



CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

MINUTES OF BOARD MEETING

July 25/26 2013
11020 Sun Center Drive, Suite 200
Rancho Cordova, California

THURSDAY JULY 25 2013, 9:00 A.M.

CALL TO ORDER

Chair, Dr. Longley called to order the 527th 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	Longley, Karl, Chair	Meraz, Sandra	Moffitt, Jenny Lester
Ramirez, Carmen	Schneider, Robert		

BOARD MEMBERS ABSENT

None

STATE BOARD STAFF PRESENT

Tam Doduc

STAFF PRESENT

Busby, Robert	Herbst, Charlene	MacDonald, Alex	Snyder, Clint
Carrigan, Cris	Horner, Gerald	Mayer, Alex	Walsh, Sean
Chow, Bob	Howard, Ellen	Morgan, Nichole	Wass, Lonnie
Coupe, David	Landau, Ken	Okamoto, Mayumi	Wyels, Wendy
Creedon, Pamela	Lanfranchi, Kiran	Patteson, Doug	Young, Vanessa
Essary, Dale	Lavy, Tom	Ralph, James	
Harvey, Dale	Loncarovich, Richard	Rodgers, Clay	

OTHERS PRESENT

Abernathy, Kevin	Costanza, Neal	Kriebel, Barry	Smith, Lee
Alexander, John	Dorn, Linda	Minney, John	Sweeney, Amelia
Buchan, Kevin	Garabedian, Charles	Mysliviiec, Mitch	Sweeney, James
Cativiela, JP	Harlow, Loren	Palucci, Mike	Tosta, Henry
Cleary, Colleen	Ikemiya, Donald	Reinhard, Hilary	Von Vliat, Hugo
Colligian, Vaughn	Johns, Craig	Schroeder, Jessica	

APPROVAL OF MINUTES

MINUTES OF BOARD MEETING MAY 30/31

Minutes of the May 30/31 board meeting were approved as written.

Motion by Member Constantino

Seconded by Member Schneider

Unanimously approved

AGENDA ITEM 3

BOARD COMMUNICATION

Chair Longley stated that he would submit his contacts in writing, but highlighted a Governor's office meeting of drinking water stakeholders, an irrigated lands summit in Kings Beach, the Chairs meeting, and CVSALTS meetings. He also announced the September 4/5 drinking water technology forum at Cal EPA and the August 14 ACWA meeting in Oxnard.

**AGENDA ITEM 4
PUBLIC FORUM**

No one came forward to contest or comment on any items not on the agenda.

**AGENDA ITEM 5
EXECUTIVE OFFICER'S REPORT (EO REPORT)**

Chair Longley said that he read the EO report in detail and as always, was very amazed with the hard work that staff put in.

Member Schneider commented on the following:

- Would like more information concerning neonicotinoid pesticides
- Suggested press releases on ILRP successes. He asked if we send out press releases on success stories, and Executive Officer said that we do not, but thought that it was a good idea.
- Requested an update item on mercury. Executive Officer said that she does not want to load the board meeting with a lot of informational items, but we do have periodic reports for the Board and will plan on having an informational item soon.
- Appreciated ILRP public outreach reported in the EO Report
- Regarding Fracking, page 27. What percentage of wells has had casing failures?
- Appreciated the staff training listed on page 35, and
- Asked questions concerning operating expenses on Page 37.

Richard Loncarovich, Assistant Executive Officer answered clarifying questions for Member Schneider on the operating expenses as shown on page 37 of the EO report.

Vice-Chair Moffitt said that she enjoyed reading about the Dairy Order and the amount of inspections that have been done. She said that she noticed that the State Board was working on a general order for small domestic waste water and asked if a similar general order was going to happen for industrial waste water or do we already have one for the food processors. Executive Officer said that we had a couple of general orders but not for food processing in general. She said part of the State Board effort was generated by Region 5 and staff sits on the State Board steering committee. She said we had a parallel process going on under our groundwater quality protection strategy program, to look at waste discharge requirements and Lonnie Wass provided an update in the EO report under groundwater strategy.

Member Ramirez asked if there is an industrial Non14 General Order. There are for selected industrial groups, such as small food processors, but no overall general order.

Executive Officer Pamela Creedon presented superior accomplishment award to Dale Harvey of the Fresno office.

**AGENDA ITEM 6
ENFORCEMENT**

Malaga County Water District Wastewater Treatment Facility, Fresno County – Consideration of Administrative Civil Liability Order

Lonnie Wass and Allen Howard (Legal Counsel) presented the staff reports. Neal Costanza (Malaga), Charles Garabedian, Ken Landau and Clay Rodgers gave additional testimony.

*Motion to adopt Administrative Civil Liability with late revisions, made by Member Schneider
Seconded by Member Ramirez
Unanimously approved*

BOARD ADOPTED ORDER R5-2013-0090

AGENDA ITEM 7

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

Dale Essary presented the staff report. Doug Patteson, James Ralph, James Sweeney, Amelia Sweeney, Clay Rodgers and J.P. Cativiela (Dairy CARES) gave additional testimony.

*Motion to adopt the Administrative Civil Liability with late revisions, made by Member Ramirez
Seconded by Member Meraz
Unanimously approved*

BOARD ADOPTED ORDER R5-2013-0091

**AGENDA ITEM 8
NPDES PERMITS**

United States Department of the Interior, National Park Service, Yosemite National Park, Wawona Wastewater Treatment Facility, Mariposa County – *Consideration of NPDES Permit Renewal (NPDES CA0081795) and Time Schedule Order*

A public hearing was held. No one came forward to contest, or comment on this item.

*Motion to adopt the NPDES Permit Renewal made by Member Costantino
Seconded by Vice-Chair Moffitt
Unanimously approved.*

**BOARD ADOPTED ORDER R5-2013-0092(NPDES)
BOARD ADOPTED ORDER R5-2013-0093(TSO)**

AGENDA ITEM 9

City of Yuba City, Wastewater Treatment Facility, Sutter County – *Consideration of NPDES Permit Renewal (NPDES No. CA0079260)*

A public hearing was held. No one came forward to contest, or comment on this item

*Motion to adopt NPDES Permit renewal made by Member Meraz
Seconded by Member Costantino
Unanimously approved*

BOARD ADOPTED ORDER R5-2013-0094

AGENDA ITEM 10

Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento, and County of Sacramento, Phase I Municipal Separate Storm Sewer System, Sacramento County – *Consideration for Approval of the Hydromodification Management Plan (NPDES No. CAS0082597)*

(This item was moved to Friday)

AGENDA ITEM 20

Henry J. Tosta Dairy, 20662 San Jose Road, Tracy, San Joaquin County – *Consideration of Administrative Civil Liability (This item was moved from Friday)*

Vanessa Young, Charlene Herbst, and Sean Walsh presented the staff report. Lee Smith (Tosta Dairy), Tom Terpstra, (Tosta Dairy) Gerald Horner (SWRCB), Alex Mayer, Ken Landau, John Minney, Henry Tosta, Hugo Von Blie and Kevin Abernathy, gave additional testimony.

*Motion to adopt the Administrative Civil Liability with late late revisions made by Member Schneider
Seconded by Member Costantino
Member Ramirez abstained from voting
Unanimously approved.
BOARD ADOPTED ORDER R5-2013-0095*

AGENDA ITEM 11

Sun-Maid Growers of California, Kingsburg Facility, Fresno County – *Consideration of Revised Waste Discharge Requirements, Order 84-035*

A public hearing was held. No one came forward to contest or comment on this item.

*Motion to adopt the WDR requirements with late revisions made by Member Ramirez
Seconded by Member Meraz
Unanimously approved.*

BOARD ADOPTED ORDER R5-2013-0096

AGENDA ITEM 12

Tsar Nicoulai Caviar, LLC, Tsar Nicoulai Sturgeon Farm, Wilton, Sacramento County – *Consideration of Administrative Civil Liability Order*

A public hearing was held. No one came forward to contest or comment on this item.

*Motion to adopt the WDR requirements made by Vice-Chair Moffitt
Seconded by Member Ramirez
Unanimously approved.*

BOARD ADOPTED ORDER R5-2013-0097

Board recessed for lunch 1:10 p.m.

Board meeting resumed at 1:45 p.m.

AGENDA ITEM 13

OTHER BUSINESS

The Surface Water Ambient Monitoring Program – *Informational Item Only (This item was moved to Friday)*

Board Meeting adjourned at 7:45 p.m. to the next day

FRIDAY JULY 26, 2013 – 9:00 A.M.

CALL TO ORDER

Chair, Dr. Longley called to order the 527th 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 Longley, Karl, Chair Meraz, Sandra Moffitt, Jenny Lester
Schneider, Robert

BOARD MEMBERS ABSENT

None

STATE BOARD MEMBERS PRESENT

None

STAFF PRESENT

Chilcott, Jeanne
Chow, Bob
Coupe, David
Creedon, Pamela
Hartman, Jelena
Karkoski, Joe

Kulesza, Dana
Landau, Ken
Lanfranchi, Kiran
Laputz, Adam
Lavy, Tom
Loncarovich, Richard

Matthews, Jacqueline
Mayer, Alex
McConnell, Sue
Olson, Anne
Pulupa, Patrick
Rodgers, Clay

Simi, Jay
Snyder, Clint
Soria, Denise
Wenzell, Alisha

OTHERS PRESENT

Archibald, Elaine
Art O'Brien
Brown, Ken
Brown, Kimberly
Bryan, Michael
Buada, John
Caldwell, Melissa
Carlton, Gary
Cativiella, JP
Clancy, Jon
Cory, David
Defibaugh, Steve

DiGiorgio, Joe
Dunlap, Maddie
Eheri, Chris
Fisher, Kari
Flower, Chris
Grovhoug, Tom
Haley, Dave
Harlow, Loren
Hildebrand, Carly
Hughes, Tuck
Johnson, Tim
Kubiak, Rachel

Lloyd, Larry
Mallinax, Denise
Manhart, Kandi
Messina, Lester
Moore, Tim
Mount, Lacey
Orr, Margaret
Palmer, Charles
Perley, Bill
Philmore, William
Pirindini, Tony
Rasmussen, Jeff

Sanders, Chris
Schubert, Sandra
Secton, Phoebe
Shu, Jeffrey
Smith, Lynda
Sousa, Paul
Valadez, Chris
Voight, Lisa
Wichert, Tracy
Zidar, Matt

AGENDA ITEM 16

BOARD MEMBER COMMUNICATIONS

Member Schneider asked about neonicotinoid pesticides and if this is an issue that should be followed. Joe Karkoski reported that these pesticides are not currently monitored by the irrigated lands program. Pamela indicated that she wants to reestablish the irrigated land technical issues committee that can look into such issues.

Chair, Karl Longley sent the following via subsequent written submittal:

- 4-5 June, Organizer and Participant, EPA Reactive Nitrogen Conference, Fresno
- 6 June, Participant, Governor's Drinking Water Stakeholder Group, at ACWA, Sacramento
- 11-12 June, Presented on ILRP and Participant, Sierra Water Workgroup Summit in Kings Beach, California
- 13-14 June, Presenter and Participant, DWR California Water Plan 2013 Update Meeting and Webathon, in Sacramento
- 20 June, Participant, CV SALTS Executive Committee Meeting, Sacramento
- 21 June, Participant, Governor's Drinking Water Stakeholder Group, ACWA, Sacramento
- 1 July, Participant, Regional Water Boards Chairs meeting
- 8 July, Participant, Salty 5 meeting
- Jul 9, Participant, DWR California Water Plan meeting and Webathon
- Jul 10, meeting the Region 5 staff and Under Secretary, Gordon Burns
- Jul 12, Participant, briefing and tour of New Sky Energy Technology for converting CV Salts from Agricultural Drainage to Marketable chemicals
- Jul 16, Participant, CA/Federal Dairy Digester Group, at CDFA, Sacramento
- Jul 17, Participant, Primero el Agua meeting in Visalia, California

Vice-Chair, Jenny Lester Moffitt sent the following via subsequent written submittal:

- 12 June - Summit Regulations Affecting Ag (also in attendance were Fran Spivy-Weber and staff Joe Karkoski)

**AGENDA ITEM 17
PUBLIC FORUM**

Tim Johnson, California Rice Commission, stated that experts are available to assist in any consideration of neonicotinoid or other pesticides

Chris Sanders, Kenemetal, Inc., requested that the Board hold a hearing to consider an Executive Officer issued Cleanup and Abatement Order concerning Mount Diablo Mine. The Chair requested that legal counsel work with him and report back to the Board at the October Board meeting.

**AGENDA ITEM 18
EXECUTIVE OFFICER'S REPORT**

Butte County has requested that the Regional Board take the lead on illegal marijuana fields. This is a major water quality issue due to erosion and chemical usage. Meeting with Legislators and State Board are planned to develop an approach to the problem.

The MMP backlog has rebuilt and staff is now working to reduce the backlog. There is a tradeoff of issuing MMPs versus discretionary enforcement which often deals with more serious water quality issues.

Executive Officer, Pamela Creedon presented Superior Accomplishment Awards to the following staff:

- Denise Soria, Fresno office
- Jacqueline Matthews, Redding
- Jay Simi, Sacramento office

**AGENDA ITEM 19
(Approval of uncontested items 24 through 31)**

**AGENDA ITEM 20
ENFORCEMENT**

Henry J. Tosta Dairy, 20662 San Jose Road, Tracy, San Joaquin County – *Consideration of Administrative Civil Liability (This item was moved to Thursday)*

**AGENDA ITEM 21
OTHER BUSINESS**

Potential Alternative Compliance Strategies for Managing Salt and Nitrate in the Central Valley (CV-SALTS) – *Informational Item only.*

Jeanne Chilcott gave a brief background on the potential alternative compliance strategies for managing salt and nitrate in the Central Valley. Tim Moore (CV Salts Executive), Patrick Pulupa, David Cory, Dee Dee and Tim Johnson made additional comments.

Board recessed for lunch at 12:23 p.m. to discuss the following closed session items on page 5 of the agenda:

- Item c, Dairy General Waste Discharge Requirements
- Item m, Irrigated Lands Conditional Waiver

Board returned to session at 1:15 p.m.

AGENDA ITEM 22

Amendment to the Water Quality Control Plan to Establish a Drinking Water Policy for Surface Waters of the Sacramento-San Joaquin Delta and Upstream Tributaries – *Consideration of Approval of Environmental Document and Adoption of Proposed Amendment*

Sue McConnell presented the staff report. Tim Johnson (California Rice Commission) gave additional testimony.

Motion to adopt the Environmental Document made by Vice-Chair Moffitt

Seconded by Member Costantino
Unanimously approved.
BOARD ADOPTED ORDER R5-2013-0097

*Motion to adopt the Proposed Amendment made by Member Ramirez
Seconded by Member Meraz
Unanimously approved.*

**AGENDA ITEM 23
WASTE DISCHARGE REQUIREMENTS**

Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group – *Consideration of Adoption of the General Order*

*Motion to adopt the Waste Discharge Requirements General Order made by
Seconded by Member
Unanimously approved.
BOARD ADOPTED ORDER R5-2013-0099*

**AGENDA ITEM 24
OTHER BUSINESS**

Status Report for Waste Discharge Requirements General Order for Existing Milk Cow Dairies R5-2007-0035 – *Informational Item only (This item was moved from Thursday)*

AGENDA ITEM 13

The Surface Water Ambient Monitoring Program – *Informational Item Only (This was moved from Thursday)*
Alisha Wenzel presented the staff report

UNCONTESTED CALENDAR

**AGENDA ITEM 24
ENFORCEMENT**

City of Stockton, Regional Wastewater Control Facility, San Joaquin County – *Consideration of Time Schedule Order (NPDES Permit No. CA0079138)*
BOARD ADOPTED ORDER R5-2013-0101

AGENDA ITEM 25

Calaveras County Water District and Saddle Creek Golf Course L.P., Copper Cove Wastewater Reclamation Facility, Calaveras County – *Consideration of Time Schedule Order (NPDES Permit No. CA0084620)*
BOARD ADOPTED ORDER R5-2013-0102

AGENDA ITEM 26

Kinder Morgan Energy Partners, L.P., Through Its Operating Partnership SFPP, L.P., Fox Road Petroleum Release Site Groundwater Remediation System, Solano County – *Consideration of NPDES Permit Renewal and Time Schedule Order (NPDES Permit No. CA0084760)*
BOARD ADOPTED ORDER R5-2013-0103 (NPDES)
BOARD ADOPTED ORDER R5-2013-0104 (TSO)

**AGENDA ITEM 27
NPDES PERMITS**

- a. CalMat Co., Walter A. and Elizabeth A. Baun, and Darrell B. and Janes Delevan, Sanger Sand and Gravel Plant, Fresno County (NPDES CA0078174) (*renewal*) **BOARD ADOPTED ORDER R5-2013-0105**
- b. City of Brentwood, Wastewater Treatment Plant, Contra Costa County – *Consideration of NPDES Permit Renewal and Resolution Granting a Thermal Plan Exception (NPDES Permit No. CA0082660)*
BOARD ADOPTED ORDER R5-2013-0106

BOARD ADOPTED ORDER R5-2013-0107

- c. North Yuba Water District, Forbestown Water Treatment Plant, Butte County – (NPDES Permit CA0084824) (*renewal*) **BOARD ADOPTED ORDER R5-2013-0108**

AGENDA ITEM 28

WASTE DISCHARGE REQUIREMENTS

- a. California Dairies, Inc., Tipton Milk Processing Facility, Tulare County, Order R5-2008-0114 (revised) **BOARD ADOPTED ORDER R5-2013-0109**
- b. County of Kern, Bakersfield Metropolitan (BENA) Sanitary Landfill, Kern County, Order R5-2007-0092 (*revised*) **BOARD ADOPTED ORDER R5-2013-0110**
- c. David Kubich, Iowa Hill Gravel Mine, Placer County (*new*) **BOARD ADOPTED ORDER R5-2013-0113**
- d. Diestel Turkey Ranch and Timothy J. and Joan C. Diestel, Diestel Turkey Ranch, Tuolumne County (*new*) **BOARD ADOPTED ORDER R5-2013-0114**
- e. Friant Ranch, A Limited Partnership Friant Ranch Specific Plan Project, Fresno County (*new*) **BOARD ADOPTED ORDER R5-2013-0115**
- f. Lake Berryessa Resort Improvement District, Lake Berryessa Wastewater Treatment Facility, Napa County, Order R5-2008-0068 (*revised*) **BOARD ADOPTED ORDER R5-2013-0116**

AGENDA ITEM 29

CEASE AND DESIST (CDO) ORDERS RESCISSIONS

BOARD ADOPTED ORDER R5-2013-0117

- a. California Dairies, Inc., Tipton Milk Processing Facility, Tulare County, Cease and Desist Order R5-2008-0113
- b. California Department of Corrections and Rehabilitation, Mule Creek State Prison, Amador County, Cease and Desist Order R5-2006-0130
- c. ~~The Morning Star Tomato Packing Plant, Colusa County, Cease and Desist Order R5-2005-0003~~
(Agenda item d was removed from the agenda)

AGENDA ITEM 30

WDR/NPDES RESCISSIONS

BOARD ADOPTED ORDER R5-2013-0118

- a. Del Monte Corporation and the City of Kingsburg, Plant #25, Kingsburg, Fresno and Tulare Counties,
- b. Order 86-04
- c. Kern Valley Sanitary Landfill, Kern County, Order R5-2002-0073
- d. Spenker Ranch, Inc., Jessie's Grove Winery, San Joaquin County, Order R5-2004-0079

AGENDA ITEM 31

CHANGE OF NAME AND/OR OWNERSHIP

BOARD ADOPTED ORDER R5-2013-0119

- a. Schwarzgruber and Son, Schwarzgruber Gravel Processing Facility, Yolo County, Order 86-054
- b. USA Petroleum Corporation, Station 3088, Yolo County, Order 97-10-DWQ-R5011

Tess Dunham (Somach Simms and Dunn), spoke on agenda item 28e (Friant), Anne Olson and Ken Landau answered clarifying questions for the Board.

Motion to adopt the uncontested items 24 through 31, minus agenda item 29c, which was removed from the agenda, with late revisions on item 27b, made by Member Schneider

Seconded by Member Ramirez

Approved by roll call vote of 6-0-0

BOARD ADOPTED ORDER R5-2013-0097

Board Meeting adjourned at to the Board Workshop in Fresno on September 19.

Respectfully submitted by
Kiran Lanfranchi-Rizzardi
Clerk to the Board