

AGENDA

Public Meeting

**Central Valley Regional
Water Quality Control Board**



Wednesday, September 30, FIELD TOUR
Thursday, October 1, 2015 – 9:00 a.m.
Friday, October 2, 2015 – 9:00 a.m.
City of Redding
777 Cypress Avenue
Redding, CA 96001

THIS BOARD MEETING WILL NOT BE WEBCAST OR TELECAST

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify before the Board.
- Anyone speaking to the Board will be requested to complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- If the Board lacks a quorum, the Board may conduct a hearing as a Panel Hearing. However, the Board will not take final action on such an item until a quorum of the Board is present.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Board agendas and the minutes of prior meetings are posted on the Board's website at:

http://www.waterboards.ca.gov/centralvalley/board_info/meetings/

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or klanfranchi@waterboards.ca.gov

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: http://www.waterboards.ca.gov/centralvalley/public_notices/ or can be obtained by calling the Board at: (916) 464-3291.

ELECTRONIC PRESENTATIONS

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to the Board's Webmaster at webmaster5@waterboards.ca.gov at least 24 hours in advance, or bring your files either on a USB Flash Drive or CD-ROM and give them to Board Staff prior to the start of the meeting.

WEDNESDAY, SEPTEMBER 30, 2015 – 11:30 A.M. FIELD TOUR-BATTLECREEK WATERSHED

Members of the Central Valley Water Board will participate in a field tour on Wednesday, 30 September 2015, in the Battle Creek Watershed. The tour will commence with discussions at the Coleman National Fish Hatchery and include a tour and discussion on both private and publically-owned lands throughout the Battle Creek Watershed.

The public will be provided access to the tour Site(s), but transportation will not be provided.

Details regarding the tour itinerary will be provided on the day of the workshop because last minute adjustments in the tour may need to be made to account for poor weather conditions or the number of participants in the tour. Tour participants will meet at 11:30 a.m. in the parking lot of the Coleman National Fish Hatchery, located at 24411 Coleman Fish Hatchery Road, Anderson, California.

THURSDAY, OCTOBER 1, 2015 – 9:00 A.M. City of Redding 777 Cypress Avenue Redding, CA 96001

1. Introductions, Pledge of Allegiance, and approval of minutes of the July 30/31 Board meeting
2. Meeting Rules and Procedures
3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken
4. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board*
5. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)

NPDES PERMIT

6. U.S. Department of the Interior, Bureau of Reclamation, Sliger Mine, El Dorado County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0084905)* [Beth Thayer (916) 464-4671]
(THIS ITEM HAS BEEN MOVED TO FRIDAY)

7. OTHER BUSINESS

- [Onsite Waste Treatment Systems \(OWTS\) Policy Update - Implementation to Date– Informational item only](#) [Eric Rapport, (530) 224-4998]
8. [Mining Program Update –Informational Item Only](#) [Robert Busby (916) 464-4666]
9. [Recycling of Oil Field Produced Water - Informational Item Only](#) [Clay L. Rodgers, (559) 445-5102]

NPDES PERMIT

10. City of Redding-*Consideration of Amendment of Order R5-2012-0112* –[Dan Warner (530) 224-4848]
(THIS ITEM HAS BEEN MOVED TO FRIDAY)

OTHER BUSINESS

11. [Proposed Development of a Watershed Based Plan for Battle Creek, Shasta and Tehama Counties- Informational Item Only](#) [Ben Letton, (530) 224-4129]
12. [Storm Water Program – Background and Status Update](#) [Bryan Smith, (530) 226-3425]

FRIDAY OCTOBER 2, 2015 – 9:00 A.M.

**City of Redding
777 Cypress Avenue
Redding, CA 96001**

13. Introductions, Pledge of Allegiance.
14. Meeting Rules and Procedures.
15. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.
16. State Board Liaison Update - *Informational Item Only* [Andrew Altevogt (916) 464-4839]
17. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board* (3 minute time limit per subject)
18. Executive Officer's Report (http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/)
19. [Discuss Board Meeting Calendar for 2016](#)
20. The Board will be asked to approve items 22 through 26 with no discussion if no one is here to testify about them.

CONTESTED CALENDAR

NPDES PERMIT

6. [U.S. Department of the Interior, Bureau of Reclamation, Sliger Mine, El Dorado County – Consideration of NPDES Permit Renewal \(NPDES Permit CA0084905\)](#) [Beth Thayer (916) 464-4671]
(THIS ITEM HAS BEEN MOVED FROM THURSDAY)

NPDES PERMIT

10. [City of Redding-Consideration of Amendment of Order R5-2012-0112](#) –[Dan Warner (530) 224-4848]
(THIS ITEM HAS BEEN MOVED FROM THURSDAY)

21. WASTE DISCHARGE REQUIREMENTS

[General Order for Discharges of Waste from Medicinal Cannabis Cultivation in the Central Valley Region – Consideration of adoption of New General Order](#) [Trey Sherrell, (530) 224-4847]

UNCONTESTED CALENDAR

(Cal. Code Regs., tit. 23, § 647.2, subd. (f).)

Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar and taken up in the regular agenda in an order determined by the Board Chair.

22. ENFORCEMENT

[Sierra Nevada Cheese Company, Inc., and Gregersen Properties LLC, Cheese Production Facility, Glenn County, Consideration of Cease and Desist Order](#)

23. WASTE DISCHARGE REQUIREMENTS

- a. [Limited modifications to the following Third-party Group Waste Discharge Requirements General Orders to allow designated representatives to attend outreach events \(Revision to the following Orders\):](#)
 - i. Growers within the Eastern San Joaquin River Watershed, Order R5-2012-0116-R3
 - ii. Growers within the Tulare Lake Basin Area, Order R5-2013-0120-R1
 - iii. Growers within the Western Tulare Lake Basin Area, Order R5-2014-0001
 - iv. Growers within the Western San Joaquin River Watershed, Order R5-2014-0002-R2
 - v. Growers within the Sacramento River Watershed Area, Order R5-2014-0030-R1
 - vi. Sacramento Valley Rice Growers, Order R5-2014-0032
- b. [Kern Ridge Growers, LLC and Larry R. Cox and Joan W. Cox, as Trustees of the Cox Family Trust of 2014, Degiorgio Facility, Kern County \(New\)](#)
- c. [Sunview Marketing International, dba Sunview Dried Fruit & Nut Company and Z4G, LLC, Del Rey Dehydrator Facility, Fresno County \(New\)](#)

24. WASTE DISCHARGE REQUIREMENTS - RESCISSIONS

- a. [Anderson-Cottonwood Irrigation District, Shasta and Tehama Counties, Order 87-110](#)
- b. [Aramark Uniform Services, Inc., and Kirshbaum Family Holdings, Fresno County, Order 99-028](#)
- c. [Sound Stud Sawmill, Shasta County, Order R5-2003-0136](#)
- d. [United Postal Service, Shasta County, Order 00-262](#)

25. NPDES PERMITS AND TIME SCHEDULE ORDERS RESCISSIONS

- a. [Planada Community Services District, Planada Wastewater Treatment Facility, Merced County, Order R5-2011-0042 \(NPDES CA0078950\) and Time Schedule Order R5-2011-0043 Rockwell Automation, Inc. et al., Groundwater Cleanup System, Tulare County, Order R5-2011-0013](#)
- b. [\(NPDES CA0082708\) and Time Schedule Order R5-2011-0014](#)

26. CHANGE OF NAME/OWNERSHIP

- a. [The Wonderful Company, LLC, Wonderful Pistachios & Almonds LLC, Kern County, Order 99-075](#)
- b. [Wonderful Pistachios & Almonds, LLC, Kern County, Order R5-2013-0151](#)

CLOSED SESSION

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3).), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)). Current litigation involving the Board:

Litigation filed against the Central Valley Water Board and/or the State Water Board:

- a. Administrative Civil Liability Order Issued to Henry Tosta Dairy in 2013 – Henry J. Tosta, et al. v. Central Valley Water Board, et al. (San Joaquin County Sup. Ct., Case No. 39-2014-00318863-CU-WM-STK)
- b. Administrative Civil Liability Order Issued for Mandatory Minimum Penalties to Malaga County Water District in 2014 – Malaga County Water District v. Central Valley Water Board et al. (Fresno County Sup. Ct., Case No. 14-CECG-03576)
- c. Dairy General Waste Discharge Requirements Reissued in 2013 – Asociación de Gente Unida por el Agua et al. v. Central Valley Water Board (Ca. Ct. of Appeal, 3rd DCA, Case No. C066410; Sacramento County Sup. Ct., Case No. 34-2008-00003604)
- d. Dixon Park Cleanup and Abatement Order Issued in 2005 – ConAgra Foods and Monfort, Inc. v. Central Valley Water Board (Solano County Sup. Ct., Case No. FCS027420)
- e. Irrigated Lands Coalition Waiver and Program EIR Issued in 2011 – San Joaquin County Resource Conservation District California Farm Bureau Federation et al. v. Central Valley Water Board; California Sportfishing Protection Alliance et al. v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2012-80001186) (Consolidated Case No. RG 12632180)
- f. Malaga County Water District NPDES Permit and Cease and Desist Order Issued in 2014 – Malaga County Water District v. Central Valley Water Board et al. (Fresno County Sup. Ct., Case No. 14-CECG-03919)
- g. Sacramento Regional Wastewater Treatment Plant NPDES Permit Issued in 2010 – California Sportfishing Protection Alliance v. Central Valley Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2013-80001358)
- h. Walker Mine Cleanup and Abatement Order Issued in 2014 – Atlantic Richfield Company v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2014-80001875)
- i. ACL Orders R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119 and 13267 Order Requiring Monitoring of the Sweeney Dairy – James G. Sweeney, et al. v. State Water Board, et al. (Fresno County Sup. Ct. Case No. 15CEG02063)

Litigation filed by the Central Valley Water Board against other parties:

- a. Aerojet Cleanup – Central Valley Water Board et al. v. Aerojet-General Corp. et al. (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); Central Valley Water Board et al. v. Aerojet-General Corp. et al. (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with U.S. v. Aerojet-General Corp. et al., (EDCal, Case No. CIV-S-86-0063-EJG)
- b. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)
- c. Injunctive Relief for Tosta Dairy – Central Valley Water Board v. Henry J. Tosta et al. (San Joaquin County Sup. Ct., Case No. 39-2014-00318144-CU-MC-STK)

Petitions for Review of Central Valley Water Board Actions filed with State Water Board:

- a. City of Live Oak, NPDES Permit R5-2011-0034 and TSO R5-2009-0012-01 [NPDES Permit No. CA0079022] (State Water Board File Nos. A-2172(a) and 2172(b))
- b. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2011-003 (Amending WDRs Order R5-2010-0090) [NPDES Permit No. CA0077712] – Petition filed by California Sportfishing Protection Alliance
- c. City of Stockton, WDRs Order R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order R5-2014-0071 (State Water Board File No. A-2315)
- d. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238.)
- e. Discovery Bay Wastewater Treatment Plant, WDRs Order R5-2008-0179 [NPDES Permit No. CA007859] – Petitions filed by San Luis & Delta-Mendota Water Authority et al. and California Sportfishing Protection Alliance (State Water Board File Nos. A-1982 and A-1982(a))
- f. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- g. Irrigated Lands General Waste Discharge Requirements for Individual Growers, Order R5-2013-0100 – Petition filed by Kern River Watershed Coalition Authority and Paramount Farming Company, LLC (State Water Board File No. A-2269)
- h. Malaga County Water District, WDRs Order R5-2014-0145 and Cease and Desist Order R5-2014-0146 (State Water Board File No. A-2356)
- i. Nevada County Sanitation District No. 1, Lake of the Pines WWTP, WDRs Order R5-2009-0031 [NPDES Permit CA0081612] (State Water Board File No. A-2019)
- j. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2302)
- k. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2301)
- l. Tosta Dairy, Administrative Civil Liability Order R5-2013-0095 – Petition filed by Henry J. Tosta, Henry J. Tosta Jr. Family Limited Partnership, and Henry J. Tosta Trust (State Water Board File No. A-2268).
- m. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed by Southern San Joaquin Valley Water Quality Coalition et al., Michael and Yvonne LaSalle, and Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2278(a) through (c))
- n. Walker Mine, Cleanup and Abatement Order R5-2014-0039 – Petition and Request for Stay filed by Atlantic Richfield Company (State Water Board File No. A-2303)
- o. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2304)
- p. Valley Water Management Company, Cease and Desist Order R5-2015-0093 – Petition filed by Clean Water Action (State Water Board File No. not yet assigned)

MEETING PROCEDURES

The Central Valley Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders and Amendments. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item.

The statutes and regulations that govern the Central Valley Water Board's meetings can be found at:
http://www.waterboards.ca.gov/laws_regulations/

All persons may speak at a Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral presentations will be limited in time by the Board Chair, and a timer may be used. Where speakers can be grouped by affiliation or interest, such groups are expected to select a spokesperson and to not be repetitive. The Board will accommodate spokespersons by granting additional time if other group members will not also be speaking.

Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not generally be admitted. Any person requesting to submit late materials must demonstrate good cause, and the Chair must find that the admission of the late materials would not prejudice the Central Valley Water Board or any designated party. The Chair may modify this rule to avoid severe hardship.

PROCEDURE FOR HEARINGS IN ADJUDICATIVE MATTERS

(Including the issuance of Waste Discharge Requirements, NPDES Permits, Conditional Waivers, and certain Enforcement Orders, including Cleanup and Abatement and Administrative Civil Liability Orders)

The regulations for adjudicative proceedings are found in California Code of Regulations, title 23, sections 648 et seq. An adjudicative proceeding is a hearing to receive evidence for the determination of facts pursuant to which the Board formulates and issues a decision.

Evidence: Adjudicative hearings are not conducted according to the technical rules of evidence; the Board will accept any evidence that is reasonably relevant. It is the policy of the Board to discourage the introduction of surprise testimony and exhibits. Hearsay evidence may be used to supplement or explain other evidence.

Designated Parties: Designated Parties are persons named in a proposed order, anyone who requests designated party status and is so designated by the Board, and, for prosecutorial matters, the Board's Prosecution Team. Designated Parties have the right to call and examine witnesses, receive witness lists from other Designated Parties, introduce exhibits, cross-examine opposing witnesses, rebut evidence, make or oppose evidentiary objections, and make opening and/or closing statements.

Interested Persons: All persons who wish to participate in the hearing but who are not Designated Parties are Interested Persons. Interested Persons may present non-evidentiary policy statements or comments, either orally or in writing, but will not be subject to cross-examination. Interested Parties may be asked to respond to clarifying questions from the Board, staff, or others.

Order of Proceeding: for adjudicative hearings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Testimony by Board staff, followed by testimony by Designated Parties named in the Order or Permit, followed by testimony of other Designated Parties
- Cross-examination of Board staff, followed by cross-examination of Designated Parties named in the Order or Permit, followed by cross-examination of other Designated Parties
- Statements of Interested Persons
- Closing statement by Designated Parties other than those named in the Order or Permit, then closing statement by Designated Parties named in the Order or Permit, followed by closing statement by Board staff
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board

Closing statements are not to be used to introduce new evidence or testimony. Persons wishing to introduce exhibits (i.e., maps, charts, photographs) must leave them with the Board.

PROCEDURE FOR RULEMAKING AND INFORMATIONAL PROCEEDINGS

(Including Basin Planning, Rulemaking, Setting of Policy, and Workshops)

The regulations for rulemaking and informational proceedings are found in California Code of Regulations, title 23, sections 649 et seq. Rulemaking proceedings include hearings designed for the adoption, amendment, or repeal of any rule, regulation, or standard of general application. Informational proceedings include any hearings designed to gather and assess facts, opinions, and other information relevant to any matters within the jurisdiction of the Boards and whose primary purposes are to assist the Boards in the formulation of policy or guidelines for future Board action, to inform the public of Board policies, reports, orders, plans, or findings, and to obtain public comment and opinion with respect to such policies, reports, orders, plans, or findings, or to adopt such policies, reports, orders plans, or findings.

For rulemaking and informational proceedings, the Board does not distinguish between Designated Parties and Interested Persons; the Board will accept any evidence that is reasonably relevant, provided that it is submitted in accordance with any item-specific Notice or Hearing Procedure.

Order of Proceeding: for rulemaking and informational proceedings, the proceeding will be generally be conducted in the following order, unless modified by the Board Chair or specified differently in an item-specific Notice or Hearing Procedure:

- Opening statement by the Board summarizing the subject matter and purpose of the proceeding
- Presentation by Board staff
- Presentations by all other persons
- Recommendation by the Board's Executive Officer (as appropriate)
- Close of the Hearing, followed by deliberation and voting by the Board (as appropriate)

PETITION PROCEDURE

Any person aggrieved by an action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the issuance of the Order, except that if the thirtieth day following the issuance of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

The primary duty of the Central Valley Water Board is to protect the quality of the waters within the Central Valley Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic, and industrial waste discharges. Specific responsibilities and procedures of the Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act.

BOARD MEMBERS	CITY OF RESIDENCE	TERM EXPIRES
Jon Costantino	Grass Valley	9/30/2015
Carmen L. Ramirez*	Atwater	9/30/2017
Karl E. Longley	Fresno	9/30/2017
Robert Schneider	Davis	9/30/2018
Denise Kadara	Allensworth	9/30/2018

*Public member in accordance with Water Code section 13201(c)

Pamela C. Creedon, **Executive Officer**
 Kiran Lanfranchi-Rizzardi, **Administrative Assistant /Clerk to the Board**
 Patrick Pulupa, **Attorney III**
 Nathan Jacobsen, **Attorney III**
 Andrew Deeringer, **Attorney I**

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 Brett Braidman
 Brian Newman
 David King
 Jeanne Chilcott
 Nichole Morgan
 Robert Busby
 Sue McConnell
 Wendy Wyles

Seniors:

Anne Littlejohn
 Brett Stevens
 Charlene Herbst
 Cori Condon
 Daniel McClure
 Elizabeth Lee
 Gerald Djuth
 Howard Hold
 Jim Marshall
 Josh Palmer
 Joe Mello

Kari Holmes
 Marie McCrink
 Marty Hartzell
 Michelle Wood
 Patrick Morris
 Scott Armstrong
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 Steven Meeks
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Clay Rodgers

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Dale Harvey
 Doug Patteson
 Lonnie Wass

Seniors:

Dale Essary	Russell Walls
Daniel Carlson	Scott Hatton
David Sholes	Shelton Gray
Matt Scroggins	Warren Gross
Ron Holcomb	

REDDING OFFICE

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