

# AGENDA – REVISED 10/03/2014

## Public Meeting Central Valley Regional Water Quality Control Board



Thursday, October 9, 2014–9:00 a.m.  
Friday, October 10, 2014–9:00 a.m.  
Central Valley Water Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

### WEBCAST OF BOARD MEETING

Live video broadcast of this meeting will be available at: <http://www.calepa.ca.gov/Broadcast/>

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/](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/](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](mailto: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/](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](mailto: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.

### THURSDAY, OCTOBER 9, 2014 – 9:00 A.M.

1. Introductions, Pledge of Allegiance, and approval of minutes of the 533<sup>rd</sup> Board Meeting Minutes.
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/](http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/))
6. **2015 BOARD MEETING CALENDAR**  
*Consideration of dates and locations for regular Board meetings in 2015 [Ken Landau (916) 464-4726]*

#### OTHER BUSINESS

22. Update on the Cleanup at the Aerojet Rocketdyne Facility in Rancho Cordova. - *Informational item only.* [Alex MacDonald 916-464-4625] - **(THIS ITEM HAS BEEN MOVED FROM FRIDAY)**
11. Update on Revised Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation and Development of a Real Time Salinity Management Program—*Informational Item Only* [Jeanne Chilcott (916) 464-4788] - **(THIS ITEM HAS BEEN MOVED UP)**

#### TMDL UPDATE

12. Delta Mercury Control Program, October 2014 Update – *Informational Item Only* [Janis Cooke (916) 464-4672] - **(THIS ITEM HAS BEEN MOVED UP)**

#### WASTE DISCHARGE REQUIREMENTS

10. Del Monte Foods, Inc., and Mr. Ralph Alcalá, Plant #24, Kings County – *Consideration of Revised Waste Discharge Requirements (Order 96-083) [Scott Hatton (559) 444-2502]* - **(THIS ITEM HAS BEEN MOVED UP)**

#### ENFORCEMENT

9. Recology Hay Road, Jopson Prairie Organics DBA of Recology Hay Road, Hay Road Landfill, Solano County – *Consideration of Cease and Desist Order [Mary Boyd (916) 464-4676]* - **(THIS ITEM HAS BEEN MOVED UP)**

#### ENFORCEMENT RESCISSION

7. City of Colfax Wastewater Treatment Plant, Placer County – *Consideration of Rescission of Cease and Desist Order R5-2011-0097 [Mike Fischer (916) 464-4663]*

#### ENFORCEMENT

8. James G. and Amelia M. Sweeney, Sweeney Dairy, Tulare County – *Consideration of Administrative Civil Liability Complaint R5-2014-0543 and Recommended Administrative Civil Liability Order [Dale Essary (559) 445-5093]*
9. ~~Recology Hay Road, Jopson Prairie Organics DBA of Recology Hay Road, Hay Road Landfill, Solano County~~ – *Consideration of Cease and Desist Order [Mary Boyd (916) 464-4676]* - **(THIS ITEM HAS BEEN MOVED UP)**

#### WASTE DISCHARGE REQUIREMENTS

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## OTHER BUSINESS

11. ~~Update on Revised Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation and Development of a Real Time Salinity Management Program – Informational Item Only~~  
[Jeanne Chilcott (916) 464-4788] – **(THIS ITEM HAS BEEN MOVED UP)**

## TMDL UPDATE

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[Janis Cooke (916) 464-4672] – **(THIS ITEM HAS BEEN MOVED UP)**

## NPDES PERMITS

13. [City of Woodland, City of Woodland Water Pollution Control Facility, Yolo County](#) – Consideration of NPDES Permit Renewal and Order Amending Time Schedule Order R5-2011-0907 (NPDES CA0077950)  
[David Kirn (916) 464-4761]
14. [Delta Regional Monitoring Program](#) – Update on the Delta Regional Monitoring Program and Consideration of an Order Amending Delta-area Publicly-Owned Treatment Works Waste Discharge Requirements to Allow for Participation in the Delta Regional Monitoring Program [Kari Holmes (916) 464-4843]

### Sacramento County

- A. Sacramento Regional County Sanitation District Wastewater Treatment Plant

### San Joaquin County

- B. California Department Of Corrections And Rehabilitation Deuel Vocational Institution  
C. City of Stockton Regional Wastewater Control Facility  
D. City of Tracy Wastewater Treatment Plant  
E. Mountain House Community Services District Wastewater Treatment Plant  
F. City of Lodi White Slough Water Pollution Control Facility  
G. Lincoln Center Environmental Remediation Trust Groundwater Treatment System

### Contra Costa County

- H. Ironhouse Sanitary District Water Recycling Facility  
I. City of Brentwood Wastewater Treatment Plant  
J. Town of Discovery Bay Community Services District Wastewater Treatment Plant

### Solano County

- K. City of Rio Vista Beach Wastewater Treatment Facility  
L. City of Rio Vista Northwest Wastewater Treatment Facility  
M. City of Vacaville Easterly Wastewater Treatment Plant

### Yolo County

- N. City of Davis Wastewater Treatment Plant

**FRIDAY, OCTOBER 10, 2014 – 9:00 A.M.**

15. Introductions, Pledge of Allegiance.
16. Meeting Rules and Procedures.
17. 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.
18. 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)*
19. Executive Officer's Report ([http://www.waterboards.ca.gov/centralvalley/board\\_info/exec\\_officer\\_reports/](http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/))
20. The Board will be asked to approve items 26 through 30 with no discussion if no one is here to testify about them.

**ENFORCEMENT**

21. [El Dorado County and the United States Department of Agriculture, Forest Service, Eldorado National Forest, Rubicon Trail](#) – *Consideration of Rescission of Cleanup and Abatement Order R5-2009-0030*  
[Wendy Wyels (916) 464-4835]

**OTHER BUSINESS**

- ~~22. [Update on the Cleanup at the Aerojet Rocketdyne Facility in Rancho Cordova.](#) – *Informational item only.*  
[Alex MacDonald 916-464-4625] – **(THIS ITEM HAS BEEN MOVED TO THURSDAY)**~~

23. [Jack and Carolyn Wessman; the Bradley Mining Co.; the U.S. Department of Interior; Sunoco, Inc.; Mt. Diablo Quicksilver, Co. Ltd.; and the California Department of Parks and Recreation, Mount Diablo Mercury Mine, Contra Costa County](#) – *Consideration of Cleanup and Abatement Order (CAO R5-2013-0701)*  
[Ross Atkinson (916) 464-4614]

**OTHER BUSINESS**

24. [Sacramento Regional County Sanitation District, Sacramento Regional Wastewater Treatment Plant, Sacramento County](#) – *Status Report on Wastewater Treatment Plant – Informational Item Only.* [Kari Holmes (916) 464-4843]

**WASTE DISCHARGE REQUIREMENTS**

25. [Musco Olive Products, Inc. and The Studley Company, Musco Family Olive Company, Class II Surface Impoundments; Construction, Operation, Closure, Post-Closure Maintenance, and Corrective Action; San Joaquin County; Order R5-2005-0024](#) (*revised*) [Robert Busby (916) 464-4666]

**UNCONTESTED CALENDAR**

(Cal. Code Regs., tit. 23, §647.2(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.**

**26. NPDES PERMITS AND TIME SCHEDULE ORDER**

- a. [Aerojet Rocketdyne, Inc., Groundwater Extraction and Treatment Systems, ARGET, GET E/F, GET HA, GET J, GET KA, GET LA, GET LB, GET AB, Sailor Bar Park Well, Well 4665, Golden State Water Wells and Low Threat Discharges, Sacramento County](#) (*revision*)
- b. [Stallion Springs Community Services District, Wastewater Treatment Facility, Kern County, Order R5-2008-0091 \(NPDES CA0080489\) \(renewal\) and Time Schedule Order R5-2011-0904](#) (*rescission*)
- c. [Stockton Port District, Port of Stockton, San Joaquin County – Consideration of Order Approving the Storm Water Management Plan for the Stockton Port District Facility-Wide Storm Water Discharges from Municipal Separate Storm Sewer System and Non-Storm Water Discharges from the Port of Stockton](#)

- d. [Stockton Port District, Port of Stockton, San Joaquin County – Waste Discharge Requirements Order R5-2011-0005 \(NPDES CAS 0084077\) \(amendment\)](#)

27. **CEASE AND DESIST ORDER AND TIME SCHEDULE ORDER RESCISSIONS**

- a. [Amador Water Agency, Gayla Manor Wastewater Treatment Facility, Amador County – Order R5-2003-0169](#)
- b. [City of Loyalton Wastewater Treatment Facility, Sierra County Order R5-2005-0089](#)
- c. [Guenoc Winery, Inc., Wastewater Treatment and Disposal System, Lake County Order R5-2006-0038](#)
- d. [Sacramento Rendering Companies, Rancho Cordova Plant, Wastewater Treatment Facility, Sacramento County – Order R5-2005-0167](#)
- e. [Safari Mobile Home Park Wastewater Treatment System, Calaveras Order 95-079](#)
- f. [State of California Department of Youth Authority, Preston Youth Correctional Facility Wastewater Reclamation Facility, Amador County – Order R5-2002-0013](#)

28. **WASTE DISCHARGE REQUIREMENTS**

- a. [Caruthers Community Services District, Wastewater Treatment Facility, Fresno County, Order 91-191 \(revised\)](#)
- b. [Equinox Resources \(California\) and U.S. Dept. of the Interior, BLM, Zenda Mine, Kern County Order 97-168 \(revised\)](#)
- c. [Merced County Regional Waste Management Authority, Highway 59 Solid Waste Landfill, Class III Landfill, Operation, Construction, Post-Closure Maintenance, and Corrective Action, Merced County, Order R5-2006-0025 \(revised\)](#)
- d. [Victor Packing, Inc., Raisin Processing and Dehydrating Plant, Madera County, Order 94-352 \(revised\)](#)

29. **WDR/NPDES RESCISSIONS**

- a. [Almanor Lakeside Villas, LLC., Wastewater Treatment and Disposal System, Lake Almanor, Plumas County, Order 5-00-014](#)
- b. [Devil's Garden Wastewater Treatment and Disposal System, Devil's Garden Conservation Camp, Alturas, Modoc County, Order 91-231](#)
- c. [Fresno County Waterworks District No. 40, Shaver Springs Wastewater Treatment Facility, Fresno County, Order 83-010](#)
- d. [Hawes River Acres, Reclamation System, Palo Cedro, Shasta County, Order 88-171](#)
- e. [J.F. Shea Construction, Inc., dba Fawndale Rock & Asphalt, Shasta County, Order R5-2007-0137 \(NPDES CA0083097\)](#)
- f. [Inter-Mountain Fair Wastewater Treatment and Disposal System, Inter-Mountain Fair of Shasta County Recreational Vehicle Park, McArthur, Shasta County, Order 94-044](#)
- g. [Lehigh Southwest Cement Company, Shasta County, Order R5-2007-0168 \(NPDES CA0081191\)](#)
- h. [Lime Saddle Campground, Wastewater Treatment and Disposal System, Lime Saddle Recreation Area, Lake Oroville, Butte County, Order No. 5-00-130](#)
- i. [State of California Department of Parks and Recreation, Woodson Bridge State Recreation Area, Wastewater Treatment and Disposal System, Tehama County, Order No. 86-113](#)
- j. [Stimpel Wiebelhaus Associates, Inc., dba SWA at Mountain Gate Quarry, Shasta County, Order R5-2008-0120 \(NPDES CA00084140\)](#)
- k. [Univar USA, Inc., Fresno County, Order R5-2013-0014](#)
- l. [Valley View Wastewater Treatment and Disposal System, Valley View Conservation Camp, Elk Creek, Glenn County, Order 94-228](#)
- m. [Wentworth Wellington and U.S. Forest Service Tahoe National Forest, Deep Moon Gold Mine, Sierra County, Order 88-103](#)

30. **CHANGE OF NAME/OWNERSHIP**

- a. [Chestnut Avenue Landfill, Fresno County, Order 5-01-059](#)

**CLOSED SESSION**

The Board may meet in closed session to consider personnel matters (Gov. Code § 11126(a).), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code § 11126(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(e).). Current litigation involving the Board:

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

- a. Bell Carter NPDES Permit – Environmental Law Foundation v. Central Valley Water Board (Tehama County Sup. Ct.)
- b. California Sportfishing Protection Alliance v. California Regional Water Quality Control Board, Central Valley Region, et al. (Sacramento County Superior Court, Case No. 34-2013-80001358-CU-WM-GDS Case No. 60668)
- c. City of Manteca v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 34-2011-80000-831)
- d. City of Stockton v. State Water Resources Control Board and California Regional Water Quality Control Board, Central Valley Region (San Joaquin County Sup. Case No. 39-2009-00230130)
- e. City of Tracy v. State Water Board (San Joaquin County Sup. Ct., Case No. 39-2011-00256340-CU-JR-STK)
- f. Dairy General Waste Discharge Requirements – Association de Gente Unida por el Agua et al. v. Central Valley Water Board (Ca. Ct. of Appeal. 3<sup>rd</sup> DCA, Case No. C066410)(Sacramento County Sup. Ct., No. 2008-00003604)
- g. Dixon Commercial Park CAO – DCP v. State Water Board (Sacramento County Sup. Ct., Case No. 06CS00299), and ConAgra Foods and Monfort, Inc. v. Central Valley Water Board (Solano County Sup. Ct., Case No. FCS027420)
- h. El Dorado Irrigation District NPDES Permit – California Sportfishing Protection Alliance v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2009-80000309)
- i. Greener Globe Landfill WDRs – Central Valley Water Board v. A Greener Globe Corp. et al. (Placer County Sup. Ct., Case No. SCV11383)
- j. Irrigated Lands Coalition Waiver and Program EIR - 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)
- k. Preston Avery, an Individual, and Lois Avery, an Individual, and as Trustees of the Avery Family Revocable Trust of July 14, 2000 v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 06CS00399)
- l. Sacramento Regional County Sanitation District v. Central Valley Water Board and State Water Board (Sacramento County Sup. Ct., Case No. 34-2011-80001028).

- m. State Water Contractors, Inc. v. State Water Board and Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2011-00107299)
- n. Toxic Hot Spots – San Francisco Baykeeper, Inc. et al. v. State Water Board et al. (Sacramento County Sup. Ct., Case No. 99CS02722)
- o. Tracy NPDES Permit R5-2007-0036 – Environmental Law Foundation and California Sportfishing Protection Alliance v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2009-00047273)
- p. Atlantic Richfield Company v. Central Valley Water Board (Sacramento County Sup. Ct., Case No. 34-2014-80001875)

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

- a. Consideration of a Referral to the California Attorney General to initiate litigation to obtain a temporary restraining order and/or other injunctive relief against Mr. Henry Tosta and Henry Tosta Dairy pursuant to Water Code sections 13002 and/or 13386.
- b. 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)
- c. Bonzi Landfill – Central Valley Water Board v. Ma-Ru Holding Company et al. (Stanislaus County Sup. Ct., Case No. 643740)
- d. Iron Mountain Mine Cleanup – Central Valley Water Board et al. v. Iron Mountain Mines, Inc. et al. (EDCal, Case No. CIV-S-91-1167-DFL-PAN) and U.S. v. Iron Mountain Mines, Inc. et al., (EDCal, Case No. S-91-0768 DFL/JFM)
- e. Central Valley Water Board et al. v. Original Sixteen-to-One Mine, Inc. et al. (Sierra County. Sup.Ct., Case No. 7019)

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

- a. Nevada County Sanitation District No. 1, Lake of the Pines WWTP, WDRs Order R5-2009-0031 [NPDES Permit No. CA0081612] (State Water Board File No. A-2019)
- b. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2011-0068 (State Water Board File No. A-2190)
- c. James. G. Sweeney and Amelia M. Sweeney, Groundwater Monitoring Directive (State Water Board File No. A-2213)
- d. James G. Sweeney and Amelia M. Sweeney, Administrative Civil Liability Order R5-2012-0070 (State Water Board File No. A-2225)
- e. 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 Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- f. California Sportfishing Protection Alliance, Settlement Agreement and Stipulation for Entry of ACL Order No.
- 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. 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 Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2278(a) through (c))
- i. 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 number is unavailable)
- j. 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 number is unavailable)
- k. 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 number is unavailable)
- l. 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))
- m. Vacaville Easterly WWTP WDRs Order R5-2008-0055 and TSO R5-2008-0056 [NPDES Permit No. CA0077691] – Petition filed by the City of Vacaville (State Water Board File No. A-1932)
- n. 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))
- o. 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
- p. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238.) R5-2012-0112 for the City of Redding (State Water Board File No. A-2240)
- q. 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).
- r. Walker Mine, Cleanup and Abatement Order R5-2014-0039 – Petition and Request for Stay filed by Atlantic Richfield Company (State Water Board File number is unavailable)
- s. City of Stockton, WDRs Order No. R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order No. R5-2014-0071, (State Water Board File No. A-2315)

## **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/](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 and cross-examination of Board staff, then testimony and cross-examination of the Designated Parties named in the Order or Permit, followed by testimony and 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](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.

<b>BOARD MEMBERS</b>	<b>CITY OF RESIDENCE</b>	<b>TERM EXPIRES</b>
Robert Schneider	Davis	9/30/2014
Sandra Meraz	Alpaugh	9/30/2014
Jon Costantino	Grass Valley	9/30/2015
Jennifer Lester Moffitt	Davis	9/30/2016
Carmen L. Ramirez*	Atwater	9/30/2017
Karl E. Longley	Fresno	9/30/2017

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

Pamela C. Creedon, **Executive Officer**  
Kiran Lanfranchi-Rizzarda, **Administrative Assistant**  
David Coupe, **Attorney III**  
Patrick Pulupa, **Attorney III**  
Andrew Deeringer, **Attorney I**

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Andrew Altevogt  
Kenneth Landau  
Linda Bracamonte

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Brett Braidman  
Brian Newman  
David King  
Duncan Austin  
Joe Karkoski  
Jeanne Chilcott  
Robert Busby  
Wendy Wyels

**Seniors:**

Anne Olson  
Brett Stevens  
Charlene Herbst  
Cori Condon  
Daniel McClure  
Elizabeth Lee  
Gayleen Perreira  
Gerald Djuth  
Howard Hold

Jim Marshall  
Joe Mello  
Nichole Morgan  
Marie McCrink  
Marty Hartzell  
Patrick Morris  
Steve Rosenbaum  
Steven Meeks  
Sue McConnell  
Susan Fregien

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Lonnie Wass  
Doug Patteson

**Seniors:**

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Shelton Gray	David Sholes
Warren Gross	Matt Scroggins
Dale Harvey	Russell Walls
Daniel Carlson	

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Clint Snyder

**Supervisor:**

Bryan Smith

**Seniors:**

Angela Wilson  
George Day  
George Low