



FEB 11 2020

BOARD OF SUPERVISORS



---

## Central Valley Regional Water Quality Control Board

### MEETING NOTICE AND AGENDA CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

THURSDAY 20 FEBRUARY 2020, 9:00 A.M

CENTRAL VALLEY REGIONAL BOARD  
11020 SUN CENTER DRIVE, SUITE 200  
RANCHO CORDOVA, CA 95670  
**(THIS MEETING WILL BE WEBCAST)**

[MEETING WEBCAST LINK](https://video.calepa.ca.gov/) (<https://video.calepa.ca.gov/>)

Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's [Tentative Orders web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/)).

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. The Board meeting will be conducted at a facility that is accessible to people with disabilities. For general questions, to request a special accommodation, or to request interpreter services, please send an e-mail to [agenda5@waterboards.ca.gov](mailto:agenda5@waterboards.ca.gov) or call (916) 464-3291. Please request special accommodations or interpreter services at least 10 business days in advance of the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

THURSDAY, 20 FEBRUARY 2020, 9:00 A.M.

#### BOARD BUSINESS

1. Introductions, Pledge of Allegiance, Meeting Rules
2. Consideration of Minutes from Prior Board Meeting(s)

---

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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
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
6. Consideration of Uncontested Items 15 through 18

#### **WASTE DISCHARGE REQUIREMENTS**

7. Malaga County Water District, Wastewater Treatment Facility, Fresno County – Consideration of New Waste Discharge Requirements  
[Nicolette Dentoni (559) 444-2505]
8. Waiver of Waste Discharge Requirements for Small Food Processors, Wineries and Related Agricultural Processors within the Central Valley Region, Region Wide – Consideration of Waiver Renewal (Resolution R5-2015-0005)  
[Lani Andam (916) 464-4723]

#### **OTHER BUSINESS**

9. Central Valley Water Board Enforcement Program Mid-Year Update – Information Item Only [Kari Holmes (916) 464-4848]
10. Delta Mercury Exposure Reduction Program – Information Item Only  
[Selina Cole (916) 464-4683]
11. Pacific Stewardship Council Update and Reappointment of Sopac McCarthy Mulholland to the Stewardship Council – Consideration of Resolution  
[Adam Laputz (916) 464-4726]
12. Update on the East San Joaquin Surface Water Framework Expert Panel Review – Information Item Only [Susan Fregien (916) 464-4813]
13. Board Strategic Planning – The Executive Officer will continue discussion on the Strategic Plan for the Central Valley Water Board
14. Election of Chair/ Vice – Chair

## **UNCONTESTED CALENDAR**

(Cal. Code Regs., tit. 23, section 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.

### **NPDES PERMITS (AGENDA ITEM 15)**

- a. City of Alturas, Modoc County – Renewal of Permit (NPDES Permit CA0078921) and new Cease and Desist Order
- b. City of Colusa, Wastewater Treatment Plant, Colusa County – Amendment to Order R5-2016-0062-01 (NPDES Permit CA0078999)
- c. City of Stockton, Regional Wastewater Control Facility, San Joaquin County – Renewal of Permit (NPDES Permit CA0079138)

### **WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 16)**

- a. City of Biggs, Butte County – New Waste Discharge Requirements
- b. County of Stanislaus and City of Modesto, Geer Road Landfill, Stanislaus County – Revision to Order R5-2009-0051
- c. Harris Farms Inc. dba Harris Ranch, Harris Ranch Inn and Restaurant WWTF, Fresno County – Revision to Order 85-159
- d. TRC Companies and GBF Holdings LLC, Contra Costa Sanitary Landfill, Contra Costa County – Revision to Order R5-2003-0021

### **RESCISSIONS (AGENDA ITEM 17)**

- a. General WDRs and NPDES Permit for Existing Milk Cow Concentrated Animal Feeding Operations – Order R5-2010-0118 as Revised by Order R5-2011-0091, (NPDES Permit CAG015001)
- b. Madera Unified School District; Chuk Chanse Training Center; Madera County – Order 85-025
- c. Nicholas Calf Ranch, Merced County – Order 93-107
- d. Pheasant Landing III HOA, Butte County – Order 5-01-277
- e. Pheasant Landing II HOA, Butte County – Order 99-037
- f. San Joaquin Wine Company, Inc.; Winery; Madera County – Order R5-2013-0069
- g. Tuscan Ridge Golf Course, Butte County – Order R5-2002-0035

### **CHANGE OF NAME AND/OR OWNERSHIP (AGENDA ITEM 18)**

- a. Angels Camp RV & Camping Resort, Ladybug Ventures, Amador County – 92-011
- b. City of Visalia, City of Visalia Water Reclamation Facility, Tulare County – Order R5-2018-0046
- c. Cold Springs Mobile Manor WTF, Cold Springs Mobile Manor WWTF, El Dorado County – 87-214
- d. Konocti Harbor Resort and Spa, Trustees of U.A. Local 38 Convalescent Trust Fund, Lake County – R5-2002-0157
- e. Pactiv LLC, Class III Solid Waste Landfill, Tehama County – Order R5-2014-0024

## **CLOSED SESSION**

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

### **LITIGATION FILED AGAINST THE CENTRAL VALLEY WATER BOARD AND/OR THE STATE WATER BOARD:**

- a. James Sweeney Litigation – ACLOs R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119, R5-2015-0065, R5-2016-0063 and R5-2017-0038 to James Sweeney; CDO R5-2017-0039 to James Sweeney; Reissued WDRs General Order for Existing Milk Cow Dairies, Order R5-2013-0122; and Unnumbered MRP Order to James Sweeney – James G. Sweeney, et al. v. State Water Bd., et al. (5DCA Case No. F078190; Fresno Superior Court Lead Case No. 15CECG02063, consolidated w/ Case Nos. 17CECG00146, 16CECG03035, 17CECG03030, 17CECG02994).
- b. Malaga County Water District Litigation (various proceedings)
  - i. 2013 ACLO to Malaga County Water Dist. for Mandatory Minimum Penalties – Malaga Cnty. Water Dist. v. Central Valley Water Bd. et al. (5DCA Case No. F075868; Madera Superior Court Case No. MCV071280 [originally filed in Fresno Superior as Case No. 14-CECG-03576]).
  - ii. 2014 NPDES Permit and CDO to Malaga County Water Dist. – Malaga Cnty. Water Dist. v. State Water Res. Control Bd., et al. (5DCA Case No. F075851; Madera Superior Court Case No. MCV071279 [originally filed in Fresno Superior Court as Case No. 14-CECG-03919]).
  - iii. 2016 ACLO to Malaga County Water Dist. – Malaga Cnty. Water Dist. v. Central Valley Reg'l Water Quality Bd., et al. (5DCA Case No. F078327; Fresno Superior Court Case No. 16-CECG-03036).
- c. Existing Milk Cow Dairy WDRs General Orders R5-2007-0037, R5-2013-0122 – Asociación de Gente Unida por el Agua et al. v. Central Valley Water Bd. (3DCA Case No. C066410; Sacramento Superior Court Case No. 34-2008-00003604).
- d. 2014 Walker Mine CAO – Atlantic Richfield Co. v. Central Valley Water Bd. (3DCA Case No. C086745; Sacramento Superior Court Case No. 34-2014-80001875).
- e. Eastern San Joaquin/Irrigated Lands Regulatory Program – State Water Board Order No. WQ 2018-0002, modifying Central Valley Water Board WDRs General Order No. R5-2012-0116 (Growers within Eastern San Joaquin River Watershed that are Members of Third-Party Group) [State Water Board File Nos. A-2239(a)-(c)]:

- i. Monterey Coastkeeper, et al. v. Central Coast Reg'l Water Quality Control Bd., et al. (Sacramento Superior Court Case No. 34-2017-80002655);
  - ii. Environmental Law Found. v. State Water Res. Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002851);
  - iii. Protectores del Agua Subterránea v. State Water Res. Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002852); and
  - iv. Monterey Coastkeeper, et al. v. Central Valley Reg'l Water Quality Control Bd., et al. (Sacramento Superior Court Case No. 34-2018-80002853).
- f. Center for Biological Diversity v. Central Valley Reg'l Water Quality Control Bd. and Valley Water Mgmt. Co. (Kern Superior Court Case No. BCV-18-102201).
  - g. WDRs Order R5-2019-0008 (Stone Ranch) – Sandridge Partners, L.P. v. Cal. Reg'l Water Quality Control Bd. – Central Valley Region (Fresno Superior Court Case No. 19CECG02306).
  - h. Valley Water Management Company v. Central Valley Reg'l Water Quality Control Bd., (Kern County Superior Court Case No. BCV-19-101750).
  - i. 2019 ACLO to Kongkeo Khamvongsa and Alexandra Kensavath – Kongkeo Khamvongsa et al. v. Central Valley Reg'l Water Quality Control Bd. (Shasta Superior Court Case No. 193748)

**LITIGATION FILED BY THE CENTRAL VALLEY WATER BOARD AGAINST OTHER PARTIES:**

- j. Aerojet Cleanup – Central Valley Water Bd., et al. v. Aerojet-General Corp., et al. (Sacramento Superior Court Case No. 286073, consolidated w/ Case Nos. 288302 and 291981); Central Valley Water Bd., et al. v. Aerojet-General Corp., et al. (EDCA Case No. CIV-S-86-0064-EJG), consolidated w/ U.S. v. Aerojet-General Corp. et al. (EDCA Case No. CIV-S-86-0063-EJG).
- k. Orland Sand and Gravel Facility – People ex rel. Central Valley Water Bd., et al. v. Orland Sand and Gravel Corp., et al. (Glenn Superior Court Case No. 15CV01436).
- l. Greener Globe Landfill – People ex rel. Central Valley Water Bd. v. A Greener Globe Corp. (Placer Superior Court Case No. SCV13231); and In re A Greener Globe (EDCA Bankruptcy Case No. 16-21900-C-11).

**PETITIONS FOR REVIEW OF CENTRAL VALLEY WATER BOARD ACTIONS FILED WITH STATE WATER BOARD:**

- m. Irrigated Lands General WDRs for Indiv. Growers, Order R5-2013-0100 – Petition by Kern River Watershed Coalition Auth. and Paramount Farming Co., LLC (State Water Board File No. A-2269).

- n. Tulare Lake Basin Area Irrigated Lands General WDRs, Order R5-2013-0120 – Petitions 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)-(c)).
- o. Sacramento River Watershed Irrigated Lands General WDRs Order R5-2014-0030 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2302).
- p. San Joaquin Cnty. and Delta Area Irrigated Lands General WDRs Order R5-2014-0029 – Petition by California Sportfishing Alliance, et al. (State Water Board File No. A-2301).
- q. West San Joaquin River Watershed Irrigated Lands General WDRs, Order R5-2014-0002 – Petition by California Sportfishing Alliance et al. (State Water Board File No. A-2292).
- r. CDO R5-2015-0093 to Valley Water Mgmt. Co. – Petitions by Valley Water Mgmt. Co., Clean Water Action, and the Central California Environmental Justice Network (State Water Board File Nos. A-2148(a), A-2148(b), and A-2148(c)).
- s. Original Sixteen to One Mine, Inc., ACLO R5-2017-0115 – Petition filed by Original Sixteen to One Mine, Inc. (State Water Board File No. A-2586).
- t. Reissued WDRs General Order for Existing Dairies, Order R5-2013-0122 – Petition filed by Asociación de Gente Unida por el Agua and Environmental Law Foundation (State Water Board File No. A-2283(b)).

### Acronym Key

<b>3DCA</b>	3rd District Court of Appeal
<b>5DCA</b>	5th District Court of Appeal
<b>ACLO</b>	Administrative Civil Liability Order
<b>CAO</b>	Cleanup and Abatement Order
<b>CDO</b>	Cease and Desist Order
<b>EDCA</b>	U.S. District Court for the Eastern District of California
<b>MRP</b>	Monitoring and Reporting Program
<b>WDRs</b>	Waste Discharge Requirements

### 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 are on the State Water Board's [Laws and Regulations web page](#)

([https://www.waterboards.ca.gov/laws\\_regulations/](https://www.waterboards.ca.gov/laws_regulations/)). General Meeting Rules and the Procedures applicable to Central Valley Water Board Meetings can be found on the Central Valley Water Board's [Rules and Procedures web page](#) ([https://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/mtgprocd.html](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html)).

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.

## **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](mailto:webmaster5@waterboards.ca.gov) ([agenda5@waterboards.ca.gov](mailto:agenda5@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.

## **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 on the State Water Board's [Water Quality Petitions web page](#) ([https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)) or will be provided upon request.

