

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
15/16 September 2005  
472nd Regular Board Meeting  
11020 Sun Center, Suite 200  
Rancho Cordova, CA 95670

**THURSDAY – 15 SEPTEMBER 2005**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, William Croyle, Dennis Westcot, Wendy Cohen,

**OTHERS PRESENT**

David Cory, Westside Coalition  
Bill Jennings, CA SportFishing Protection Alliance  
Bill Thomas, South SJ Watershed Coalition  
John Hewitt, Ca Farm Bureau  
Dennis Gudgel, Stanislaus County  
Aaron Ferguson, NCWA  
Debra Liebersbach, City of Turlock  
Peter McGaw, City of Turlock  
Mark Rentz, DPR  
Al Vargas, Dept of Food & Ag

Heather Sheridan, Black & Veatch  
Carol Hollingsworth  
Bill Johnson  
Lara Sparks, Grassland Water District  
Gail Delihant, Asm. Aghazarian's Office  
Jeff Palsgaard, Merced County  
Kari Burr, DeltaKeeper  
Steve Chedester, SJRWA  
Tim O'Laughlin, SJRWA

**EXECUTIVE OFFICER'S REPORT**

Tom Pinkos brought the following items to the Board's attention:

- Organism Decline In Delta (Item 13) – staff is working with State Water Board and other agencies in studying the problem.
- USBR Drainage Reevaluation (Item 20) – Comments were submitted on the Bureau's studies. The issue will be discussed during the salinity agenda item.
- He attended the 9 August CalEPA Town Meeting in Modesto, and met with Lester Snow of the Department of Water Resources on 22 August.

Al Brizard asked about the Hilmar Cheese underground injection well project. Mr. Pinkos explained that staff is participating in development of the USEPA UIC Permit. Ms. McChesney will check to see if WDRs are needed in addition to the UIC Permit.

**BOARD MEMBER COMMUNICATIONS**

**Karl Longley reported that he had attended:**

- Food Processing Session at the 8 August conference in Fresno
- CalEPA Town Hall Meeting in Modesto on 9 August
- Irrigated Lands Technical Issues Committee meeting on 16 August in Rancho Cordova discussing laboratory QA and interpretation of results

- Los Banos National Wildlife Refuge tour on 18 August as part of California Water Institute studies of wetland operations
- Irrigated Lands Technical Issues Committee meeting on 31 August regarding pyrethroids
- CalEPA lead and arsenic bioavailability workshop on 13 September.

**Chairman Schneider reported:**

- Attending the Irrigated Lands Policy Advisory Committee meeting in Modesto, following which he sent a joint letter with Mr. Brizard concerning the Executive Officer's request for Coalition membership lists.
- Meeting on 10 September with Coalition leaders in follow-up to the request for membership lists. Bill Jennings had requested to attend the meeting, but the Chair felt it best that Mr. Jennings not attend. The Office of the Chief Counsel concurred that this meeting arrangement was acceptable for a process-only discussion. Maintaining a public process is important, and this meeting was a problem with public perception of the openness of the process. In general, excluding interested persons from meetings is not good policy. The outcome of the meeting was a request that the Executive Officer consider extension of the deadline for membership list submittal until 1 November. The Chair reiterated his support for the Executive Officer.
- Talking with Bill Jennings concerning the 10 September meeting with Coalition leaders.
- Attended the CalEPA Town Hall meeting in Modesto
- Attended the Assembly hearing on Delta issues chaired by Assemblywoman Lois Wolk.
- Attended the Department of Pesticide Regulation presentation on groundwater.

**Al Brizard reported attendance at all the Irrigated Lands meetings.**

Tom Pinkos reported that he was extending the deadline for submittal of Coalition membership lists to 1 November and will be meeting with the Coalitions to discuss the matter. If a resolution cannot be reached, a discussion item will be scheduled for the October Board meeting. Chairman Schneider commented that it is clear the Board has the legal authority to require submission of the Membership Lists; the question is when and how we should exert that authority.

**PUBLIC FORUM**

Bill Johnson stated that the joint meeting of the State and Regional Water Board gives high priority to Delta water quality issues. He stated that the Board has previously issued WDRs for well injection projects. He recommended adding "agricultural" to the list of waste types on the Board information sheet in the Agenda.

Jeff Palsgaard, Merced County Environmental Health, reported that the County has an active dairy regulatory program. He requested that the Board approve the County program, requested processing of a waiver of WDRs for dairies in the County, and requested waiver of fees within the County. The Board Chair requested staff to report back to the Board in the EO Report on the issue.

Bill Jennings, CSPA, et al., announced that he is no longer with DeltaKeeper. He then expressed dissatisfaction at recent actions by Chairman Schneider, Al Brizard and Beth Jines to undermine staff by making apologies to an intransigent industry that continues to hide farmers from regulation. He stated that there are rampant ex parte communications with agricultural leaders, making it doubtful that the Board can handle the program. He said that the environmental groups are reviewing recent actions by the Board and agricultural industry for possible criminal conspiracy to evade compliance with water quality regulations, and that the announced staff cuts show the need to proceed with General WDRs. He thanked Christopher Cabaldon and Lucille Palmer-Byrd for support of the Executive Officer and staff.

David Cory presented a different perspective on the same events. He said that his coalition is trying hard, and that the tone of the Executive Officer's letter and the statement 'not meeting expectations' was devastating, bringing coalition members to question the leadership and efforts of the coalition. He said that the Chairman's letter helped diffuse a critical situation for the coalitions. He expressed appreciation to Chairman Schneider and Al Brizard for their leadership roles in helping keep the coalitions together.

Bill Thomas, South San Joaquin Coalition, stated that there had been no hint that letters were coming out in conversations and meetings just a few days prior to their issuance. He said that sending enforcement letters to the coalitions was unprecedented and very destabilizing, and that there seems to be no recognition that there remains a difference of opinion on how to interpret the State Board decision regarding requiring membership lists when no immediate water quality problem is involved. He said that the timing of the letter was poor when there remain a number of question related to who is a “discharger” under the irrigated lands waiver.

Chairman Schneider thanked Bill Jennings for his comments and stated that the overall process is better for Mr. Jennings’ participation. The Chair stated that major policy issues need to be addressed, and that the efficacy of the coalitions needs to be evaluated on a coalition-by-coalition basis, which should happen in the near future. He stated that he and Al Brizard stepped in to keep the coalition process going following the Executive Officer’s letter, by meeting directly with the coalitions and allowing the coalitions to develop alternatives, and that his and Al’s actions were appropriate to the circumstances, legal, and were made without regrets.

Christopher Cabaldon expressed agreement with Mr. Jennings’ comments. He stated that this week was the logical outgrowth of the path taken by the Chair and other Board members, and that these contacts would violate the codes of most communities. He expressed surprise that anyone deals with the Executive Officer given the recent level of Board member involvement. He stated that the Board must act as a group, not as individuals.

## **OTHER BUSINESS**

### **Ex Parte Rules – Information Item**

Frances McChesney presented the staff report. Additional information was given by Kari Burr, Bill Jennings, and David Cory. This was an information item. The Board took no action.

## **IRRIGATED LANDS**

### **Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region**

#### *a. Consideration of a Resolution Amending Resolution No. R5-2003-0105, Attachment A*

Wendy Cohen presented the staff report. Additional information was given by John Hewitt, Al Vargas, Debbie Liebersbach, Bill Jennings, Peter McGaw, Dennis Gudgel, David Cory, Bill Thomas, and Aaron Ferguson.

MOTION:Mr. Longley, seconded by Mr. Brizard to table the matter to a future meeting. Unanimously approved.

#### *b. Information Report on Waiver Renewal and other Program Activities*

Wendy Cohen presented the staff report. Additional information was given by Bill Thomas, David Cory, Bill Jennings and Aaron Ferguson. This was an information item. The Board took no action.

#### *c. Information Report on Groundwater Alternatives*

Devra Lewis presented the staff report. Mark Rentz presented a staff report from Department of Pesticide Regulation. This was an information item. The Board took no action.

### **Salinity Issues in the Central Valley – Information Report**

Dennis Westcot presented the staff report. Additional information was given by David Cory and Benjamin Hall. This was an information item. The Board took no action.

**The meeting was adjourned at 5:25 p.m. to the Friday session.**

**FRIDAY – 16 SEPTEMBER 2005**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack DelConte, Janice Tanaka, Frances McChesney, Dave Carlson, Bill Marshall, Patricia Leary

**OTHERS PRESENT**

Warren Tellefson, CVCWA

Bill Jennings, CA Sport Fishing Protection Alliance

Tim McSorley, Calaveras County

Joel Ellenwood, CRV

Ryan Voorhees, CRV

Joe Luy, CRV

Diane Kindermann, CRV

Rob Yamachika, CRV

Melissa Thorne

Maria Rea, US EPA

**PUBLIC FORUM**

Warren Tellefson, CVCWA, thanked for the Board for starting the very important discussion on salinity. He stated that Association members are concerned about salinity for both surface and ground waters, and that there are three general approaches to salinity control, not all of which are feasible in a given situation. He said that the water supply salinity can be improved, but alternate, higher quality water supplies are not always available, and that salt sources within the collection system can be eliminated, but that is not always feasible. He said that current law allows control only over new water softener installation, not existing softeners, and that salinity treatment can be provided, but that it is expensive and brine disposal is a problem. He stated support for development of a statewide salinity strategy.

Bill Jennings, CSPA, et al, spoke to the groundwater issue in the irrigated lands program. He said that the Board's decision on Thursday did embrace the status quo by not including groundwater in the EIR or waiver renewal. He said that there is progress within the irrigated lands program, but there is also a lack of willingness to embrace the overall water quality problems.

**UNCONTESTED CALENDAR**

**OTHER BUSINESS**

***City of Shafter, Kern County – Consideration of a Resolution Approving and Accepting the City of Shafter's Declaration of Potential Water Pollution and a Time Schedule for Compliance***

A public hearing was held. No one appeared to contest the proposed resolution.

**R5-2005-0124**

MOTION:Mr. Longley, seconded by Mr. Brizard to approve the proposed resolution. Unanimously approved.

***Buttonwillow County Water District, Kern County – Consideration of a Resolution Approving and Accepting Kern County Environmental Health Services Department's Declaration for Buttonwillow County Water District of Potential Water Pollution and a Time Schedule for Compliance***

A public hearing was held. No one appeared to contest the proposed resolution.

**R5-2005-0125**

MOTION:Mr. Brizard, seconded by Mr. Longley to approve the proposed resolution. Unanimously approved.

**Cleanup and Abatement Account Fund Resolution – Consideration of Resolution Supporting Project Funding for Red Elephant Mine, Lake County**

A public hearing was held. No one appeared to contest the proposed order.

**R5-2005-0126**

MOTION:Mr. Longley, seconded by Mr. Cabaldon to approve the proposed resolution. Unanimously approved.

**ENFORCEMENT**

**City of Plymouth, Amador County – Consideration of Administrative Civil Liability Order with a Supplemental Environmental Project**

A public hearing was held. No one appeared to contest the proposed order

**R5-2005-0127**

MOTION:Mr. Longley, seconded by Mr. Cabaldon to approve the proposed resolution. Unanimously approved.

**City of Manteca, Wastewater Quality Control Facility, San Joaquin County – Consideration of Administrative Civil Liability Order**

A public hearing was held. No one appeared to contest the proposed order.

**R5-2005-0128**

MOTION:Mr. Longley, seconded by Mr. Cabaldon to approve the proposed resolution. Unanimously approved.

**WASTE DISCHARGE REQUIREMENTS**

**Uncontested Change of Name and/or Ownership**

**R5-2005-0129**

- a. Sun World International, LLC, Commodity Center Facility, Kern County, Order No. 75-281
- b. Pleasure Cove Resort, Pleasure Cove Resort Asset Management Group, LLC and the United States Department of Interior, Bureau of Reclamation, Napa County, Order No. 98-086

A public hearing was held. No one appeared to contest the proposed order.

MOTION:Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

**Uncontested Rescissions**

**R5-2005-0130**

- a. Simoes Dairy, San Joaquin County, Order No. 89-053.
- b. Miller Springs Remediation Management, Inc., Former Winton Facility, Enhanced Bioremediation Project, Merced County, Order No. R5-2004-0017

A public hearing was held. No one appeared to contest the proposed order.

MOTION:Mr. Longley, seconded by Mr. Cabaldon to approve the proposed order. Unanimously approved.

**Uncontested Waste Discharge Requirements**

- R5-2005-0131** a. Weco Aerospace Systems Inc., Groundwater Treatment and Disposal System, Placer County
- R5-2005-0132** b. The Boeing Company, Inactive Rancho Cordova Test Site, Agricultural Well and Gun Club Well Discharges, Sacramento County
- R5-2005-0133** c. City of Clovis, for Operation, City of Clovis Municipal Solid Waste Landfill, Fresno County
- R5-2005-0134** d. Chevron USA, Inc., Section 29 Surface Impoundments, Lost Hills Oil Field, Kern County
- R5-2005-0135** e. City of Bakersfield for Closure and Post-Closure Maintenance, City of Bakersfield Sanitary Landfill, Kern County
- R5-2005-0136** f. Special Order for Chevron U.S.A., Inc., Kern River Oil Field, Kern County

A public hearing was held. No one appeared to contest the proposed orders.

MOTION:Mr. Longley, seconded by Mr. Cabaldon to approve the proposed orders. Unanimously approved.

**OTHER BUSINESS**

**Site-Specific Temperature Objectives for Deer Creek in El Dorado and Sacramento Counties – Consideration of a Modification to Resolution No. R5-2003-0006 that Adopted the Site-Specific Temperature Objectives into the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins**

A public hearing was held. Betty Yee presented the staff report. Additional testimony was given by Bill Jennings and Marie Rea.

**R5-2005-0119**

MOTION:Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed resolution. Unanimously approved with amendments.

**CRV Enterprises, Inc, Gold Creek Estates, Calaveras County – Consideration of Administrative Civil Liability Order**

A public hearing was held. Sue McConnell and Rich Muhl presented the staff report. Additional testimony was given by Tim McSorley, Joel Ellenwood, Ryan Voorhees, Joe Luy and Bill Jennings

**R5-2005-0120**

MOTION:Mr. Cabaldon for a \$225,000 ACL, seconded by Mrs. Palmer-Byrd to approve the proposed order. Unanimously approved.

**City of Tracy, Wastewater Treatment Plant, San Joaquin County – Consideration of Administrative Civil Liability Order**

A public hearing was held. Jim Marshall and Patricia Leary presented the staff report. Additional testimony was given Melissa Thorne and Warren Tellefson.

**R5-2005-0121**

MOTION:Mr. Longley, seconded by Mrs. Palmer-Byrd to assess a \$60,000 ACL, but continues the hearing for further consideration of the SEP. Motion unanimously approved as amended.

**City of Woodland, Water Pollution Control Facility, Yolo County – Consideration of Revised NPDES Permit and Cease and Desist Order**

A public hearing was held. Amy Simpson and Richard McHenry presented the staff report. Additional testimony was given by Melissa Thorne and Bill Jennings

**R5-2003-0031-R01**

MOTION:Mrs. Palmer-Byrd seconded by Mr. Longley to approve the proposed NPDES order. Unanimously approved.

**R5-2003-0032-R01**

MOTION Mr. Longley seconded by Mrs. Palmer-Byrd to approve the proposed Cease & Desist order. Unanimously approved.

**The Board met in closed session to discuss ongoing litigation.**

**The meeting was adjourned at 2:45 p.m. to the 20/21 October regular meeting.**