



## CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

### MINUTES OF BOARD MEETING

October 13, 2011 - 9:00 a.m.  
11020 Suncenter Drive, Suite 200  
Rancho Cordova, California

**OCTOBER 13, 2011**

#### CALL TO ORDER

Chair, Kate Hart called to order the 516th regular meeting of the California Regional Water Quality Control Board, Central Valley Region at the Regional Water Quality Control Board, 11020 Suncenter Drive, Suite 200, Rancho Cordova, CA 95670

#### BOARD MEMBERS PRESENT

Hart, Kate  
Odenweller, Dan

Hoag, Lyle

Longley, Dr. Karl

Meraz, Sandra

#### BOARD MEMBERS ABSENT

None

#### STATE BOARD STAFF PRESENT

State Board Chair, Charlie Hoppin was present and thanked the Board Members for all that they do. He said he went through the agenda and commended the Board, on what they have to assimilate and deal with on a part-time basis.

#### STAFF PRESENT

Bauer, Heidi	Herbst, Charlene	McConnell, Sue	Radulescu, Dan
Bruns, Jerry	Howard, Ellen	Messina, Diana	Schnagl, Rudy
Cash, Greg	Landau, Ken	Moss, Rick	Simi, Joseph
Coupe, David	Lanfranchi, Kiran	Newman, Brian	Smith, Bryan
Crandall, Robert	Laputz, Adam	Okamoto, Mayumi	Stevens, Brett
Creedon, Pamela	Loncarovich, Richard	Olson, Anne	Yee, Betty
Davis, Gene	Macdonald, Alex	Perreira, Gayleen	
Grover, Holly	Mayer, Alex	Pulupa, Patrick	

#### OTHERS PRESENT

Agular, Celia	Firoved, Roberta	Makinde, Babs	Smith, Lynda
Brewer, Doug	Grovhoug, Tom	Malan, Chris	Soria, Esmerelda
Cary, Brian	Harlow, Loren	Markle, James	Spear, Kim
Cativiela, JP	Houdesheldt, Bruce	McGrath, Delia	Sweeney, Jim
Clary, Jen	Hughes, Trudi	Merkley, Danny	Thomas, Bill
Clary, Jennifer	Kelly, Bryan	Migchelbrink, Roger	Vuong, Huy
Clary, Lenita	Kieffer, Jeff	Orloff, Leah	Wackmam, Mike
De Campos, Juliette	Klassen, Parry	Osterman, Jake	Watson, Tamara
Delihant, Gail	Lawson, Kyle	Peltzer, Friedrich	Wegis, Robert
Dobson, John	Lischeske, Carl	Petruzzelli, Ken	
Dunham, Tess	Luscher, Dave	Rich, Dan	

## **APPROVAL OF MINUTES**

The Board unanimously approved the June 9/10 and August 4/5 board meeting minutes.

## **AGENDA ITEM 3 BOARD COMMUNICATION**

### **DAN ODENWELLER**

Member Odenweller submitted the following via written submittal:

- 30 August, Spoke to two members of the Governors Appointment Office regarding my application for another term on the RWQCB.
- 13 September, Travelled to Kettleman City with Pamela Creedon and Lyle Hoag. Trip was for a public hearing as a continuation of our last Board meeting agenda.
- 15 September, spoke to Don Parsons and Bill Jennings about my re-appointment and support letters. No ex-parte communications took place.
- 26 September, returned a telephone call from Bill Jennings. He asked what the status of the Board was with the meeting quorum issue. I called and left a message that we had a quorum at that time, and likely would have one through the end of November.
- 27 September, spoke to Paul Ward (CDFG Retired) about how the salmon were doing on Butte Creek and the Yuba River.
- 29 September, met with Jeff Stuart (NMFS) about the San Joaquin River work, and Judge Wangers decisions that were now available.
- 10 October, attended a US Submarine Veterans breakfast in Rancho Cordova. No ex-parte communications.

### **KARL LONGLEY**

Member, Dr. Longley submitted the following via written submittal:

- 8 August, CV-SALTS Salty 5 Meeting Conference Call
- 9 August, CV-SALTS Executive Committee Meeting Sacramento County Regional Sanitation District, Sacramento
- 15 August, California Water Plan 2013 Update, Water Quality Caucus (Co-Chair) Conference Call
- 22 August, California Water Plan 2013 Update, Scenarios Workshop Conference Call
- 23 August, Fresno County Supervisor Phil Larson, RE: Groundwater Nitrate Issues Fresno
- 24 August, California Water Plan 2013 Update Public Advisory Committee Meeting CalEPA Building, Sacramento
- 26 August, Madera Ranch Groundwater Bank Groundbreaking Madera County, CA
- 29 August, California Water Plan 2013 Update, Technology Caucus (Co-Chair), Coordination with California Council on Science and Technology Conference Call
- 30 August, Dairy Biodigester Regulatory Work Group CDFA, Sacramento
- 30 August, Dairy Digester Technology Subgroup Meeting CalEPA Building, Sacramento
- 9 September, Tulare Lake Basin Nitrate Working Group Regional Water Board, Fresno
- 13 September, CV SALTS Executive Committee Meeting Conference Call 13 Sep 2011
- Central Valley Regional Water Quality Control Board Meeting Kettleman City
- 14 September, California Bioresources Alliance Symposium (Session Moderator) CalEPA Building, Sacramento
- 15 September, CV SALTS Executive Committee Meeting ACWA, Sacramento
- 16 September, CV SALTS Management Committee Meeting Conference Call
- 19 September, SWRCB Small Community Wastewater Program Conference Call
- 22 September Central Valley / Sierra Foothills Water Reuse Meeting Brown & Caldwell, Rancho Cordova
- 26-27 September, Water Quality Coordinating Committee Meeting CalEPA Building, Sacramento
- 30 September Delta Fisheries Forum (Moderator) University Business Center, Fresno
- 3 October, Dairy Digester Oversight Committee Meeting CDFA, Sacramento
- 5-6 October, Groundwater Resources Association Biennial Groundwater Conference Sacramento

- 7 October California Water Plan 2013 Update, Water Technology Caucus - Design Team Meeting Conference Call
- 11 Oct Dairy Biodigester Regulatory Work Group CDFA, Sacramento

**CHAIR KATE HART**

She submitted the following through written submittal:

- 9 September, met with Pamela Creedon, Ken Landau and Kathy Harding (new US Forest Service Manager to discuss status of USFS compliance with CAO for Rubicon Trail.
- 26 September, attended the Water Quality Coordinating Committee (WQCC) meeting at the State Board.
- September 30, had lunch with Bruce Houdesheldt - no Board related discussions were made.

**AGENDA ITEM 4  
PUBLIC FORUM**

Parry Klassen (Coalition for Urban Rural Environmental Stewardship), spoke on behalf of CURES, updated the board on the Irrigated Lands Compliance Projects.

J.P. Cataviella (DAIRY CARES),gave an update on Dairy Compliance.

Jim Sweeney, owner of Sweeney Dairy. Spoke about studies on Water Quality, by KC Walsh , and another by Pacific Institute, and presented the Board, the results of both studies.

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

Executive Officer presented the Sustained Superior Accomplishment Award to Angela Wilson of the Redding office, and also informed the Board on some staff vacancies that were filled recently, with promotions to Duncan Austin, Steven Meeks, Marie McCrink and Dan Carlson.

Chair Hart said that she attended the McClellan Park celebrations and commended staff on a phenomenal job.

**AGENDA ITEM 6  
BOARD MEETING CALENDAR**

The Board approved Board meeting dates for 2012 as follows:

- February 2/3
- March 29/30
- August 2/3
- October 4/5
- December 6/7

**AGENDA ITEM 7**

**UNCONTESTED ITEMS** 19 through 23 (See after agenda item 23)

**AGENDA ITEM 8  
WASTE DISCHARGE REQUIREMENTS**

Tejon-Castac Water District, Tejon Industrial Complex New East Wastewater Treatment Facility, Kern County – *Consideration of New Waste Discharge Requirements*

**THIS ITEM WAS MOVED TO THE UNCONTESTED CALENDAR**

**AGENDA ITEM 9  
ENFORCEMENT**

Glenn & Marie Chaney Trust and Tom Chaney, Chris Chaney Dairy, Fresno County – *Consideration of Administrative Civil Liability Complaint and Recommended Administrative Civil Liability Order.*

Assistant Executive Officer, Ken Landau testified that a panel hearing was held in September and no one was present to contest this item.

*Motion to adopt the ACL, made by Vice-Chair Longley  
Seconded by Member Hoag  
Unanimously approved  
**BOARD ADOPTED ORDER R5-2011-0067***

**AGENDA ITEM 10**

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

Assistant Executive Officer, Ken Landau presented the staff report. Alex Mayer, Legal Counsel on the Board Advisory team, discussed some procedural issues and confirmed the Board's quorum status, that all the Board members were authorized to sit on the Board.

*Motion to adopt the Administrative Civil Liability, made by Vice-Chair Longley  
Seconded by Member Meraz  
Member Hoag abstained  
Unanimously approved  
**BOARD ADOPTED ORDER R5-2011-0068***

**AGENDA ITEM 11**

David Albers, Vintage Dairy, Fresno County – *Consideration of Administrative Civil Liability Complaint and Recommended Administrative Civil Liability Order*

Assistant Executive Officer, Ken Landau testified that a panel hearing was held in September and no one was present to contest this item.

*Motion to adopt the Administrative Civil Liability, made by Vice-Chair Longley  
Seconded by Member Meraz  
Unanimously approved  
**BOARD ADOPTED ORDER R5-2011-0069***

**AGENDA ITEM 12**

Barry, Arnold and Clara Van Leeuwen, JAB Dairy, Stanislaus County – *Consideration of Administrative Civil Liability Complaint and Recommended Administrative Civil Liability Order*

Assistant Executive Officer, Ken Landau testified that a panel hearing was held in September and no one was present to contest this item.

*Motion to adopt the Administrative Civil Liability, made by Vice-Chair Longley  
Seconded by Member Odenweller  
Unanimously approved  
**BOARD ADOPTED ORDER R5-2011-0070***

**AGENDA ITEM 13**

Leno Bettencourt, Bettencourt & Sons Dairy, Stanislaus County – *Consideration of Administrative Civil Liability Complaint and Recommended Administrative Civil Liability Order*

Assistant Executive Officer, Ken Landau testified that a panel hearing was held in September and no one was present to contest this item. He requested the Board to accept into the record new information on the ownership of the Dairy. The new information was accepted by the Chair. Mr. Landau then recommended that the board not adopt the ACL order.

*Motion to dismiss the Administrative Civil Liability, made by Vice-Chair Longley  
Seconded by Member Odenweller  
Unanimously approved  
**THIS ITEM WAS DISMISSED***

**AGENDA ITEM 14**

Frank Pimentel, Fialho & Sons Dairy, San Joaquin County – *Consideration of Administrative Civil Liability Complaint and Recommended Administrative Civil Liability Order*

Assistant Executive Officer, Ken Landau mentioned that a panel hearing was held in Rancho Cordova in September and no one was present to contest this item.

*Motion to adopt the Administrative Civil Liability, made by Vice-Chair Longley  
Seconded by Member Odenweller  
Unanimously approved*

**BOARD ADOPTED ORDER NUMBER R5-2011-0071**

**AGENDA ITEM 15  
NPDES PERMIT AND TIME SCHEDULE ORDER**

City of Willows, Wastewater Treatment Plant, Glenn County – *Consideration of NPDES Permit Renewal and Adoption of Time Schedule Order.*

Heidi Bauer presented the staff report. John Dobson (City of Willows), Debbie Webster (CVQWA) and Greg Cash gave additional testimony.

*Motion to continue the NPDES Permit and Time Schedule Order, made by Member Hoag  
Seconded by Member Odenweller  
Motion did not carry with a 2-3-0 vote*

*Motion to adopt the NPDES Permit and Time Schedule Order, made by Vice-Chair Longley  
Seconded by Member Odenweller  
Motion carried by a 3-2-0 vote*

**BOARD ADOPTED ORDER NUMBER R5-2011-0072 (TSO)  
BOARD ADOPTED ORDER NUMBER R5-2011-0073 (NPDES Permit)**

**AGENDA ITEM 16  
PLANNING**

Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins – *Consideration of a Resolution to Adopt the Triennial Review Work Plan and Approve the Response to Comments*

Betty Yee presented the staff report. Kris Maland (NAPA), Patrick Pulupa, Jennifer Clary (Clean Water Action), Debbie Webster (CVQWA), Ken Petruzelli, Tess Dunham (Somach Simms and Dunn), gave additional testimony.

*Motion to adopt the Resolution with revisions, made by Vice-Chair Longley  
Seconded by Member Hoag  
Unanimously approved*

**BOARD ADOPTED ORDER NUMBER R5-2011-0074**

**AGENDA ITEM 17  
BASIN PLANNING**

Long-term Irrigated Lands Regulatory Program – *Consideration of Adoption of Proposed Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to Provide Estimates of Total Costs and Sources of Financing for the Long-Term Irrigated Lands Program*

Adam Laputz presented the staff report. Gail Delihant (Western Growers Association), Bill Thomas (Southern San Joaquin Water Coalition), Danny Merkley (California Farm Bureau Coalition), Bruce Houdesheldt (NCWA/SUWQC), Mike Wakeman (San Joaquin Delta Coalition), Joe Karkoski, and Juliet De Campos, (Community Water Center), gave additional testimony.

*Motion to adopt the Proposed Amendments, with late revisions, made by Vice-Chair Longley  
Seconded by Member Hoag  
Unanimously approved*

**BOARD ADOPTED ORDER NUMBER R5-2011-0075**

**AGENDA ITEM 18  
PLANNING**

Update on Drinking Water Policy Development – *Informational item only*

Jay Simi presented the staff report. Sue McConnell introduced the panel. Roberta Firoved, (California Rice Commission), who read a report from Tim Johnson, Delia McGrath (City of Sacramento), Debbie Webster (CVQWA), Lynda Smith (Metropolitan Water District), Carl Lischeske (Department of Public Health), Leo Jolla (Contra Costa County) and Jennifer Clary (Clean Water), made additional comments.

**UNCONTESTED CALENDAR**

**AGENDA ITEM 8  
WASTE DISCHARGE REQUIREMENTS  
BOARD ADOPTED ORDER NUMBER R5-2011-0066**

Tejon-Castac Water District, Tejon Industrial Complex New East Wastewater Treatment Facility, Kern County – *Consideration of New Waste Discharge Requirements*

**THIS ITEM WAS MOVED FROM THE UNCONTESTED CALENDAR**

**AGENDA ITEM 19  
CEASE AND DESIST ORDER**

- a) County of Yolo Planning And Public Works Department, Yolo County Central Landfill, Yolo County – *Consideration of A Cease and Desist Order*

**BOARD ADOPTED ORDER NUMBER R5-2011-0076**

**AGENDA ITEM 20  
NPDES PERMITS**

- a) River Highlands Community Services District and County of Yuba, Hammonton Gold Village Wastewater Treatment Plant, Yuba County, Order R5-2002-0101, NPDES CA0081574 (renewal)

**THIS ITEM 20 a) WAS REMOVED FROM THE AGENDA**

**AGENDA ITEM  
WASTE DISCHARGE REQUIREMENTS**

- a) Hathaway, LLC, Reuse of Oil Field Production Wastewater for Irrigation, Kern County – *Consideration of: A. Resolution Adopting a Negative Declaration and Approving an Initial Study, and B. Resolution Adopting a Conditional Waiver of Waste Discharge Requirements and Monitoring and Reporting Program (new)*

**BOARD ADOPTED ORDER NUMBER R5-2011-0077(Negative Declaration))  
BOARD ADOPTED ORDER NUMBER R5-2011-0080 (Conditional Waiver)**

**AGENDA ITEM 22  
NPDES/WDR RESCISSIONS**

**BOARD ADOPTED ORDER NUMBER R5-2011-0078**

- a) Golden Slide Placer Mine, Almonike Enterprises and U.S. Forest Service Tahoe National Forest, Sierra County, Order 90-072
- b) United States Department of the Interior, Bureau of Reclamation, Lake Berryessa Marina Resort Wastewater Treatment Facility, Napa County, Order 90-150
- c) United States Department of the Interior, Bureau of Reclamation, Rancho Monticello Resort, Napa County, Order 98-085
- d) United States Department of the Interior, Bureau of Reclamation, Putah Creek Resort, Napa County,

- Order 5-00-020
- e) Gallo Glass Company, Sisk Ranch Site, Stanislaus County, Waste Discharge Requirements Order 5-00-138
  - f) Teichert Aggregates, Teichert Sloughhouse Facility, Sacramento County, Order 5-00-212
  - g) Sconza Candy Company, Stanislaus County, Order R5-2002-011, NPDES CA004146
  - h) John Taylor Fertilizers Co., Yuba City Facility, Enhanced Bioremediation Project, Sutter County, Order R5-2004-0055
  - i) Contra Costa Water District and Victoria Island, LP, Alternative Intake Project Dewatering Discharge to Land, San Joaquin and Contra Costa Counties, Order R5-2008-0048

**CHANGE OF NAME AND OR OWNERSHIP**

***BOARD ADOPTED ORDER R5-2011-0079***

- a) Unimin Corporation, Unimin Byron Sand Plant, Contra Costa County, Order 92-157
- b) Renwood Vineyard Properties, Ltd., Renwood Winery, Amador County, Order R5-2002-0075
- c) Alpine Packing Company, Inc., Wastewater Treatment System, San Joaquin County, Order R5-2002-0225
- d) Chevreux Family Trust, 1973, Chevreux Concrete, Inc., Chevreux Aggregates, Inc., Chevreux Aggregates Facility, Placer and Nevada Counties, Order R5-2003-0176
- e) Grizzly Lake Resort Improvement District, Plumas County, Order R5-2007-0019

A public hearing was held. No one came forward to comment or contest items 8, 19 through 23. Agenda item 20b was removed from the agenda.

*Motion to adopt uncontested items 8, 19, 21 through 30, made by Vice-Chair Longley  
Seconded by Member Odenweller  
Approved by roll call vote of 5-0-0*

The Board meeting adjourned at 3.57 p.m to the December 1-2 Board Meeting

Respectfully submitted by  
Kiran Lanfranchi-Rizzardi  
Assistant to the Board