



**MINUTES OF BOARD MEETING**  
 December 4, 2014, 8:30 a.m.  
 December 5, 2014, 8:30 a.m.  
 Central Valley Regional Water Board  
 11020 Sun Center Drive, Suite 200

**THURSDAY, DECEMBER 4, 8:30 A.M.**

**CALL TO ORDER**

Chair, Dr. Longley called to order the 535th Board Meeting of the California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670.

**BOARD MEMBERS PRESENT**

Costantino, Jon	Kadara, Denise	Lester Moffitt, Jenny	Longley, Karl, Chair
Ramirez, Carmen	Schneider, Robert		

**STATE BOARD MEMBERS ABSENT**

None			
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**STATE BOARD MEMBERS PRESENT**

Doduc, Tam			
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**STATE BOARD OFFICE OF CHIEF COUNSEL AND STAFF PRESENT**

Coupe, David	Deeringer, Andrew	Polhemus, Darrin	Pulupa, Patrick
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**STAFF PRESENT**

Bracamonte, Linda	Klein, Stephen	Rai, Rajmir	Wass, Lonnie
Braitman, Brett	Lanfranchi, Kiran	Rodgers, Clay	Wood, Michelle
Creedon, Pamela	LHeureux, Robert	Smaira, Nicholas	Wyels, Wendy
Hold, Howard	Morgan, Nichole	Smith, Bryan	
Kelly, Jacqueline	Ortiz, Aide	Snyder, Clint	
King, David	Patteson, Doug	Soria, Denise	

**OTHERS PRESENT**

Alvernaz, Colette	Creamer, Casey	Munk, Dan	Taylor, Michael
Bell, Nicole	Crouse, Ed	Pettygrove, Stewart	Wackman, Mike
Carter, Kristen	Gallock, Charlotte	Pinel, Renee	Wells, Doug
Cody, Mark	Klassen, Parry	Ramirez, Jose Antonio	Westcot, Dennis
Cory, David	Kubiak, Rachel	Seaton, Phobe	
Costanzo, Neal	McGahan, Joe	Siebenson, Paul	

**APPROVAL OF MINUTES-OCTOBER 9/10 BOARD MEETING**

*Motion to approve the minutes of the October 9/10 Board Meeting, made by Member Ramirez  
 Seconded by Member Costantino  
 Karl Longley-Yea  
 Jenny Lester Moffitt-Abstain  
 Carmen Ramirez-Yea  
 Bob Schneider-Yea  
 Denise Kadara-Abstain  
 Approved by Roll Call Vote of 4-0-2*

Dr. Longley asked if any board member would like to get involved in wetlands restoration and if so, asked for a volunteer. Jon Costantino agreed and was nominated by the Board Chair. Adam Laputz, Assistant Executive Officer was nominated to work with Member Costantino.

## **BOARD MEMBER COMMUNICATIONS**

### **AGENDA ITEM 3**

Member Carmen Ramirez said that in November she went on a tour of the Sacramento County Sanitation District plant

Vice-Chair Jenny Lester Moffitt informed the Board of her attendance at the Water Quality Coordinating Committee (WQCC) meeting on October 10. She also attended a meeting with Martha Guzman at the Governor's office. She submitted her complete communications in writing.

Chair Karl Longley informed the Board of three possible dates for the next WQCC meeting: August 25-27, September 28-30 and October 12-14, 2015. He said that he will discuss this tomorrow after Board Members have had the chance to look at their calendars

Chair Longley said at the last WQCC and subsequent discussions, a topic was chosen. All the Regional Boards are to work on and report at the next WQCC meeting. The topic is Wetlands Restoration. The Regions are to report on work within their Region. Chair Longley said that he has been asked to identify a Board Member and a staff person to work on that project. Member Jon Costantino volunteered to work on that project. Adam Laputz, Assistant Executive Officer will represent the staff on that project from Region 5

Chair Longley attended CV Salts meetings, a Delta Conference and, Ground Rules Symposium  
He submitted his complete communication in writing

## **PUBLIC FORUM**

### **AGENDA ITEM 4**

Collette Alvernaz, resident outside of the City of Livingston commended Dale Harvey and Denise Soria of the Regional Water Board's Fresno office for helping her out in answering questions about the Board process, file review, etc.

### **AGENDA ITEM 5**

#### a. Executive Officer's Report (EO Report)

Member Schneider commented on the following items on the EO report:  
Non-Point Source; Middle Creek project mercury and RMAC.

Executive Officer Creedon said that staff, Ben Letton and Sue McConnell were the lead in the RMAC project.

Vice-Chair Moffitt spoke about money towards the Rose foundation.

Patrick Pulupa, Senior Legal Counsel said that eventually we will revise the Rose Foundations proposals. He said that the Rose Foundation will be able to come in front of the board and tell their success stories as long as the Environmental Supplemental policy was in place.

#### b. State of the Region Report

Executive Officer Creedon presented the State of the Region Report

## **OTHER BUSINESS**

### **AGENDA ITEM 6**

Appointment of Representative for Pacific Forest and Lands Stewardship Council

The Board discussed and reappointed Soapy Mulholland to represent the Board on the Pacific Lands Stewardship Council. Member Schneider will be the alternate.

*Motion to reappoint Soapy Mulholland to the Stewardship Council,  
Made by Vice-Chair Moffitt,  
Seconded by Member Ramirez  
Chair Karl Longley-Yea  
Jon Costantino-Yea  
Bob Schneider-Yea  
Denise Kadara-Abstain  
Approved by Roll Call Vote of 5-0-1*

**AGENDA ITEM 7**

Status of Nitrogen Management Plan Template Development. *Informational Item Only*

Joe Karkoski, Supervisor in the Irrigated Lands Unit, presented the staff report. Darrin Polhemus Parry Klassen (East San Joaquin Water Quality Coalition), David Cory (Westside San Joaquin River Coalition), Casey Creamer (Kings River Water Quality Coalition) gave a brief presentation on the Nitrogen Management Plan template that they are proposing. Phoebe Seaton from the Leadership Counsel for Justice and Accountability gave a presentation on Nitrate contamination in groundwater. She represented AGUA Water Coalition and Clean Water Action community Water Center

Stewart Pettygrove, (Retired University of California, Soil Specialist) spoke on behalf of UCA and R, department of AG and Natural Resources.

Dan Munk, UC Corporative farm advisor in Fresno made additional comments

Darrin Polhemus (SWRCB), answered questions for the Board. This was an informational item only and no action was taken by the Board.

**WASTE DISCHARGE REQUIREMENTS**

**AGENDA ITEM 12**

Rancho Murieta Community Services District, Rancho Murieta Wastewater Treatment Facility, Sacramento County – *Consideration of Revised Waste Discharge Requirements and Master Recycling Permit (Order 5-01-124)*

No one was present to contest or comment on this item. The Board adopted this item based on information in the records on file

*Motion to adopt Revised WDR and Master Recycling Permit, with late revisions made by Member Ramirez  
Seconded by Member Schneider  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Member Costantino-Yea  
Bob Schneider-Yea  
Denise Kadara-Abstained  
Approved by Roll Call Vote of 5-0-1*

**AGENDA ITEM 9**

Conditional Waiver of Waste Discharge Requirements Related to Timber Harvest Activities – *Consideration of Proposed Renewal of Order R5-2010-0022*

No one was present to contest or comment on this item. The Board adopted this order based on staff report on file.

*Motion to adopt the Proposed Order, made by Member Costantino  
Seconded by Vice-Chair Moffitt  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Jon Costantino-Yea*

Bob Schneider-Yea  
Denise Kadara-Abstain  
Motion carried by Roll Call Vote of 5-0-1

## **LUNCH BREAK**

**The Board recessed for lunch at 11:51 p.m. to discuss closed session items**

- (a), Petition by CSPA against Regional Board
- (b) Boards consideration of the initiation litigation under govt. code 11126e

## **WASTE DISCHARGE REQUIREMENTS**

### **AGENDA ITEM 8**

Revisions to Waste Discharge Requirements for Growers within the Tulare Lake Basin Area that are Members of the Third-Party Group – *Consideration of Adoption of Revised Order*

Nicholas Smaira presented the staff report. Clay Rodgers, Assistant Executive Officer in the Fresno office, answered questions for the Board. Agricultural Panel consisting of Casey Creamer (Kings River Water Quality Coalition) Nicole Bell (Kern River Water Shed Coalition) and Phoebe Seaton (Leadership Council) gave additional testimony. Adam Laputz, Assistant Executive Officer answered questions for the Board.

*Motion to adopt the revised order, made by Vice-Chair Moffitt,  
Seconded by Member Costantino  
Chair Karl Longley-Yea  
Bob Schneider-Yea  
Jon Costantino-Yea  
Carmen Ramirez-Yea  
Denise Kadara-Abstained  
Motion carried by Roll Call Vote of 5-0-1*

## **OTHER BUSINESS**

### **AGENDA ITEM 13**

Control Program for Salt and Boron Discharges into the Lower San Joaquin River–*Consideration of Resolution Entering into a Revised Management Agency Agreement (MAA) with the U.S. Bureau of Reclamation (USBR) for meeting salinity water quality objectives in the Lower San Joaquin River (LSJR) at Vernalis*

Denis Westcott, (San Joaquin Tributaries Authority) said that they support the MOU, MAA and using real time management for the San Joaquin River.

*Motion to adopt Resolution with Late Revisions, made by Member Ramirez  
Seconded by Vice-Chair Moffitt  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Bob Schneider-Yea  
Denise Kadara-Abstained  
Approved by Roll Call Vote of 4-0-1  
Member Jon Costantino was not present for this item*

### **AGENDA ITEM 14**

Control Program for Salt and Boron Discharges into the Lower San Joaquin River–*Consideration of Resolution Approving a Real Time Management Program for meeting salinity water quality objectives in the Lower San Joaquin River (LSJR) at Vernalis*

*Motion to adopt Resolution made by Member Ramirez  
Seconded by Vice-Chair Moffitt  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea*

*Bob Schneider-Yea  
Denise Kadara-Abstained  
Approved by Roll Call Vote of 4-0-1  
Member Jon Costantino was not present for this item*

**NPDES PERMITS  
AGENDA ITEM 10**

Malaga County Water District, Malaga Wastewater Treatment Facility, Fresno County – *Consideration of NPDES Permit Renewal (NPDES CA0084239) and Cease and Desist Order*

Aide Ortiz presented the staff report. Lonnie Wass, Supervisor in the Fresno office and Clay Rodgers, Assistant Executive Officer in the Fresno office, answered questions for the Board.

Jim Anderson (General Manager for Malaga) gave a presentation to the Board. Michael Taylor (Provost) gave additional testimony. Mr. Neal Costanzo (Malaga) cross-examined witnesses and made closing arguments

*Motion to adopt the NPDES Permit and CDO, with late revisions*

*Made by Member Schneider  
Seconded by Vice-Chair Moffitt  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Bob Schneider-Yea  
Denise Kadara-Abstained  
Motion carried by Roll Call Vote of 4-0-1  
Member Costantino was not present for this item*

**WASTE DISCHARGE REQUIREMENTS AND ENFORCEMENT RESCISSION  
AGENDA ITEM 11**

City of Livingston, Domestic Wastewater Treatment Facility, Merced County – *Consideration of Revised Waste Discharge Requirements (Order 89-066) and an Order Rescinding Cease and Desist Order 98-057 and Amending Orders*

Denise Soria presented the staff report. Dale Harvey and Patrick Pulupa (Senior Legal Counsel) answered questions for the Board. Jose Ramirez (City Manager, City of Livingston), Collette Alvanaz and Doug Wells (Farmer), gave additional testimony.

*Motion to adopt Revised WDR and an order Rescinding CDO, made by Member Ramirez  
Seconded by Member Schneider  
Chair Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Bob Schneider-Yea  
Denise Kadara-Abstained  
Approved by Roll Call Vote of 4-0-1  
Member Jon Costantino was not present for this item*

Board Meeting adjourned at 5:02 p.m. to the next day

**FRIDAY, DECEMBER 5, 2014 – 8:30 A.M.**

**CALL TO ORDER**

Chair, Dr. Longley called to order the 535<sup>th</sup> Board Meeting of the California Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670

**BOARD MEMBERS PRESENT**

Kadara, Denise	Longley, Karl, Chair	Lester-Moffitt, Jenny	Ramirez, Carmen
Schneider, Robert			

**BOARD MEMBERS ABSENT**

Costantino, Jon			
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**STATE BOARD MEMBER PRESENT**

Doduc, Tam			
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**STATE BOARD OFFICE OF CHIEF COUNSEL STAFF PRESENT**

Coupe, David	Deeringer, Andrew	Pulupa, Patrick	
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**SWRCB OFFICE OF ENFORCEMENT AND STATE BOARD STAFF**

Drabrandt, Laura	Kaplowitz, Naomi	Ransom, Madalene	Tauriainen, Andrew
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**STAFF PRESENT**

Altevogt, Andrew	Hartzell, Marty	King, David	Tran, Julie
Bracamonte, Linda	Harvey, Dale	Laputz, Adam	Snyder, Clint
Carpenter, Katie	Haynes, Jennifer	Lavy, Tom	Wachtell, Doug
Braidman, Brett	Herbst, Charlene	LHeureux, Robert	Wass, Lonnie
Coughlin, Gene	Hold, Howard	Morgan, Nichole	Smith, Bryan
Creedon, Pamela	Kuleza, Dana	Patteson, Doug	
Davis, Daniel	Lanfranchi, Kiran	Rodgers, Clay	

**OTHERS PRESENT**

Alcantor, Tammy	Davis, David	Johnson, Ben	Ramirez, Cristina
Anderson, Jim	Davis, Linda	Matarazzo, Andrea	Sholl, Daniel
Andres, Dave	Davis, Bryan	Maynard, James	Smith, Lee
Angermann, Till	Dunham, Tess	McGlasson, David	
Boccardo, Michael	Fan, Mike	Pattison, Ed	
Cativiela, J.P.	Fry, Katherine	Phillips, David	

**AGENDA ITEM 17**

**BOARD MEMBER COMMUNICATIONS**

The Board recommended October 12-14, 2015 as the dates of preference for the next Water Quality Coordinating meeting (WQCC). Chair Longley said that he will pass this information to the WQCC.

Adam Laputz, Assistant Executive Officer, said that in April there is a Board meeting in Fresno. He wanted to gauge the Board's interest in potentially having a field trip associated with that Board meeting. This would be on the day before the Board meeting.

This will be discussed in detail at the February board meeting

Adam also said that the discussions on Wetlands have been occurring. Staff is now proposing to have a Wetlands field trip information item which will be discussed at that location.

**AGENDA ITEM 18  
PUBLIC FORUM**

Ben Johnson, wanted to make sure that agenda item 33d (Roots) was moved from uncontested to the contested calendar per his request a few days prior. He also distributed a letter which was previously submitted on behalf of Richard Gunner.

**AGENDA ITEM 19  
EXECUTIVE OFFICER’S REPORT**

Executive Officer Creedon presented superior accomplishment awards to the following staff:

- Kari Holmes, Water Resources Control Engineer, Sacramento Office
- Ben Letton, Engineering Geologist, Redding Office
- Douglas Wachtell, Engineering Geologist, Fresno Office

**AGENDA ITEM 20**

The Board will be asked to approve items 26 through 35 with no discussion if no one is here to testify about them.

The approval of agenda items 26 through 35 was moved to later in the day, because of quorum purposes. However, agenda item 21, which was moved from contested to uncontested was adopted by a separate set of votes. (See below)

**AGENDA ITEM 21  
NPDES PERMITS**

University of California, Davis, Main Wastewater Treatment Plant, Yolo County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0077895) (This item was moved to the uncontested calendar)*

No one was present to contest or comment on this item. The Board adopted this order based on staff report on file

*Motion to adopt the NPDES Permit, made by Member, Ramirez  
 Seconded by Vice-Chair Moffitt  
 Karl Longley-Yea  
 Vice-Chair Moffitt  
 Jenny Lester Moffitt-Yea  
 Denise Kadara-Abstain  
 Approved by Roll Call Vote of 3-0-1  
 Member Schneider was not present for the approval of this item*

**OTHER BUSINESS**

**AGENDA ITEM 22**

Status Report on the Dairy Program with emphasis on Representative Monitoring Program Activities  
*Informational Item Only*

Doug Patteson presented the staff report. Community Environmental Groups comprising of Laurel Firestone (Community Water Center) and Pete DeMarco gave a presentation. (Pete DeMarco participated and gave his presentation via telephone. He was informed that the meeting was being recorded. Dairy Representative Till Angermann, (Consulting Engineer) gave an update on what Central Valley Dairy Representative Monitoring Program (CVDRMP) has been doing in regard to lagoons and nutrient management. J.P Cativiela (Dairy CARES) and Michael Boccadoro (Dairy CARES) made additional comments. Clay Rodgers answered clarifying questions for the Board.

**REPORT BY STATE BOARD MEMBER TAM DODUC**

State Board Member, Tam Doduc thanked the Board for their time and dedication to the State and to the Region regarding water quality measures. She welcomed new Board Member, Denise Kadara. She notified the Board of

the next State Water Board, meeting on December 16-17 in Los Angeles which will cover many long awaited items like Los Angeles Regional Board's MS4 permit as well as draft order responding to 37 petitions.

**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**

**ENFORCEMENT**

**AGENDA ITEM 26**

City of Escalon Wastewater Treatment Facility, San Joaquin County—*Consideration of Cease and Desist Order*

**AGENDA ITEM 27**

City of Ione, Ione Wastewater Treatment Facility, Amador County – *Consideration of Revised Cease and Desist Order (Order R5-2012-0023) and Amended WDRs (Order R5-2013-0022)*

**AGENDA ITEM 28**

United Auburn Indian Community, Thunder Valley Casino Wastewater Treatment Plant, Placer County – *Consideration of Time Schedule Order To Comply with Waste Discharge Requirements Prescribed in Order R5-2010-0005 (NPDES Permit No. CA0084697)*

**AGENDA ITEM 29**

City of Davis, Davis Wastewater Treatment Plant, Yolo County – *Consideration of Time Schedule Order to Comply with Waste Discharge Requirements Prescribed in Order R5-2013-0127 (NPDES Permit CA0079049)*

**AGENDA ITEM 30**

Modoc Joint Unified School District, Geothermal Project, Modoc County—*Consideration of Proposed Amendment to Time Schedule Order No. R5-2011-0045* [Zack Chandler

**AGENDA ITEM 31**

Collins Pine Company, Chester Sawmill, Plumas County— *Consideration of Proposed Adoption of Time Schedule Order*

**NPDES PERMIT**

**AGENDA ITEM 32**

General Waste Discharge Requirements for Cold Water Concentrated Aquatic Animal Production Facility Discharges to Surface Waters – *Consideration of Renewal of General NPDES Permit No. CAG135001*

**WASTE DISCHARGE REQUIREMENTS**

**AGENDA ITEM 33**

- a. City of Fresno and Consolidated Land Company and Consolidated Industries, Inc., North Fresno Wastewater Reclamation Facility, Fresno County, *Order R5-2006-0090-01 (revised)*
- b. City of Huron, Wastewater Treatment Facility, Fresno County, *Order 87-012 (revised)*
- c. Kings Waste and Recycling Authority, Corcoran Landfill, Class III Landfill, Post-Closure Maintenance and Corrective Action, Kings County, *Order 5-00-159 (revised)*
- d. Root Creek Water District, Riverstone Wastewater Treatment Facility, Madera County (*new*)
- e. SierraPine Limited, SierraPine—Ampine Division, Amador County –*Waste Discharge Requirements (WDRs) Order R5-2008-0167 (Amendment) and Rescinding NPDES CA0004219 and Updating WDRs*

## WDR/NPDES RESCISSIONS

### AGENDA ITEM 34

- a. Adin Community Services District Wastewater Treatment System, Adin, Modoc County, Order 98-092
- b. Bieber Sewage Treatment Facility, Bieber, Lassen County, Order No. 93-071
- c. California Pines Community Services District Wastewater Treatment System, Alturas, Modoc County, Order 94-047
- d. Fall River Mills Community Services District Wastewater Treatment System, Fall River, Shasta County, Order 94-048
- e. Fresno County Waterworks District No. 38, Sky Harbour Wastewater Treatment Facility, Fresno County, Order 90-088
- f. Intermountain Conservation Camp, Wastewater Treatment System, Bieber, Lassen County, Order 94-226
- g. Kramer Quarry and Asphalt, Lassen County, Order 96-073
- h. Lehigh Southwest Cement Company, Lake Britton Diatomaceous Earth Pit, Shasta County, Order 93-172
- i. Sugar Pine Conservation Camp Wastewater Treatment System, Bella Vista, Shasta County, Order 5-00-261

## CHANGE OF NAME/OWNERSHIP

### AGENDA ITEM 35

- a. Erickson Processing, Inc., Gibbs California Wild Rice, Sutter County, Order R5-2004-0105
- b. Fee A and Fee B Leases Devils Den Oil Field, Kern County, Order 58-487
- c. Golden Hills MH & RV Park, Kern County, Order 86-230
- d. Harris Moran Seed Company, Harris Moran Seed Research and Development Facility, Yolo County, Order R5-2003-0036
- e. Jones Lease, Mount Poso Oil Field, Kern County, Order R5-2006-0050
- f. Kathy Lease, Deer Creek Oil Field, Tulare County, Order 5-00-16303
- g. Lake Isabella Wastewater Treatment Facility, Erskine Creek Road and Lake Isabella Boulevard Lake Isabella, Kern County, Order 84-149
- h. RJM Enterprises, Rivercrest Vineyards, Inc., San Joaquin County, Order 5-00-021
- i. Vedder Lease, Mount Poso Oil Field, Kern County, Order R5-2006-0051

*Motion to approve uncontested items 26 through 35, except for agenda for items: 31, 34a, 34b and 34i, (Removed from agenda) Agenda item 33d was moved to the contested calendar and was voted on separately. (See below)*

*Motion made by Member, Ramirez*

*Seconded by Vice-Chair Moffitt*

*Karl Longley-Yea*

*Jenny Lester Moffitt-Yea*

*Bob Schneider-Yea*

*Denise Kadara-Abstain*

*Approved by Roll Call Vote of 4-0-1*

## WASTE DISCHARGE REQUIREMENTS

### AGENDA ITEM 33 d

Root Creek Water District, Riverstone Wastewater Treatment Facility, Madera County (*new*)  
**(This item was moved from uncontested to the contested calendar).**

Patrick Pulupa, Senior Legal Counsel informed the Board of late comments received relating to CEQA and also late comments by discharger.

Dale Harvey presented the staff report. David McGlasson, (Root Creek Water District), Andrea Matarazzo (Pioneer Law Group, representing Root Creek Water District) and Ben Johnson (on behalf of Richard Gunner), gave additional testimony.

The Board directed that this item be continued to the February Board meeting with discussions limited to technical issues that have been raised. This does not have to be opened for the new comment period.

*Motion to continue agenda item 33d to the February Board meeting, made by Member Schneider  
Seconded by Vice-Chair Moffitt  
Karl Longley-Yea  
Vice-Chair Moffitt  
Jenny Lester Moffitt-Yea  
Denise Kadara-Abstain  
Approved by Roll Call Vote of 4-0-1*

**AGENDA ITEM 21  
NPDES PERMITS**

University of California, Davis, Main Wastewater Treatment Plant, Yolo County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0077895) (This item was moved to the Uncontested Calendar).*

**ENFORCEMENT  
AGENDA ITEM 23**

David L. & Linda M. Davis Trust of Madera County – *Consideration of Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order*

Brett Stevens presented the staff report. Andrew Tauriainen (Counsel for the Prosecution team), and Naomi Kaplowitz, (Counsel for the Prosecution Team) presented legal argument on behalf of the Prosecution team. Joe Karkoski, Andrew Altevogt, Linda Davis, (Davis Trust) Bryan Davis (Davis Trust) and Parry Klassen (East San Joaquin Water Quality Coalition) gave additional testimony. Patrick Pulupa (Senior Legal Counsel for the Advisory Team) provided legal advice to the Board.

*Motion to refer this back to the Prosecution team with the advice that they consider the 529 days and either use the same potential for harm fully justified, and that they also address the economic benefit issue based on what's in the record, and where the Board appears to be on that issue*

*Motion Made by Chair Longley  
Seconded by Member Ramirez  
Carmen Ramirez-Nay  
Jenny Lester Moffitt-Nay  
Bob Schneider-Nay  
Denise Kadara- Abstain  
Motion declined by Roll Call Vote of 1-3-1*

*Motion to adopt Settlement Agreement and Stipulation for Entry of ACL as proposed*

*Motion Made by Member Ramirez  
Seconded by Member Schneider  
Karl Longley-Nay  
Jenny Lester Moffitt-Yea  
Bob Schneider-Yea  
Denise Kadara - Abstain  
Approved by Roll Call Vote of 3-1-1*

**LUNCH**

The Board recessed for lunch at 1:10 p.m.

**AGENDA ITEM 24**

Larry W. & Shireen I. Slate of Merced County – *Consideration of Administrative Civil Liability*

Diana Kuleza presented the staff report. Andrew Tauriainen (Counsel for Prosecution Team) and Naomi Kaplowitz, (Counsel for Prosecution Team) presented legal argument on behalf of the Prosecution Team. Gerard Horner (State Water Board) presented expert testimony regarding economic issues on behalf of the Prosecution

Team. Andrew Altevogt gave clarifying answers to the Board. Patrick Pulupa (Counsel for the Advisory Team) provided legal advice to the Board.

*Motion to adopt ACL with late revisions,*

*Made by Vice-Chair Moffitt  
Seconded by Member Ramirez  
Karl Longley-Yea  
Carmen Ramirez-Yea  
Bob Schneider-Yea  
Denise Kadara -Yea  
Approved by Roll Call Vote of 5-0-0*

**AGENDA ITEM 25**

California Sprouts, LLC, Sacramento Facility, Sacramento County – *Consideration of Administrative Civil Liability Order*

Wendy Wyels presented staff report. Laura Drabrandt (Legal Counsel for the Prosecution team) presented legal argument on behalf of the Prosecution team. Andrew Altevogt clarified matters for the Board. Tess Dunham (Somach Simms and Dunn, representing California Sprouts) presented testimony on behalf of Sprouts. Dan Sholl (Sprouts) gave additional testimony. David Coupe (Senior Legal Counsel for the Advisory team) provided legal advice to the Board.

*Motion to adopt ACL with late revisions*

*Made by Member Ramirez  
Seconded by Member Kadara  
Karl Longley-Yea  
Jenny Lester Moffitt-Yea  
Bob Schneider-Yea  
Denise Kadara-Yea  
Approved by Roll Call Vote of 5-0-0*

Board Meeting adjourned at 4:40 p.m. to the February 5/6, 2015 Board meeting