert	

**BOARD MEMBERS ABSENT**

None			
------	--	--	--

**STATE BOARD MEMBERS PRESENT**

None			
------	--	--	--

**STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STAFF PRESENT**

Deeringer, Andrew	Pulupa, Patrick	Yu, Stephanie	
-------------------	-----------------	---------------	--

**STAFF PRESENT**

Buciak, Melissa	Getachew, Girma	Morgan, Nichole	Wood, Michelle
Altevogt, Andrew	Haynes, Jennifer	Patteson, Doug	Yee, Betty
Armstrong, Scott	Herbst, Charlene	Rodgers, Clay	Yee, Keri
Bracamonte, Linda	Lanfranchi, Kiran	Simi, Jay	
Busby, Robert	Laputz, Adam	Smith, Bryan	
Chow, Bob	Lavy, Tom	Snyder, Clint	
Creedon, Pamela	MacDonald, Alex	Wilson, Angela	

**OTHERS PRESENT**

Belt, David	Ferrone, Ken	Parlin, Lori	Webster, Debbie
Borba, Mike	Fiske, Megan	Reese, Rachel	Whittle, Nancy
Buckley, John	Gleason, Nichole	Rodriquez, George	Whittle, Rex
Cory, David	Houdesheldt, Bruce	Sanguinetti, Lynn	Wooster, Kelly
Coultrap, Dawn	Kablanow, Ray	Scheckler, Ron	Wooster, Steven
Crook, Anay	Kadara, Kayode	Simler, Jolyne	
Day, Ty	McGiver, Mike	Souza, Dave	
Dobson, Aaron	Merkley, Danny	Taylor, Sue	
Fedora, Mark	Mitchell, Mike		

**APPROVAL OF MINUTES:**

August 18/19, 2016 Board Meeting Minutes

*Motion adopt the August 18/19, 2016 Board Meeting Minutes  
Made by Member Schneider  
Seconded by Vice-Chair Kadara  
Member Schneider-Aye  
Member Ramirez -Abstain  
Member Costantino-Aye  
Member Brar-Abstain  
Member Schneider-Aye  
Member Marcum-Abstain  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 4-0-3*

**Approval of October 13/14, 2016 Board Meeting Minutes**

*Motion adopt the October 13/14, 2016 Board Meeting Minutes  
Made by Vice-Chair Kadara  
Seconded by Member Ramirez  
Member Ramirez-Aye  
Member Schneider-Aye  
Member Costantino-Aye  
Member Brar-Abstain  
Member Marcum-Abstain  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 5-0-2*

**Approval of November 3, 2016 ACL Panel Hearing Minutes**

*Motion adopt the November 3, 2016 Board Meeting Minutes  
Made by Vice-Chair Kadara  
Seconded by Member Costantino  
Member Costantino-Aye  
Member Ramirez-Abstain  
Member Schneider-Aye  
Member Brar-Abstain  
Member Marcum-Abstain  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 4-0-3*

**Approval of November 4, 2016 ACL Panel Hearing Minutes**

*Motion adopt the November 4, 2016 Board Meeting Minutes  
Made by Vice-Chair Kadara  
Seconded by Member Ramirez  
Member Ramirez-Aye  
Member Costantino-Abstain  
Member Schneider-Aye  
Member Brar-Abstain  
Member Marcum-Abstain  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 4-0-3*

### **AGENDA ITEM 3-BOARD MEMBER COMMUNICATIONS**

Denise Kadara said that on December 1 she attended a kick-off reception inaugural meeting. She had a roundtable discussion with the Community Water Center who had a discussion on SGMA, Human Right to Water issues related to drought in disadvantaged communities, and the need for wastewater treatment in the disadvantaged communities

Carmen Ramirez appeared at a State Water Board presentation at the Merced County Chambers and made a statement as a private citizen. Since the last meeting, Ms. Ramirez was elected District III Trustee for the Merced College Board.

Karl Longley participated in the October 19 food safety webinar and also participated in the Food Safety panel. He said that the Food Safety Panel meetings should be held every quarter. Dr. Longley also participated in two CV-SALTS Executive Committee meetings on October 20 and November 10. On November 28, he participated in the tour of the Argonaut Mine put together by Marty Hartzell

Bob Schneider attended a meeting on November 25 at the Mendocino National Forest, where they talked about barriers to projects at the park.

### **AGENDA ITEM 4-PUBLIC FORUM**

Ron Scheckler (Georgetown Preservation Society) criticized a development proposal in Georgetown that the Georgetown Preservation Society believes threatens riparian habitat. Mr. Scheckler distributed a map of the proposal to the Board Members, and commented that the Georgetown Preservation Society has filed a CEQA challenge to the project. Sue Taylor (Georgetown Preservation Society), Dave Souza (Georgetown Preservation Society), and Laurie Parlin (Georgetown Preservation Society and Save Our County) voiced additional concerns, including those related to abandoned mines in the vicinity of the project, concerns about protective red-legged frog habitat, and the Army Corps. Executive Officer Pamela Creedon stated that the Board will be looking into the issues that were raised.

### **AGENDA ITEM 6-EXECUTIVE OFFICER'S REPORT**

Executive Officer presented Superior Accomplishment Award to:

Melissa Buciak, Engineering Geologist in the Redding office

### **OTHER BUSINESS– AGENDA ITEM 7**

~~Economic Benefit and Ability to Pay – Informational Item Only~~ **(Agenda item 7 was moved to Tuesday)**

### **ENFORCEMENT– AGENDA ITEM 16**

William R. Sinks et al., Madera County – *Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order.* **(Agenda item 16 was moved from Tuesday)**

Andrew Deeringer (Attorney for the Board's Advisory Team) gave a brief overview of the recommendation of the Board's Hearing Panel, which had conducted a hearing regarding this item in April.

Assistant Executive Officer Andrew Altevogt (Head of the Board's Prosecution Team) recommended that the Board adopt the penalty of \$3,540.00 as proposed by the Board's Prosecution Team.

William R. Sinks (Discharger) thanked the Board Members who spoke.

Pamela Creedon, Executive Officer and Member of the Advisory team requested approval of the penalty as recommended by the Board's Hearing Panel.

Patrick Pulupa (Attorney for the Board's Advisory Team) answered clarifying questions from the Board

*Motion to issue the ACL Order for \$3,540.00 as recommended by the Board's Hearing Panel  
Made by Member Costantino  
Seconded by Member Ramirez  
Member Costantino-Aye  
Member Ramirez -Aye*

Member Brar-Aye  
Member Schneider-Aye  
Vice-Chair Kadara-Aye  
Member Marcum-Aye  
Chair Longley-Nay  
Approved by Roll Call Vote of 5-1-0

Member Schneider left the meeting at 3:15 p.m.

## **BASIN PLANNING – AGENDA ITEM 8**

Clean Water Action Sections 305(b) and 303(d) Integrated Report for the Central Valley Region – *Board Hearing to Consider a Resolution to Approve the 2014 Integrated Report and Revisions to the 303(d) List of Impaired Water Bodies*

Stephanie Yu, Senior Legal Counsel, informed the Board that there were a couple of pre-hearing rulings made on comments which were received late. The comment period ended on October 20. Staff received a comment letter from the U.S. Environmental Protection Agency on November 3<sup>rd</sup>. This comment letter was accepted into the Administrative Record. The Board was provided copies. In addition, a late comment letter was received from the Central Sierra Environmental Resource Center on December 1<sup>st</sup>. This letter was not accepted into the Administrative Record.

Adam Laputz (Assistant Executive Officer) made procedural comments.

Jay Simi (Water Resources Control Engineer) and Michelle Wood (Senior Environmental Scientist) presented the staff report, reviewed comments received from the public, described changes made to the staff report in response to comments, and answered questions for the Board.

Jeanne Chilcott (Supervisor in the TMDL Unit) answered questions for the Board.

Pamela Creedon (Executive Officer) and Patrick Pulupa (Senior Legal Counsel) answered questions for the Board.

### Testimony by the Central Sierra Resource Center regarding Stanislaus National Forest Creeks:

- John Buckley (Executive Director)
- Megan Fiske (Biologist)

### Testimony by Stanislaus National Forest Cattle Ranchers and Ranching Interests:

- Andy Crook
- Nancy Whittle
- Lynn Sanguinetti (deferred comments to Ray Kablanow)
- Ray Kablanow (Hydrogeologist)
- Kelly Wooster
- Danny Merkley (California Farm Bureau)

### Testimony by Other Interested Parties:

- Bruce Houdesheldt (Sacramento Valley Water Coalition)
- David Cory (San Joaquin Valley Drainage Authority)
- Debbie Webster (Central Valley Clean Water Association)

Adam Laputz (Assistant Executive Officer) provided closing comments from staff and recommended additional text to add to the Board resolution to address concerns voiced by the Board members.

*Motion to Approve the Integrated Report and Revisions to the 303(d) List of Impaired Water with late revisions  
Made by Member Costantino  
Seconded by Member Ramirez  
Member Costantino-Aye  
Member Ramirez-Aye  
Member Brar-Abstain  
Member Schneider-Aye  
Vice-Chair Kadara-Aye  
Member Marcum-Abstain  
Chair Longley-Aye  
Approved by Roll Call Vote of 5-0-2*

**ENFORCEMENT– AGENDA ITEM 9**

CMC Land Holdings LLC, 4207 W Linwood Avenue, Turlock, Stanislaus County – *Consideration of Administrative Civil Liability*

The Prosecution Team presented its case. Testimony from the Prosecution Team included testimony from Dr. Girma Getachew (Environmental Scientist), Gilberto Corral (Water Resources Control Engineer), and Charlene Herbst (Senior Engineering Geologist).

CMC Land Holdings, LLC, then presented the defense. Testimony and argument from CMC Land Holdings, LLC included testimony and argument from Ken Ferrone (Stevens, Ferrone & Bailey Engineering Company), Michael Mitchell (EAC Engineering, Inc.), Greg McIver (The Source Group/Apex), George Rodarakis (Rodarakis & Sousa), and Mike Borba (CMC Land Holdings, LLC), and Nicole Gleason (Diepenbrock, Elkin, Gleason LLP).

The Board recessed to closed session to deliberate on evidence at 5.30 p.m.

The Board returned from closed session at .6:28 p.m.

The meeting resumed at 6:31 p.m.

Alex MacDonald (Advisory Team) participated in the technical discussion.

Deliberation between the Board and the Advisory team continued.

Motion to issue ACL Order in the amount of \$308,038.00 with late revisions  
Made by Member Costantino  
Seconded by Vice-Chair Kadara  
Member Costantino-Aye  
Member Ramirez -Aye  
Member Brar-Aye  
Member Schneider-Aye  
Member Marcum-Aye  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 7-0-0

The board meeting adjourned at 7:00 p.m. to the next day

**TUESDAY, DECEMBER 6, 2016**

Chair Longley called to order the 548th Board meeting of the Central Valley Regional Water Quality Control Board

**BOARD MEMBERS PRESENT**

Brar, Raji	Costantino, Jon	Kadara, Denise	Longley, Karl
Marcum, Daniel	Ramirez, Carmen	Schneider, Robert	

**BOARD MEMBERS ABSENT**

None			
------	--	--	--

**STATE BOARD OFFICE OF CHIEF COUNSEL STAFF AND OTHER STATE BOARD STAFF PRESENT**

Pulupa, Patrick	Yu, Stephanie	Deeringer, Andrew	Ellison, Kailyn
-----------------	---------------	-------------------	-----------------

**STAFF PRESENT**

Altevogt, Andrew	Diep, Naomi	Lavy, Tom	Sholes, Dave
Barnes, Patrick	Herbst, Charlene	L'Heureux, Robert	Snyder, Clint
Bracamonte, Linda	Joab, Christine	McConnell, Sue	Stevens, Brett
Chow, Bob	King, David	Patteson, Doug	Warren Eric
Coughlin, Gene	Lanfranchi, Kiran	Quimette, Wesley	Yee, Keri
Creedon, Pamela	Laputz, Adam	Rodgers, Clay	

**OTHERS PRESENT**

Bedell, John	Harrington, Jeff	Mattos, Bill	Silveira, Paulette
Bell, Ted	Holmes, Denis	McGarty, Matt	Simler, Jolyne
Belt, David	Houdeshelt, Bruce	McManis, Justin	Sinderson, Linda
Court Reporter	Jennings, Bob	Murdock, Debbie	Stamps, Alicia
Clack, Kathleen	Kadara, Kayode	Robaselli, Mitie	Stockton, Aaron
Creamer, Casey	Kieffer, Jeff	Robinson, Jim	Taylor, Bob
Dave, Andrew	Clack, Kathleen	Santos, Justin	Wild, Margaret
Diamond, Richard	Lehane, Erin	Shoep, Ross	
Grant, Brian	Marnatti, James	Silveira, Joe	

**BOARD MEMBER COMMUNICATIONS—AGENDA ITEM 12**

None

**PUBLIC FORUM—AGENDA ITEM 13**

No one was present to comment on any item that was not on the Board's agenda

**EXECUTIVE OFFICER'S REPORT—AGENDA ITEM 14**

Executive Officer Creedon presented Superior Accomplishment awards to:

- Patrick Barnes (Environmental Scientist in the Fresno Office)
- Christine Joab (Environmental Scientist in the Sacramento Office)

**APPROVAL OF UNCONTESTED CALENDAR—AGENDA ITEM 15**

The Board adopted uncontested calendar 21-25. No one was present to contest or comment on this item

Motion to adopt uncontested agenda items 21-25 with late revisions on agenda item 23a

Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Aye  
Member Costantino -Aye  
Member Brar-Aye

Member Schneider-Aye  
Member Marcum-Aye  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 7-0-0

#### **ENFORCEMENT– AGENDA ITEM 16**

~~William R. Sinks et al., Madera County – Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order. (Agenda item 16 was heard on Monday)~~

#### **WASTE DISCHARGE REQUIREMENTS– AGENDA ITEM 20**

Poultry Operations within the Central Valley Region – *Consideration of Waste Discharge Requirements General Order*

Charlene Herbst (Senior Engineering Geologist) presented the Board's staff report. Clay Rodgers (Assistant Executive Officer) and Doug Patteson (Water Resources Control Engineer) answered questions for the Board.

Ross Shoep (Poultry Producer) made additional comments.

Chair Longley requested that staff meet with stakeholders before the enrollment deadline regarding pasture operations, and that staff provide the Board with an update on those discussions at the August Board meeting.

Executive Officer Creedon informed the Board that she will add more information on the Executive Officer's report as well.

Motion to adopt Waste Discharge Requirements General Order with late revisions

Made by Member Costantino  
Seconded by Member Ramirez  
Member Costantino-Aye  
Member Costantino -Aye  
Member Brar-Aye  
Member Schneider-Aye  
Member Marcum-Aye  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 7-0-0

#### **AGENDA ITEM 17**

Board Member Ramirez recused herself from consideration of this item to avoid any appearance of bias, as the Silveira's daughter had provided assistance to her during her election campaign. Board Member Ramirez left the hearing room while this item was being considered by the Board.

Joe Silveira, Merced County – *Consideration of Administrative Civil Liability*

The Prosecution Team presented its case. Testimony from the Prosecution Team included testimony from Wesley Quimette (Environmental Geologist), Sue McConnell, (Supervisor in the ILRP Unit), Doug Patteson, (Water Resources Control Engineer), Clay Rodgers (Assistant Executive Officer). Andrew Altevogt (Assistant Executive Officer) answered questions for the Board. Joe Silveira made comments in his defense.

The Board then closed the hearing and received advice from the Board's Advisory Team, which included a brief presentation from Patrick Pulupa (Counsel for the Board's Advisory Team) explaining how the Prosecution Team was proposing to assess liability for this discharger (a Discharger that neglected to file reports under the ILRP) versus dischargers that never enrolled in the ILRP. Pamela Creedon, (Executive Officer) answered clarifying questions for the Board.

The Board took a recess for the Board's Advisory Team counsel to make changes to the proposed ACL Order consistent with direction provided by the Board during its deliberations.

The Board returned from recess and reopened the hearing.

Motion to issue the revised Administrative Civil Liability Order in the amount of \$26,520.00 with late revisions  
Made by Member Schneider  
Seconded by Vice-Chair Kadara  
Member Schneider-Aye  
Member Brar-Aye  
Member Marcum-Aye  
Member Costantino-Aye  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 6-0-0

The Board recessed for lunch at 11.58 p.m. to receive advice from its legal counsel regarding the following pending litigation:

*People ex rel. Central Valley Water Board, Dept. of Fish and Wildlife v. Orland Sand and Gravel Corp. et al.* (Glenn County Sup. Ct., Case No. 15CV01436)

**AGENDA ITEM 18**

Jim & Vera Kurnosoff, as Individuals and in their representative capacity as trustees for the J & V Revocable Trust, Fresno County – *Consideration of an Administrative Civil Liability Order.*

The Prosecution Team presented its case. Testimony from the Prosecution Team included testimony from David Sholes (Senior Engineering Geologist).

Kathleen Clack presented argument and testimony on behalf of the Kurnosoffs.

Kaitlyn Ellison (Attorney for the Prosecution Team) and Clay Rodgers (Assistant Executive Officer with the Prosecution Team) cross-examined Ms. Clack.

Ms. Clack and Clay Rodgers provided closing statements on behalf of the defense and the Prosecution Team, respectively.

Motion to issue the Administrative Civil Liability Order in the amount of \$27,885  
Made by Member Schneider  
Seconded by Member Brar  
Member Schneider-Aye  
Member Brar-Aye  
Member Ramirez-Aye  
Member Costantino –Aye  
Member Marcum-Aye  
Vice-Chair Kadara-Aye  
Chair Longley-Aye  
Approved by Roll Call Vote of 7-0-0

**AGENDA ITEM 19**

~~Pereira, John V., Pereira Family Dairy, Tulare County – *Consideration of Administrative Civil Liability Order.*~~  
**(Agenda item 19 was taken off the agenda)**

**OTHER BUSINESS– AGENDA ITEM 20**

Economic Benefit and Ability to Pay – *Informational Item*  
**(Agenda item 7 was moved from Monday)**

Bryan Elder, Water Resource Control Engineer at the State Water Board’s Office of Enforcement, presented the staff report.



Bryan presented an overview on the Economic Benefit gained by Dischargers, and the Board's discretion to evaluate the Dischargers' Ability to Pay (and stay in business) with respect to Administrative Civil Liabilities (ACLs).

Bryan introduced the State Water Board economic experts, including himself who collaborate with Regional Board staff when evaluating Economic Benefit and Ability to Pay and the tools and methodology applied for these evaluations. Bryan addressed questions from the Board.

The Board meeting adjourned at 4:17 p.m. to the February 23/24, 2017 Board meeting

## UNCONTESTED CALENDAR

### ENFORCEMENT– AGENDA ITEM 21

Collins Pine Company, Chester Sawmill, Plumas County – *Consideration of Amended Cease and Desist Order R5-2015-0128*

### OTHER BUSINESS– AGENDA ITEM 22

Town of Paradise, Butte County – *Consideration of Approval, Local Agency Management Program*

### NPDES PERMITS– AGENDA ITEM 23

- a. City of Willows Wastewater Treatment Plant, Glenn County – (NPDES Permit CA0078034) *Renewal*
- b. French Gulch (Nevada) Mining Corporation and U.S. Department of Interior, Bureau of Land Management, Washington Mine, Shasta County– (NPDES Permit CA0085294) *(Renewal)*

### WASTE DISCHARGE REQUIREMENTS– AGENDA ITEM 24

- a. California Department of Corrections and Rehabilitation, Pleasant Valley State Prison, Wastewater Treatment Facility, Fresno County – Order 94-179 *(Revision)*
- b. California Resources Corporation, LLC and North Kern Water Storage District, Oil Field Produced Water Reclamation Project, Kern County – Order R5-2015-0127 *(Amendment)*
- c. County of Yolo, Department of Community Services, Yolo County Central Landfill, Yolo County – Order R5-2007-0180 *(Revision)*
- d. General Orders for Growers within the Tulare Lake Basin Area and Western Tulare Lake Basin Area that are Members of a Third-Party Group – Orders R5-2013-0120 and R5-2014-0001 *(Revision)*
- e. Gloriann Farms, Inc. and Mark Bacchetti, Gloriann Farms Food Processing Facility, San Joaquin County – Order R5-2012-0037 *(Revision)*
- f. McManis Family Vineyards, McManis Family Vineyards, Inc., San Joaquin County, *(New)*
- g. Teichert Aggregates, Hallwood Facility, Yuba County –Order R5-2002-0138-01 *(Revision)*
- h. University of California Davis, USDA Aquatic Weed Control Laboratory, J. Amorocho Hydraulics Laboratory, & Center for Aquatic Biology and Aquaculture Aquatic Center, Yolo County – Order R5-2015-0137 *(Revision)*
- i. WM Bolthouse Farms, Inc., Bakersfield Processing Facility, Kern County – Order 5-00-150 *(Revision)*

### WASTE DISCHARGE REQUIREMENTS/NPDES – RESCISSIONS– AGENDA ITEM 25

- a. Compost Solutions, Order R5-2007-0088
- b. Creekside Subdivision, Plumas County, Order 93-002
- c. Dickey Exploration Company, Oriental Mine, Sierra County, Order 76-81
- d. KY Packing, LLC, Reedley Packing Facility, Fresno County, Order 91-005
- e. Northshore Campground, Plumas County, Order 90-296
- f. Rio Vista Mobile Estates, Tehama County, Order 93-086
- g. Seneca Mine, Plumas County, Order R5-2015-0074
- h. Wadham Energy Limited Partnership, Eddy Road Rice Hull Ash Monofill, Colusa County, Order 94-008