



CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

MINUTES OF BOARD MEETING

October 4-5 2012

11020 Sun Center Drive, Suite 200
Rancho Cordova, California

THURSDAY, OCTOBER 4, 2012

CALL TO ORDER

Chair, Dr. Longley called to order the 522nd regular meeting of the California Regional Water Quality Control Board, Central Valley Region at the Regional Water Quality Control Board, 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670.

BOARD MEMBERS PRESENT

Costantino, Jon, Vice-Chair Hart, Kate Longley, Karl, Chair Moffitt, Jennifer Lester
Carmen Ramirez Schneider, Robert

BOARD MEMBERS ABSENT

Meraz, Sandra

STATE BOARD STAFF PRESENT

Boyers, David Okun, Lori Young, Vanessa

STAFF PRESENT

Coupe, David	Hartman, Jelena	Messina, Diana	Smith, Bryan
Crandall, Robert	Izzo, Victor	Moss, Rick	Sparks, Genevieve
Creedon, Pamela	Karkoski, Joe	Olson, Anne	Wyels, Wendy
DeFrate, Todd	Landau, Ken	Pereira, Gayleen	Young, Calvin
Essary, Dale	Lanfranchi, Kiran	Pulupa, Patrick	
Gotham, Stacy	Mayer, Alex	Rodgers, Clay	
Grover, Holly	McConnell, Sue	Rosenbaum, Steve	

OTHERS PRESENT

Apodoca Vanessa	Harlow Loren	Lien Mile	Steindorf Dave
Bennett Orin	Hensleigh Paul	Mills Jeff	Kaffka, Stephen
Boss, John	Hinricks Jim	Mooney Don	Tucker Tom
Cedarblade Brenda	Huggins Jeff	Nakken Ryan	Walker, Ted
Fanning Erin	Jimmerson Dania	Pryor Alan	Warrick Tom
Forest Greg	Khan Afiquir	Rich, Dan	Webster Debbie
Goodwin Bob	Lewis Sangeeta	Sorensen Mark	Steindorf Dave

APPROVAL OF MINUTES

1. **June 7/8 Board meeting**

The minutes of the 520th Regular Board meeting on June 7/8 were approved as written.
Motion by Vice-Chair Costantino and seconded by Board Member Hart.
Member Schneider abstained as he was not present at this meeting.
Approved by a vote of 5-0-0

2. **June 12 CV Salts workshop in Fresno**

The minutes of the special workshop on CV Salts and Pacific Forest and Watershed Lands Stewardship Council held in Fresno on June 12 were approved as written.

Motion by Vice-Chair Costantino and seconded by Member Moffitt.

Members Bob Schneider and Kate Hart abstained from voting, as they were not present at this workshop
Approved by a vote of 4-0-0

3. **August 2/3 Board meeting**

The minutes of the 521st regular Board meeting held on August 2/3 were approved as written.

Motion by Member Schneider and seconded by Member Ramirez.

Unanimously approved

4. **August 21 workshop in Tulare**

The minutes of the special workshop on Irrigated Lands Regulatory Monitoring Program in Tulare on August 21, were approved as written.

Motion by Member Moffitt and seconded by Vice-Chair Costantino.

Members Bob Schneider and Kate Hart abstained from voting as they were not present at this meeting.
Approved by a vote of 4-0-0

Executive Officer told the Board that the minutes will be produced within 2 weeks of the meeting

BOARD COMMUNICATION

AGENDA ITEM 3

Dr. Longley reported that Soapy Mulholland has been representing the Board on the Stewardship Council, and recommended that the Board approve Soapy's term for another year and also appoint Robert Schneider as the alternate. Dr. Longley reported that Ms. Mulholland had made a presentation on the progress of the Stewardship Council in June, in a workshop in Fresno, and suggested in the near future Ms. Mulholland make another presentation.

Dr. Longley reported that he has been involved with the California Bioresources Alliance and at a recent conference he heard an outstanding presentation by Steve Kaffka that provided a good overview of the nitrate issue. Dr. Kaffka will be presenting to the Board at this meeting. Dr. Longley reported that he will submit the rest of his communications in writing.

WRITTEN SUBMITTAL BY DR. KARL LONGLEY

6 Aug 2012, participated in Salty 5 meeting (Conference Call)

16 Aug 2012, attended Graphics Workshop, CWP 2013 Update (Sacramento, CA)

17 Aug 2012, received enforcement briefing by State Water Resources Control Board Enforcement Staff, (Conference Call)

21 Aug 2012, participated in Irrigated Land Regulatory Program Workshop as CVRWQCB member (Tulare, CA)

22 Aug 2012, attended CWP 2013 Update Groundwater Caucus (Sacramento, CA)

23 Aug 2012, attended and participated in CV SALTS Ex Comm meeting (Sacramento, CA)

28 Aug 2012, attended and participated in California-Federal Digester Group meeting (Sacramento, CA)

12 Sep 2012, participated in CWP 2013 Update Plenary Session as Presenter and Moderator (Sacramento, CA)

19 Sep 2012, participated in video conference and conference call hosted by USEPA Region 9 of their PIs who are working on environmental justice projects and reporting on project progress (California State University, Fresno)

20 Sep 2012, attended and participated in CV SALTS Ex Comm meeting (Sacramento, CA)

1 Oct 2012, participated in Salty 5 meeting (Conference Call)

1 Oct 2012, participated in Waterboard Chair's meeting (Conference Call)

Jenny Lester Moffitt

Sept 11 gave a presentation to the CDFA State Board and earlier in the month she had lunch with Kate Hart.

Kate Hart

Returned from the WEFTEC (the Water Environment Federation's Annual Technical Exhibition and Conference) in New Orleans and reported approximately 19,000 people attended the conference. The conference had over

3,000 feet of exposition, all on water quality. She said there are materials which can be purchased online. She reported that there were presentations on nitrates, nitrification, new technology, etc.

Dr. Longley announced that on November 15 and 16 there will be a Salinity conference at the State Board. It is free, except for lunch. It is being funded by Department of Water Resources featuring research which they have conducted over the past decade. There will also be a session on nitrate treatment. This conference will also be available online for those who cannot attend in person.

**PUBLIC FORUM
AGENDA ITEM 4**

No one came forward to discuss any items not on the board agenda

**EXECUTIVE OFFICER'S REPORT
AGENDA ITEM 5**

Kate Hart said that the Executive Officer's report is extremely informative with all the programs and enforcement actions.

Dr. Longley said that if anyone wanted to know more about CV Salts, to go back to past Executive Officer's reports.

Rick Moss highlighted for the Board that on September 19, the State Board adopted the ASR General Order which was prepared by our staff. He thanked Anne Olson and Robert Busby for their work on that project. He also thanked Tim O'Brien (formerly of Region 5, who now works at the State Board) for working on this project. Dr. Longley commended staff for working with the State Board to make this a statewide effort.

Executive Officer presented superior accomplishment awards to:
Dale Essary, Stacy Gotham and Alan Cregan (Alan was not present to accept the award)

Dr. Longley brought to the attention of the Board, Municipal Domestic Supply, and (Page 13 of EO report). He commended staff for taking on a very onerous task of addressing discharge into AG drains that have municipal use designation on them. He pointed out page 20 (Data Management of the report) and was glad we are moving away from manual data entry. Overall, he said that the amount of work expressed in the EO Report is phenomenal.

**AGENDA ITEM 6
DISCUSS DRAFT BOARD CALENDAR**

The board made a change to the Draft 2013 Board meeting calendar. The change was to move the proposed April Board meeting date from April 2-3 to April 11-12, 2013

Motion by Member Schneider and seconded by Vice-Chair Costantino to approve the proposed 2013 Board meeting calendar.

AGENDA ITEM 7

A public hearing was held. No one came forward to comment or contest any item on the uncontested calendar.

Agenda item 31f was removed from the agenda.
Carmen Ramirez recused herself from item 32c

*Motion to adopt uncontested calendar 26 through 33 except for item 32c Made by Member Schneider
Seconded by Member Ramirez
Unanimously approved*

*Motion to adopt uncontested item 32 c Made by Member Schneider
Seconded by Member Hart
Approved by a vote of 5-0-0*

UNCONTESTED CALENDAR

ENFORCEMENT

AGENDA ITEM 26

California Department of Corrections and Rehabilitation, Sierra Conservation Center Water Treatment Plant, Tuolumne County – *Consideration of Time Schedule Order for Waste Discharge Requirements Order R5 2007-0117 (NPDES Permit CA0082546)*

AGENDA ITEM 27

El Dorado Irrigation District, El Dorado Hills Wastewater Treatment Plant, El Dorado County-*Consideration of Amendment of Time Schedule Order R5-2010-0030.*

OTHER BUSINESS

AGENDA ITEM 28

Dow Brands, Inc. and either Saint Anthony's Bread Basket, Inc. and Fresno County Housing Authority or Royal Oaks Business Park, LLC, Fresno County – *Consideration of a resolution that would authorize the Executive Officer to enter into a pre-purchase agreement of property.*

AGENDA ITEM 29

SunnyGem, LLC., Sandridge Partners, LP, and McCarthy Family Farms, Inc., Spider City Juice Processing Plant, Kern County – *Consideration of Resolution approving a Negative Declaration and Waste Discharge Requirements*

NPDES PERMITS

AGENDA ITEM 30

- a. AmeriPride Services Inc., Operable Unit 3, Sacramento County - (NPDES Permit. CA0085219) (Renewal)
- b. City of Jackson, Wastewater Treatment Plant, Amador County- Order R5-2007-0133, (NPDES Permit CA0079391) (Amendment).

WASTE DISCHARGE REQUIREMENTS

AGENDA ITEM 31

- a. Carr Mine, Pergrand Properties LLC, and Environment Restoration and Reclamation Company LLC, Butte County (new) **BOARD ADOPTED ORDER R5-2012-0102**
- b. Constellation Brands U.S. Operations, Inc. dba Woodbridge Winery, Woodbridge Winery, San Joaquin County –WDR Order 87-184 (revision) **BOARD ADOPTED ORDER R5-2012-0103**
- c. Darling International, Oscar Heard, and Val and Mary Azevedo, Darling International Rendering Plant, Stanislaus County -WDR Order 5-01-171 (revision) **BOARD ADOPTED ORDER R5-2012-0104**
- d. Diamond Pet Food Processors of Ripon, LLC and Ripon Cogeneration, LLC, Diamond Pet Food Ripon Facility, San Joaquin County (new) **BOARD ADOPTED ORDER R5-2012-0105**
- e. Glenn Springs Holding Company, Former Occidental Chemical Company, Groundwater Remediation Project, Lathrop Facility, San Joaquin County. **BOARD ADOPTED ORDER R5-2012-0106**
- f. ~~Forward Inc. and Republic Services Inc, Forward Landfill Class II Operation, Closure and Corrective Action, San Joaquin County WDR Order R5-2003-0049 (revision) REMOVED FROM AGENDA~~
- g. L and D Landfill Limited Partnership; Fruitridge Road Land Company; L and D Landfill; Operation, Closure, Post-Closure Maintenance, and Corrective Action; Sacramento County; Order R5-2002-0082 (revision) **BOARD ADOPTED ORDER R5-2012-0107**
- h. Quady Winery, Inc.,Madera County –(new) **BOARD ADOPTED ORDER R5-2012-0108**

WDR/NPDES-RESCISSIONS

AGENDA ITEM 32

BOARD ADOPTED ORDER R5-2012-0109

- a. Holly Imperial Sugar dba Spreckels Sugar Company, Inc., Spreckels Tracy Facility, San Joaquin County (WDRs Order R5-2003-0050)
- b. State of California Dept. of Fish and Game, San Joaquin Fish Hatchery, Fresno County, Order R5-2004-0018(NPDES Permit CA0004812)
- c. City of Atwater, Merced County, WDR Order R5-2007-0063(NPDES Permit CA0079197) and Time Schedule Order R5-2010-0903

**CHANGE OF NAME AND OR/OWNERSHIP
AGENDA ITEM 33**

BOARD ADOPTED ORDER R5-2012-0110

- a. Ronald, Anne, Edith and Marvin Coleman, Castle City Mobile Home Park, Placer County (WDR Order 98-049)
- b. Wallace Community Services District, Wallace Wastewater Treatment Facility, Calaveras County (WDR Order R5-2003-0101)
- c. Randy Wentzel, Glen Oaks Mobile Home Park, Placer County (WDR Order R5-2005-0175)

**OTHER BUSINESS
AGENDA ITEM 8**

Potential to Link Improved Nutrient Management with Alternative Energy Production and Greenhouse Gas Reduction – *Informational Item only.*

Stephen Kaffka – UC Davis, California Biomass Collaborative gave a presentation on opportunities and challenges related to linking nutrient management, especially manure management, with alternative energy production and reduction of greenhouse gas emissions..

J.P. Cativiela (DAIRY CARES) made comments on the Nitrogen Assessment presentation and thanked Executive Officer and the Board for moving this forward.

David Cory, (San Joaquin River Exchange) made additional comments. He also thanked board for their thankless task, having to go through the thick agenda, time in and out. He said that he values everyone on the Board for their willingness to take on that task. He said that the effort and the time that the Board puts in the agenda needs commendation.

David Cory thanked Kate Hart, for being such a wonderful Board Member. He said that he really appreciated her efforts and all the Board members efforts, but Kate has been exemplary. He enjoyed working with her and was grateful for Ms. Hart's patience in hearing complaints from the Stakeholders.

AGENDA ITEM 9

Statewide Onsite Wastewater Treatment Systems Policy- *Informational Item only.*

Greg Cash presented the staff report. Executive Officer thanked Greg Cash and Robert Busby for their hard work on this project.

**NPDES PERMITS
AGENDA ITEM 10**

City of Biggs Wastewater Treatment Plant, Butte County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0078930) and Adoption of Time Schedule Order*

Katie Bowman presented the staff report. Dan Rich and Debbie Webster (CVCWA) gave additional testimony.

*Motion to adopt NPDES Permit and TSO with late revisions Made by Member Hart
Seconded by Member Moffitt
Unanimously approved*

**BOARD ADOPTED ORDER (NPDES PERMIT) R5-2012-0083
BOARD ADOPTED ORDER (TSO) R5-2012-0084**

AGENDA ITEM 11

City of Dunsmuir Wastewater Treatment Plant, Shasta County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0078441)*

A public hearing was held. No one came forward to comment or contest this item. Bryan Smith read the proposed late revisions to the Board.

*Motion to adopt the NPDES Permit with late revisions Made by Member Hart
Seconded by Member Ramirez
Unanimously approved*

AGENDA ITEM 12

City of Mt. Shasta Wastewater Treatment Plant, Siskiyou County – *Consideration of NPDES Permit Renewal (NPDES Permit No. CA0078051) and Adoption of Time Schedule Order*

Bryan Smith presented the staff report. Dave Steindorf (White Water) gave additional testimony.

*Motion to adopt NPDES Permit with late revisions and TSO Made by Member Hart
Seconded by Member Costantino
Unanimously approved*

**BOARD ADOPTED ORDER (NPDES PERMIT) R5-2012-0086
BOARD ADOPTED ORDER (TSO) R5-2012-0087**

CLOSED SESSION

Board recessed for lunch at to discuss the following items:

Litigation filed against the water board:

Items c, i, n, o

Litigation filed by the water board

Item d

AGENDA ITEM 13

City of Angels, Wastewater Treatment Plant, Calaveras County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0085201)*

Dania Jimmerson presented the staff report. Debbie Webster (CVCWA) and Diana Messina gave additional testimony.

*Motion to adopt NPDES Permit with late revisions and amendment to late revisions
Made by Member Hart
Seconded by Vice-Chair Costantino
Unanimously approved*

BOARD ADOPTED ORDER R5-2012-0088

WASTE DISCHARGE REQUIREMENTS

AGENDA ITEM 14

POM Wonderful, LLC, Whole Fruit and Juice Extraction Plant, Fresno County, *Consideration of Resolution approving a Negative Declaration (revised) and Waste Discharge Requirements.*

Patrick Pulupa discussed Williamson Act issues, and recommended minor changes to the resolution adopting the Negative Declaration.

*Motion to adopt Resolution with revisions made by Member Hart
Seconded by Member Schneider
Unanimously approved*

BOARD ADOPTED ORDER R5-2012-0089

*Motion to adopt WDR with changes Made by Member Hart
Seconded by Member Schneider
Unanimously approved*

BOARD ADOPTED ORDER R5-2012-0090

ENFORCEMENT

AGENDA ITEM 15

Tom Chaney and Glenn & Marie Chaney Trust, Chris Chaney Dairy, Fresno County- *Consideration of Administrative Civil Liability Complaint R5-2012-0541 and Recommended Administrative Civil Liability Order*
THIS ITEM WAS SETTLED AND REMOVED FROM THE AGENDA

AGENDA ITEM 16

Clark Structural, LLC and Clark Pacific Corporation, Former Spreckles Sugar Company, Yolo County -
Consideration of Name Change Order and Cease and Desist Order

Wendy Wyels made introductory remarks and introduced Todd Del Frate who presented the staff report. Wendy Wyels continued with the presentation by showing slides. Greg Forest (Clark Pacific), Ryan Nakken (Clark Pacific), Donald Mooney (Cedarblade), Brenda Cedarblade, (Self), Alan Pryor (Yolo Clean air) and Paul Hensley (Yolo Solano Air Quality Management District) gave additional testimony.

Bob Schneider recused himself from this item and was not present during this hearing.

*Motion to adopt Change of Name/Ownership, Made by Vice-Chair, Costantino
Seconded by Member, Ramirez
Unanimously approved*

BOARD ADOPTED ORDER R5-2012-0091

*Motion to adopt CDO with late revisions Made by Vice-Chair Costantino
Seconded by Member Moffitt
Approved by Roll call vote of 5-0-0*

BOARD ADOPTED ORDER R5-2012-0092

The meeting adjourned at 4:45 p.m.

FRIDAY, OCTOBER 5 – 8:30 A.M.

CALL TO ORDER

Chair, Dr. Longley called to order the 522nd regular meeting of the California Regional Water Quality Control Board, Central Valley Region at the Regional Water Quality Control Board, 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

BOARD MEMBERS PRESENT

Costantino, Jon, Vice-Chair Hart, Kate Longley, Karl, Chair Moffitt-Jenny Lester
Ramirez, Carmen Schneider, Robert

BOARD MEMBERS ABSENT

Meraz, Sandra

STAFF PRESENT

Busby, Robert Grover, Holly Louie, Stephen Olson, Anne
Cooke, Janis Hartman, Jelena Martin, Holly Pulupa, Patrick
Coupe, David Joab, Christine Mayer, Alex Rodgers, Clay
Crandall, Robert Karkoski, Joe McConnell, Sue Sparks, Genevieve
Creedon, Pamela Kulesza, Dana Messina, Diana
Daniels, John Landau, Ken Morris, Patrick
Fregien, Susan Lanfranchi, Kiran Moss, Rick

STATE BOARD STAFF PRESENT

Boyers, David Carrigan, Cris Okamoto, Mayumi Young, Vanessa

LEGISLATORS PRESENT

Senator Ted Gaines Ross Branch (ASM, McClintock’s office) Norman Gonzales (ASM, McClintock’s office)

OTHERS PRESENT

Carlton, Gary	Fingerson, Robert	Palmer, Charles	Sykora, Greg
Chrobak, Bob	Harris, Kyle	Pompy, James	Sykora, Richard
Crandell, Jim	Houdesheldt, Bruce	Rel, Ted	Tanaka, Teresa
DiGiorgio, Carol	Key, Wendy	Ryan, Sarah	
Ferrero, Tom	Lee, Petra	Schaver, Mike	

AGENDA ITEM 19

BOARD COMMUNICATION

Dr. Longley said that there has been a suggestion to start the Board meetings at 9:00 a.m. Mr. Costantino suggested for the first day of the two-day board meeting to start at 9:00 a.m. Member Ramirez said that that extra 30 minutes is helpful, especially if driving from far.

The Board discussed Board meeting venues and options. They are interested in scheduling more meetings in areas outside Sacramento. Member Bob Schneider said that in the past it was easy for the Board to travel out of town, but routinely to Redding, Fresno and Bakersfield. He said it is important for us to have our presence in those areas. He said that we should be thinking of traveling North and South. Mr. Schneider said that he was here in the past when discussions took place about the travel, but it was the cost factor and time for staff which made it less efficient. He said it is most efficient to have the meetings in Sacramento but if we have special items like ILRP, it can be held in areas closer to the regulated areas. He said that since we are saving money by not having the meetings on the other side, we should certainly have webcasting so that people can observe what we are doing, and if at all possible, participate.

Executive Officer reported that where we have items where there is keen public interest, we schedule meetings in those areas. She will investigate holding meetings in other areas. All meeting agendas provide for public comments.

Dr. Longley talked about SB 965 (Exparte Issues). This will be effective January 2013. This legislation will be discussed in greater detail at the WQCC meeting.

AGENDA ITEM 20

PUBLIC FORUM

Bruce Houdesheldt (Northern CA) thanked Member Hart for her years of service on the board and commended her for carrying out her Board duties in a fair and impartial manner.

AGENDA ITEM 21

EXECUTIVE OFFICER'S REPORT

Executive Officer presented Sustained Superior Accomplishment awards to:
Scott Mills, Holly Martin, John Daniels, Dana Kulesza Adam Laputz

OTHER BUSINESS

AGENDA ITEM 22

Delta Mercury Control Program Update– *Informational Item Only*. Janis Cooke presented the staff report Ken Landau made additional comments.

AGENDA ITEM 23

Clear Lake Nutrient TMDL Control Program 5-Year Update – *Informational Item Only*.
Holly Grover presented the staff report. Sara Ryan, (Big Valley Rancheria Board of Pomo Indians) Bruce Houdesheldt, Ken Landau, Patrick Pulupa, Sue McConnell made additional comments.

AGENDA ITEM 24

Mining Regulatory Program, *informational item only*
Victor Izzo presented the staff report.

LUNCH

Board recessed for lunch at 12:06

**ENFORCEMENT
AGENDA ITEM 25**

Richard Sykora, Red Ink Maid & Big Seam Mine, Placer County – *Consideration of an Administrative Civil Liability and Cease and Desist Order*

At the beginning of the hearing, Senator Ted Gaines presented comments on the item. He asked that this matter be dismissed.

Mayumi Okamoto (Office of Enforcement) introduced Jeff Huggins who presented the staff report on ACLC and CDO. Mayumi Okamoto explained how the liability amount was calculated. Mr. Richard Sykora and Greg Sykora cross-examined Mr. Huggins and introduced witnesses Ted Rowe (Placer County) and Robert Fingerson (Holdrege & Kull) who provided testimony and answered board member questions. Robert Ditto, Patrick Pulupa, and Ken Landau answered clarifying questions. Ross Branch, (Congressman Tom McClintock's Office), Norman Gonzales (Congressman Tom McClintock's office), Jim Pompey (Department of Conservations) provided statements during public comment.

*Motion to adopt ACLC Made by Member Schneider
Seconded by Member Moffitt
Approved by roll call vote of 6-0-0
BOARD ADOPTED ORDER R5-2012-0093*

*Motion to adopt CDO Made by Member Schneider
Seconded by Member Hart
Approved by roll call vote of 6-0-0
BOARD ADOPTED ORDER R5-2012-0094*

*The meeting adjourned at 5:06 p.m. to the December 6/7, 2012 Board meeting
Respectfully submitted by Kiran Lanfranch-Rizzardi*