

## MINUTES OF BOARD MEETING

June 4, 2015, 9:00 a.m.

June 5, 2015, 8:30 a.m.

Central Valley Regional Water Board  
11020 Sun Center Drive, Suite 200



**THURSDAY, JUNE 4, 9:00 A.M.**

### CALL TO ORDER

Chair, Dr. Longley called to order the 538th Board Meeting of the California Regional Water Quality Control Board, Central Valley Region at 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

### BOARD MEMBERS PRESENT

Costantino, Jon	Kadara, Denise, Vice-Chair	Longley, Karl, Chair	Ramirez, Carmen
-----------------	----------------------------	----------------------	-----------------

### BOARD MEMBERS ABSENT

Schneider, Robert			
-------------------	--	--	--

### STATE BOARD MEMBERS PRESENT

Tam Doduc			
-----------	--	--	--

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

David Boyers	Deeringer, Andrew	Macedo, Julie	Ransom, Madalene
Jacobsen, Nathan	Kaplowitz, Naomi	Pulupa, Patrick	Tauriainen, Andrew
Young, Vanessa			

### STAFF PRESENT

Altevogt, Andrew	Ditto, Bob	Laputz, Adam	Sanders, Paul
Bracamonte, Linda	Essary, Dale	L'Heureux, Robert	Smith, Bryan
Chow, Bob	Hartzell, Marty	MacDonald, Alex	Smith, Renee
Coughlin, Gene	Hold, Howard	Morgan, Nichole	Snyder, Clint
Creedon, Pamela	Holcomb, Ron	Patteson, Doug	Wyels, Wendy
Day, George	Lanfranchi- Rizzardi, Kiran	Rodgers, Clay	

### OTHERS PRESENT

Baker, Josh	Garabidian, Michael	Pitcher, Jenifer	Smith, Kathy
Carlson, Ray	Grivetti, Mark	Ragland, David	Sweeney, Jim
Finch, Mike	Halloway, Paul	Scharff, Jeff	Sweeney, Theresa
Frederick, Jesse	Harlow, Loren	Skjelstad, Tom	Wilson, Mary Jane

### AGENDA ITEM 3

#### BOARD MEMBER COMMUNICATIONS

Member Costantino attended the groundbreaking ceremony on behalf of the Regional Board at Sacramento Regional Sanitation District on May 28, 2015. It was also attended by three Congressional Members, and representatives of the U.S. Environmental Protection Agency and the State Water Board.

Chair Longley participated in the monthly Regional Board Chairs meeting. He reminded the Board about the WQCC meeting scheduled in October.

Chair Longley attended the Healthy Soils Initiative meeting.

Chair Longley is involved in the Governor's office of Planning and Research Water Technology Summit which is going to be presented at CALEPA on July 10.

Chair Longley submitted his full communications in writing.

#### **AGENDA ITEM 4**

##### **STATE WATER BOARD LIAISON UPDATE**

State Board Member Tam Doduc provided an update on the State Board's involvement in drought response activities. Ms. Doduc discussed the new "DROPS" program (Drought Response Outreach Programs for schools) recently implemented by the State Board. Ms. Doduc informed the Board about two items to be heard at the July 7, 2015, State Board meeting, the upcoming workshop on the general Waste Discharge Requirements for composting operations and the draft criteria for groundwater monitoring that was mandated to be developed by SB4 on Wells Stimulation Projects.

Ms. Doduc informed the Board of two additional State Board future activities; the directive in the Governor's Drought order requiring the State Board to develop conservation rates and rate structures, and the State Board resolution addressing grazing activity.

#### **AGENDA ITEM 5**

##### **PUBLIC FORUM**

Kathy Smith of Placerville addressed the Board to discuss the impacts of the King fire last year that destroyed 108 acres of her family's property. She emphasized the need for improved fuel reduction activities in forested areas. She requested the Board support their activities to resolve this issue with the US Forest Service. The Board asked staff to work with Ms. Smith.

#### **AGENDA ITEM 6**

##### **EXECUTIVE OFFICER'S REPORT**

No Comments were made

#### **ENFORCEMENT**

##### **AGENDA ITEM 7**

A Greener Globe Corporation, Berry Street Mall (Aka Finger's) Landfill, Placer County – *Consideration of Administrative Civil Liability Order*

Patrick Pulupa, Senior Legal Counsel for the Advisory Team said that there was a late submittal of monitoring report received this morning. He said that this was received well after the deadline for submittal. He asked the Prosecution Team to comment on this. Counsel Pulupa also said that Greener Globe requested continuance of this item.

Jeff Scharff, (Counsel, for Greener Globe) explained the late submittals

Vanessa Young, Counsel for the Prosecution Team suggested that none of the late submittals be accepted

Chair Longley made a ruling to accept the submittals minus the last three pages. Chair Longley also denied continuance of the hearing to another date and ruled that the hearing continue as on the agenda

Wendy Wyels, Supervisor in the Enforcement Unit in the Sacramento office gave a brief overview illustrating the Big Picture. Paul Sanders and Howard Hold, Engineering Geologists in the Sacramento office, presented the staff report

Jeff Scharff, Counsel for Greener Globe cross-examined the Prosecution Team and gave closing arguments. Andrew Altevogt, Assistant Executive Officer made additional comments

*Motion to adopt Administrative Civil Liability  
Made by Member Costantino  
Seconded by Vice-Chair Kadara  
Member Costantino-Yea  
Vice- Chair Kadara -Yea  
Member Ramirez-Yea*

*Chair Longley -Yea  
Approved by Roll Call Vote of 4-0-0*

At the conclusion of agenda item 7, the Board took a 10 minute break and upon return to the meeting found that the Court Reporter had left. Senior Staff Counsel, Patrick Pulupa advised the Board they are legally able to continue the meeting without a Court Report because the meeting was being both audio and video recorded.

The Board Chair moved agenda items 10 and 11 ahead of agenda item 8.

**AGENDA ITEM 10**

Longview Production Company, Surfluh Lease, Raisin City Oil Field, Fresno County – *Consideration of Cleanup and Abatement Order*

No one was present to contest this item. However, Senior Legal Counsel Patrick Pulupa informed the Board that the Prosecution Team would still like to make a presentation in regards to characteristics of this site and that Longview would also like to make comments.

Clay Rodgers, Assistant Executive Officer gave a brief overview on oil field wastewater surface ponds and the purpose for bringing the CAO to the Board for their approval instead of staff issuing the CAO under their delegated authority. Mary Jane Wilson, (President of WZI Ink), representing Longview, gave additional testimony. Julie Macedo, Counsel for the Prosecution Team answered clarifying questions for the Board

*Motion to adopt Cleanup and Abatement Order with Late Revisions  
Made by Member Ramirez  
Seconded by Vice-Chair Kadara  
Member Ramirez-Yea  
Vice-Chair Kadara-Yea  
Member Costantino-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**NPDES PERMITS**

**AGENDA ITEM 11**

Donner Summit Public Utility District, Wastewater Treatment Plant, Nevada County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0081621)*

No one was present to contest or comment on this item. Adam Laputz, Assistant Executive Officer in the Sacramento Office informed the Board of late revisions and late late revisions on this item

*Motion to adopt NPDES Permit Renewal with Late Revisions and Late Late Revisions  
Made by Member Costantino  
Seconded by Vice-Chair Kadara  
Member Costantino-Yea  
Vice-Chair Kadara-Yea  
Member Ramirez-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**LUNCH AND CLOSED SESSION**

The Board met in closed session to discuss Donahue Schriber Asset Management Corporation et al. v. Central Valley Water Board et al. (Placer County Sup. Ct., Case No. SVC0035529). The Board meeting resumed at 1:00 p.m. Board counsel reported that the Board had directed the Executive Officer to sign a settlement agreement to resolve Placer County Sup. Ct., Case No. SVC0035529.

**AGENDA ITEM 8**

Sweeney, James G. and Amelia M., Sweeney Dairy, Tulare County – *Consideration of Administrative Civil Liability Order*

Dale Essary, Senior Engineer for Dairy Compliance Unit in the Fresno office, presented the Prosecution Team’s case. Naomi Kaplowitz provided legal argument on behalf of the Prosecution Team. Jim Sweeney of Sweeney Dairy, represented by Ray Carlson, provided his defense. Clay Rodgers, Assistant Executive Officer, gave a closing statement on behalf of the Prosecution Team.

*Motion to adopt Administrative Civil Liability  
Made by Member Costantino  
Seconded by Vice-Chair Kadara  
Member Costantino-Yea  
Vice-Chair Kadara-Yea  
Member Ramirez -Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**AGENDA ITEM 9**

E and B Natural Resources Management, Gov’t Lease, Poso Creek Oil Field, Kern County – *Consideration of Cleanup and Abatement Order*

Member Jon Costantino disclosed a recent field trip to various facilities that also included a visit to the E and B facility in Kern County. He conducted his tour as part of his employment activities related to climate change and air pollution. During this tour, he did not discuss any matters relating to the Water Board. Member Costantino said that his visit will not deter him from doing his duties fairly.

Clay Rodgers, Assistant Executive Officer in the Fresno office, presented the staff report. Loren Harlow (Baker Manock & Jenson, representing E&B), introduced Mike Finch (E&B) who gave testimony on behalf of the defense. Mark Gravetti (Certified Hydrologist with GeoSyntec Consultants for E&B) gave a power- point presentation on behalf of the defense.

During its deliberation, the Board indicated the Executive Officer could revise the Board approved Cleanup and Abatement Order under her delegated authority

*Motion to adopt the Cleanup and Abatement Order with Late Revisions  
Made by Vice-Chair Kadara  
Seconded by Member Ramirez  
Vice-Chair Kadara-Yea  
Member Ramirez-Yea  
Member Costantino-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**401 WATER QUALITY CERTIFICATION**

**AGENDA ITEM 12**

Granite Bay Development Communities, Creekview Development Project (WDID#5A31CR00324A1), Placer County – *Consideration of Order Amending Clean Water Act Section 401 Technically Conditioned Water Quality Certification*

George Day, Senior Engineer in the Redding office presented the staff report. David Raglin (Senior Vice-President of Granite Bay Development. Communities) and Michael Garabedian (Sierra Club Placer Group), gave additional testimony. Adam Laputz, Assistant Executive Officer in the Sacramento Office made clarifying statements for the Board

Motion to adopt order Amending Clean Water Act, Section 401, Technically Conditioned Water Quality Certification

Made by Member Costantino  
 Seconded by Vice-Chair Kadara  
 Member Costantino-Yea  
 Vice-Chair Kadara-Yea  
 Member Ramirez-Yea  
 Chair Longley-Yea  
 Approved by Roll Call Vote of 4-0-0

Board Meeting adjourned at 5:27 p.m. p.m. to the next day

**FRIDAY, JUNE 5, 2015 – 8:30 A.M.**

**CALL TO ORDER**

Chair, Dr. Longley called to order the 538<sup>th</sup> Board Meeting of the California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

**BOARD MEMBERS PRESENT**

Costantino, Jon	Kadara, Denise	Longley, Karl, Chair	Carmen Rameriz
-----------------	----------------	----------------------	----------------

**BOARD MEMBERS ABSENT**

Schneider, Robert			
-------------------	--	--	--

**STATE BOARD MEMBERS PRESENT**

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

**STATE BOARD STAFF PRESENT**

Deeringer, Andrew	Elder, Bryan	Jacobsen, Nathan	Pulupa, Patrick
West, Yvonne			

**STAFF PRESENT**

Altevogt, Andrew	Hartzell, Marty	Low, George	Rodgers, Clay
Barton, Jim	Kenny, Branden	MacDonald, Alex	Sherrell, Roy
Day, Chris	Lanfranchi-Rizzardi Kiran	Morgan, Nichole	Smith, Bryan
Hartman, Jelena	Laputz, Adam	Pagan, Jeremy	Snyder, Clint
Creedon, Pamela	LHeureux, Robert	Pfeiffer, Kevin	

**OTHERS PRESENT**

Axner, Raymond	Daugherty, Ron	Jaegel, Tony	Tristino, Dennis
Cohen, Elizer	Deniz, Dean	Klassen, Parry	Ulrich, Johann
Cordes, Chris	Durant, Meredith	Ores, Debi	Wackman, Michael
Cordes, Rebecca	Erickson, Kyle	Pelote, Mark	Wells, Ted
Cory, David	Firestone, Laurel	Platt, Amanda	Wiedernold, Morgan
Coyle, Brian	Fletcher, Dale J	Slenter, William	Wright, Douglas
Creamer, Casey	Houdesheldt, Bruce	Thomas, Bill	

**BOARD MEMBER COMMUNICATIONS**

**AGENDA ITEM 15**

None

**PUBLIC FORUM**

No comments were received

## **AGENDA ITEM 16**

No one was present to comment on any item not on the agenda

## **AGENDA ITEM 17**

### **EXECUTIVE OFFICER'S REPORT**

Chair Longley said that he will talk to the Executive Officer later, about budget items

## **AGENDA ITEM 18**

The Board approved the Uncontested Calendar, Agenda items 25 through 30, without discussion.

### **UNCONTESTED CALENDAR**

#### **NPDES PERMITS**

##### **AGENDA ITEM 25**

- a. Lazarus Mining, LLC and U.S. Forest Service, Tahoe National Forest, Klondike, Dutch, and Telegraph Tunnel Mines, Sierra County (NPDES Permit No. CA 0094387) (*Renewal*)
- b. Lincoln Center Environmental Remediation Trust, Groundwater Treatment System, San Joaquin County (NPDES Permit No. CA0084255) (*Amendment*)
- c. United Auburn Indian Community, Thunder Valley Casino Wastewater Treatment Plant, Placer County (NPDES Permit CA0084697) (*Renewal*)
- d. Wheelabrator Shasta Energy Company, Shasta County – (NPDES Permit CA0081957) (*Renewal*)

#### **NPDES PERMITS – MUNICIPAL SEPARATE STORM WATER SEWER SYSTEM (MS4)**

##### **AGENDA ITEM 26**

Order Amending (MS4) Waste Discharge Requirements to Allow Participation in a Regional Monitoring Program [Chris Day (916) 464-4686]

##### **San Joaquin County**

- a) Stockton Port District, Facility-Wide Storm Water Discharges from Municipal Separate Storm Sewer System and Non-Storm Water Discharges from the Port of Stockton (NPDES Permit CAS0084077)

##### **Fresno County**

- b) Fresno Metropolitan Flood Control District, City of Fresno, City of Clovis, County of Fresno, and California State University Fresno, Storm Water Discharges from Municipal Separate Storm Sewer System (NPDES Permit CAS0083500)

##### **Kern County**

- c) City of Bakersfield and County of Kern, Storm Water Discharges from Municipal Separate Storm Sewer System (NPDES Permit CAS083399)

#### **WASTE DISCHARGE REQUIREMENTS**

##### **AGENDA ITEM 27**

- a. Liquid Waste Management, Inc., McKittrick Waste Treatment Site, Class II Disposal Facility, Construction, Operation, and Closure, Kern County, Order R5-2003-0160 (*Revision*)
- b. Northern Recycling, LLC, Northern Recycling Compost – Zamora Facility, Yolo County (*New*)
- c. Paramount Farms International LLC, King Pistachio Processing Plant and William J. Mouren Farming, Inc., Kern County, Order R5-2002-0060 (*Revision*)
- d. Portola Class III Municipal Solid Waste Landfill, Plumas County, Order R5-2005-0048 (*Revision*)
- e. Sacramento Rendering Companies, Sacramento Rendering Companies Rancho Cordova Rendering Plant, Sacramento County – Order R5-2005-0166 (*Revision*)
- f. Sutter Home Winery, Inc., Sutter Home Winery Westside Facility, San Joaquin County, Order R5-2009-0073-001 (*Revision*)

- g. The Wine Group, Inc., Golden State Vintners, d.b.a. Franzia-Mcfarland Winery Kern County, Order 91-040 (*Revision*)
- h. U.S. Army Corps of Engineers and U.S. Bureau of Reclamation, Folsom Dam Auxiliary Spillway Project, Sacramento County (*New*)
- i. Waste Discharge Requirements for Growers within the Sacramento River Watershed, Order R5-2014-0030 (*Revision*) ***This item was pulled from the uncontested calendar and will be heard after the uncontested items have been adopted***
- j. West Central Class III Municipal Solid Waste Landfill, Shasta County, Order R5-2005-0068 (*Revision*)

**CEASE AND DESIST ORDER RESCISSION**

**AGENDA ITEM 28**

- a. The Wine Group, Inc., Golden State Vintners, d.b.a. Franzia-Mcfarland Winery Kern County, Order 91-041

**WDR/NPDES RESCISSIONS**

**AGENDA ITEM 29**

- a. Calaveras County Water District and John Lemke, Quail Ridge (Mill Woods) Wastewater Treatment Facility, Calaveras County, Order 88-028
- b. Biosolids Recycling, Inc., Joseph and Connie Jess, Paul and Sally Marciel, Jess Ranch and Marciel Ranch Biosolids Application Sites, Alameda County, Order R5-2006-0071

**CHANGE OF NAME/OWNERSHIP**

**AGENDA ITEM 30**

- a. Dave and Carol Munro, Skippers Cove Marina, Nevada County, Order 95-178
- b. Lamont Public Utility District, Community Recycling & Resources Recovery, Kern County, Order R5-01-091
- c. Riviera West Mutual Water Company, Riviera West Water Treatment Plant, Lake County, Order R5-2012-0008
- d. Shasta Gold Corporation, French Gulch (Nevada) Mining Corporation and U.S. Dept. of the Interior, Bureau of Land Management, Washington Mine, Shasta County, Order R5-2010-0052 (NPDES CA0085294)
- e. Shasta Gold Corporation, French Gulch (Nevada) Mining Corporation and U.S. Dept. of the Interior, Bureau of Land Management, Washington Mine, Shasta County, Order R5-2011-0026

*Motion to adopt uncontested agenda items 25-30 with the exception of (27 i) with late revisions on items 26(a) and 27 (c)*

*Made by Member Ramirez  
 Seconded by Member Costantino  
 Member Ramirez-Yea  
 Member Costantino-Yea  
 Vice-Chair Kadara-Yea  
 Chair Longley-Yea  
 Approved by Roll Call Vote of 4-0-0*

**AGENDA ITEM 27 (i)**

Waste Discharge Requirements for Growers within the Sacramento River Watershed, Order R5-2014-0030 (Revision) (*This item was moved from the uncontested calendar to be heard as a contested item*)

No one was present to contest or comment on this item

*Motion to adopt uncontested agenda item 27 (i)*

*Made by Member Ramirez*

*Seconded by Vice-Chair Kadara*

*Member Ramirez-Yea*

*Vice Chair Kadara-Yea*

*Member Costantino-Yea*

*Chair Longley-Yea*

*Approved by Roll Call Vote of 4-0-0*

**CONTESTED CALENDAR**

**NPDES PERMITS**

**AGENDA ITEM 19**

Sierra Pacific Industries, Quincy Division, Plumas County – *Consideration of NPDES Permit Renewal* (NPDES Permit No. CA0080357)

This item was heard concurrently with Agenda Item 20

**AGENDA ITEM 20**

Sierra Pacific Industries, Burney Division, Shasta County, *Consideration of NPDES Permit Renewal* (NPDES Permit No. CA0003981)

Bryan Smith, Supervising Engineer in the Redding office informed the Board that Sierra Pacific was not contesting these orders, but would like to make a brief statement as to where they were heading with these facilities in the next 5 years. Tony Jaegel (Director of Environmental Protection for Sierra Pacific Industries) spoke about future permits and the future of the Sierra Pacific facilities.

*Motion to adopt NPDES Permits Renewals for Sierra Pacific Industries Agenda items 19 & 20, with Late Revisions to each permit*

*Made by Member Ramirez*

*Seconded by Member Costantino*

*Member Ramirez-Yea*

*Member Costantino-Yea*

*Vice-Chair Kadara-Yea*

*Chair Longley-Yea*

*Approved by Roll Call Vote of 4-0-0*

**ENFORCEMENT**

**AGENDA ITEM 21**

Cordes, Christopher, Eddie Axner Construction Inc., and Axner, Eddie - Assessor Parcel 041-300-035-000 – *Consideration of Administrative Civil Liability Order R5-2015-0520*

Clint Snyder, Assistant Executive Officer in the Redding office made introductory remarks and introduced Trey Sherrell, Environmental Scientist in the Redding office, who presented the staff report.

Yvonne West (Senior Staff Counsel with the Office of Enforcement for Prosecution team) presented the legal arguments and response to the discharger’s opposition.

Douglas Wright (Attorney for Eddie Axner Construction) cross-examined the prosecution team Christopher Cortes (Owner) and Rebecca Cortes (Resident of Florida) gave additional testimony Eddie Axner (Eddie Axner Construction) gave testimony. Douglas Wright, Attorney for Eddie Axner cross-examined Mr. Axner. Yvonne West, cross examined Eddie Axner and also cross-examined Christopher

Cortes and Rebecca Cortes. Tobi Freeni (California Department of Fish and Wildlife) gave additional testimony for the Prosecution team. Bryan Elder (Engineer with SWRCB Office of Enforcement) gave additional testimony for the prosecution team. Christopher Cortes cross-examined the prosecution team

*Motion to adopt the Administrative Civil Liability with late changes  
Made by Member Ramirez  
Seconded by Member Costantino  
Member Ramirez-Yea  
Member Costantino-Yea  
Vice-Chair Kadara-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**NPDES PERMIT  
AGENDA ITEM 22**

Tehama County Sanitation District No. 1, Mineral Wastewater Treatment Plant, Tehama County –  
*Consideration of NPDES Permit Renewal (NPDES Permit No. CA0084069)*

No one was present to contest or comment on this item.

*Motion to adopt the NPDES Permit Renewal  
Made by Member Ramirez  
Seconded by Member Costantino  
Member Ramirez-Yea  
Member Costantino-Yea  
Vice Chair Kadara-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

**AGENDA ITEM 23**

Seneca Mine LLC, Lorrie Preim and David Preim, Plumas County – *Consideration of New Waste  
Discharge Requirements*

No one was present to contest or comment on this item.

*Motion to adopt the New Waste Discharge Requirements  
Made by Vice-Chair Kadara  
Seconded by Member Ramirez  
Vice Chair Kadara-Yea  
Member Ramirez-Yea  
Member Costantino-Yea  
Chair Longley-Yea  
Approved by Roll Call Vote of 4-0-0*

At this time, Member Ramirez excused herself and left the board meeting for a previous commitment.

**OTHER  
AGENDA ITEM 24**

Irrigated Lands Regulatory Program Focused Update - *Informational Item Only*

Sue McConnell, program manager for the Irrigated Lands Program presented the staff report on Distance Learning

**Comments on Distance Learning**

Casey Creamer (Kings River Water Quality Coalition)  
Bruce Houdesheldt (Sacramento Valley Water Quality Coalition)  
Parry Klassen (East San Joaquin Water Quality Coalition)

David Cory (San Joaquin Valley Drainage Authority and the Westside San Joaquin River Watershed Coalition)

Sue McConnell gave the second part of the Irrigated Lands Program presentation on Disadvantaged Communities

**Comments on Disadvantaged Communities**

Laurel Firestone (Community Water Center)

Parry Klassen (East San Joaquin Water Quality Coalition)

Bruce Houdesheldt (Sacramento Valley Water Quality Coalition)

Casey Creamer (Kings River Water Quality Coalition)

Bill Thomas (Kings River Water Quality Coalition)

Adam Laputz, Assistant Executive Officer in the Sacramento Office, made additional comments

*The meeting adjourned at 3:03 p.m. to the July 30/31, 2015 Board Meeting*

*Submitted by Kiran Lanfranchi-Rizzardi*

*Clerk to the Board*