

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

569th BOARD MEETING MINUTES

THURSDAY, 4 JUNE 2020

BOARD MEETING LOCATION: ZOOM TELECONFERENCE AND WEBCAST

BOARD MEMBERS PRESENT:

Bradford, Mark Brar, Raji Ramirez, Carmen
Kadara, Denise Longley, Karl

BOARD MEMBERS ABSENT:

None

STATE WATER BOARD MEMBERS PRESENT:

Doduc, Tam

STATE WATER BOARD OFFICE OF CHIEF COUNSEL AND ENFORCEMENT STAFF PARTICIPATING IN THE MEETING:

Jahr, Jessica
Toft-Dupuy, Bayley
Lancaster, David

REGIONAL BOARD STAFF PARTICIPATING IN THE MEETING:

Pulupa, Patrick	Ouimette, Westley	Armstrong, Scott
Laputz, Adam	Coster, Lynn	Mushegan, Alex
Baum, John	Marshall, James	Braidman, Brett
Coughlin, Gene	Herbst, Charlene	Busby, Robert
Chow, Bob	Croyle, Christine	Holmes, Kari
Garver, Kelli	Luo, Xuan	Crader, Phil
Ditto, Robert	Rogers, Clay	Hawe, Catherine
McConnell, Sue	Warren, Eric	
Walsh, Sean	Brown, Janelle	
Snyder, Clint	Yee, Kari	

ADDITIONAL ATTENDEES PRESENT WHO WERE IDENTIFIED:

Houdesheldt, Bruce
Ayode, K.

CALL TO ORDER:

Chair Longley called the 569th Board meeting to order and made introductions. Executive Officer Pulupa introduced staff. Member Kadara led the Pledge of Allegiance

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Chair Longley submitted the following communications:

- 20-24 April 2020, Attended North American Membrane Society Conference with focus on treatment of inland saline waters including brine, via (Zoom) video meeting
- 4 May 2020, Participated in monthly Regional Boards' Chairs meeting, via conference call
- 14 May 2020, Participated in CV-SALTS Executive Comm Meeting, via video (Go-to Meeting) meeting
- 22 May 2020, Participated in annual Regional Boards' Chairs meeting (normally an all-day face-to-face meeting), via (Zoom) video meeting
- 27 May 2020, Meeting with California CoastKeepers, via (Zoom) video meeting
- 27 May 2020 & 3 Jun 2020, Participated in meetings as a member of the Agriculture Working Group of the Lawrence Berkeley National Laboratory's National Alliance for Water Innovation (NAWI)
- 29 May 2020, Participated in 2 meetings of the Central Valley Water Board's 's Food Safety Panel, via (MS Teams) meeting

Member Ramirez submitted the following communications:

- Met with Onia Robada who gave a status update on how the industry has been affected by COVID-19. [Emailed Carmen to obtain correct spelling of name, affiliation and details]

Member Kadara submitted the following communications:

- 27 May 2020, Meeting with California CoastKeepers, via (Zoom) video meeting

State Water Board Liaison Update

State Board Member, Tam Doduc gave an update to the Board as follows:

- SGMA presentations were given by State Water Board staff as well as staff from the Department of Water Resources to the State Water Board and were found to be meaningful. Regional Board Members have expressed interest in receiving SGMA updates from the State Water Board. Member Doduc encouraged Executive Officer Pulupa to reach out State Water Board to receive these SGMA updates.
- Confirmed that State Water Board submitted 57 names from State Water Board and 41 names from all Regional Water Boards to the Governor for redirection of staff to the statewide COVID-19 tracing efforts. The duration of the redirection effort could be 6-9 months.

- Recognized Executive Officer Pulupa and Regional Board staff from the Rancho Cordova office for participation in the the Stockton Area Homeless Task Force meeting and taking the first step towards establishing the lines of communication and collaboration on this critical issue.
- The Draft Statewide Suction Dredge Mining General Permit has been issued and the State Water Board has scheduled a Public Hearing for 16 July 2020.
- 12 June 2020, SAFER Advisory group will hold a meeting with a focus on the Draft Fund Expenditure Plan and the SAFER funds received.

AGENDA ITEM 4 – PUBLIC FORUM

None

AGENDA ITEM 5 – EXECUTIVE OFFICER’S REPORT

Executive Officer Pulupa updated the Board on water quality issues currently being tackled and provided updates on the budget, contact tracing and staff limitations as we head into the year with the COVID-19 pandemic.

Executive Officer Pulupa also detailed issues pertinent to the Cannabis program, including potential cuts to the program due to the fact that fee revenues were coming in below projections. Like all of our permitting programs, the Cannabis Program was designed to be self-sustaining through fee revenues, although the legislature gave the Regional Board “seed” money for approximately 3-5 years to initiate the program. Fee projections came well below expectations due primarily to:

- Fewer water users/water right permit applications.
- County cultivation prohibitions in effect throughout the Central Valley. When prohibitions are in place, growers cannot be legally permitted, and therefore do not pay fees to either the County or the Board, which limits our staff resources.

The Board has intentionally maintained a relatively high vacancy rate in case the Cannabis Program faces cuts, and we can then move cannabis staff to other programs.

When the pandemic hit, the State limiting hiring until we had a decent appraisal of resources. The Regional Board is preparing for the possibility that our staff may face pay cuts and furloughs of up to 10%, which could reduce productivity. In addition, California Connected recruited 5% of Regional Board staff to conduct contact tracing for 6-9 months.

As we look forward to our work plans for the upcoming year, working with limited staff, there will be little time to devote to *new* water quality initiatives. All our efforts will be needed to keep pace with our top water quality priorities which are the CV-SALTS effort and maintaining current permitting requirements, along with current planning projections that we are already obligated to move forward on. We will continue to maintain a robust enforcement presence to ensure top water quality concerns are addressed.

Executive Officer Pulupa told the Board that he would be providing regular updates to the Board at the Board meetings regarding prioritization and staff resources.

In addition, the Executive Officer provided updates in the following areas:

- CV-SALTS effort – In late May, the Board mailed out Notices to Comply which kicked off Phase I of the CV-SALTS Nitrate Control Program. This includes milestones for early action plans submittals for management zone implementation plans. Nitrate contamination is a priority issue that we need to find a way to address even amidst the pandemic.
- Changes to Section 401 Water Quality Certifications Due to Federal Regulatory Changes – Due to new federal regulations – the new “Waters of the US Rule” – water quality protections that were previously provided under the Board’s Water Quality Certification authority may need to be transferred to our Waste Discharge Requirements (WDRs) program due to changes in the scope of waters that fall under the jurisdiction of the Federal Clean Water Act. In addition, there are rule changes under other new federal regulations pertaining to Water Quality Certification issuance that we are working with the Office of Chief Counsel to address.

Although the Board still has full authority to protect beneficial uses, the process for issuing Water Quality Certifications is very different than the process for issuing WDRs, since WDRs must be issued by the Board, in a public process, whereas Water Quality Certifications can be issued under the Executive Officer’s signature. There are over 300 Water Quality Certifications issued each year, so this procedural change could add a substantial amount of work to the Water Quality Certification Program.

- Cannabis Program Streamlining Efforts – Clint Snyder has been instrumental in leading a series of high-level meetings for all the managers that are working on Cannabis issues statewide to strategize about how we can continue to address the water quality and water rights impact to cannabis cultivation, under the scenario of severe staff cuts. The working group will likely provide recommendations of how to operate the program with extreme efficiency. Part of the plan will be to bump up enrollments under the program.

Executive Officer Pulupa introduced and welcomed the new Assistant Executive Officer, John “JJ” Baum to the Rancho Cordova office.

Executive Officer Pulupa presented awards to the following staff:

Superior Accomplishment Award (Group)

- Robert Ditto, Keri Yee, David Sholes, Eric Warren and Phil Carter in the Sacramento Office.

Superior Accomplishment Award (Individual)

- Alexander Mushegan, Senior Water Resources Control Engineer in the Fresno Office.
- Heaven Collins, Scientific Aid, Redding Office
- Colt Brockman, Environmental Scientist in the Redding Office (Colt is out in the field today and his award will be presented at the August 2020 Board meeting)

Comments on Executive Officer's Report

Member Kadara asked Executive Officer Pulupa a question on the Public Disadvantaged Community update, with regards to the *type(s)* of environmental complaints lodged by various disadvantaged community groups and members on 26 March 2020 and 23 April 2020. Executive Officer Pulupa responded that the issues typically have to do with the Tulare IVAN and that he would follow-up in writing with what the specific issues are.

Member Kadara asked about the condition and updates on the human and animal illnesses reported in Table 1. Cyanobacteria Bloom Summary. Executive Officer Pulupa responded that there was allegedly a dog that ingested water impacted by Cyanobacteria. The vet determined the water ingested by the dog was from a private waterway (a stock pond on a vineyard). The human exposure appeared to be in an area where there were Cyanobacteria however, the symptoms were not of those from Cyanobacteria ingestion. All conclusive results are reported on the [California Harmful Algal Blooms \(HABs\) Portal](https://mywaterquality.ca.gov/habs/index.html) (<https://mywaterquality.ca.gov/habs/index.html>).

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING(S)

Motion to adopt previous Board meeting minutes from:

- February 2020
- April 2020

Motion Made by: Vice-Chair Ramirez

Seconded by: Member Brar

Vice-Chair Ramirez Yes

Member Brar Yes

Member Bradford Yes

Member Kadara Yes

Chair Longley Yes

Approved by Roll Call Vote of 5-0-0

AGENDA ITEM 13 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 16 THROUGH 21

UNCONTESTED CALENDAR

AGENDA ITEMS 16 and 17 – ENFORCEMENT

16. Joe Silva, Tony Silva, and James Silva, Silva Brothers Dairy #1, San Joaquin County – Adoption of a Stipulated Cease and Desist Order
17. Darin Lemos, Lockwood III Dairy, Stanislaus County – Adoption of a Stipulated Cease and Desist Order)

AGENDA ITEM 18 – NPDES PERMIT

- a. Collins Pine Company, Chester Sawmill, Plumas County – Permit Renewal (NPDES Permit CA0004391)

AGENDA ITEM 19 – WASTE DISCHARGE REQUIREMENTS

- a. Gerawan Farming, Inc.; Plant 3 Kerman Fruit Packing Facility; Fresno County – New
- b. Olson Meat Company, Inc., Meat Packing Facility, Glenn County – Revision of Order R5-2013-0066
- c. The Wonderful Company, LLC; Wonderful Firebaugh Pistachio Processing Facility; Madera County – New
- d. University of California Davis, USDA Aquatic Weed Control Laboratory, J. Amorocho Hydraulics Laboratory & Center for Aquatic Biology and Aquaculture Aquatic Center, Yolo County – Revision of Order R5-2016-0099

AGENDA ITEM 20 – RESCISSIONS

- a. Aerojet General Corporation, Sacramento Facility, Sacramento County – Order R5-2013-0156 (NPDES Permit CA0004111)
- b. City of Placerville, Hangtown Creek Water Reclamation Facility – El Dorado County, Order R5-2014-0015-01 (NPDES Permit CA0078956)
- c. General Waste Discharge Requirements/NPDES Permit for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution, Order R5-2013-0075 (NPDES Permit CAG915001)
- d. Lazarus Mining, LLC and U.S. Forest Service, Tahoe National Forest, Klondike, Dutch, and Telegraph Tunnel Mines, Sierra County – Order R5-2015-0075 (NPDES Permit CA0084387)
- e. Lazarus Mining, LLC and U.S. Forest Service, Tahoe National Forest, Klondike, Dutch, and Telegraph Tunnel Mines, Sierra County – Time Schedule Order R5-2015-0901 (NPDES Permit CA0084387)
- f. Nevada County Sanitation District No. 1, Lake of the Pines Wastewater Treatment Plant, Nevada County – Order R5-2015-0028 (NPDES Permit CA0081612)

- g. Nevada County Sanitation District No. 1, Lake Wildwood Wastewater Treatment Plant, Nevada County – Order R5-2015-0029 (NPDES Permit CA0077828)
- h. River Island East Homeowners Association; River Island East Wastewater Treatment Facility; Tulare County – Order 91-111
- i. San Joaquin Refining Company, Inc., Kern County – Order No. 91-132
- j. Stonybrook Corporation; Wastewater Treatment Facility; Kern County – Order 86-032

AGENDA ITEM 21 – OTHER BUSINESS

21. Lehigh Southwest Cement Company and Calaveras Cement Company, Calaveras Cement CKD-3 Project, Calaveras County – Resolution Adopting Mitigated Negative Declaration and Approving the Mitigation Monitoring and Reporting Plan for Calaveras Cement CKD-3 Project.

LATE REVISIONS

Assistant Executive Officer, Adam Laputz informed the Board that there were no late revisions on any of the uncontested agenda items.

Motion to adopt uncontested agenda items 16 through 21 as presented by staff:

Motion Made by: Member Kadara
 Seconded by: Member Bradford
 Member Kadara Yes
 Member Bradford Yes
 Member Brar Yes
 Vice-Chair Ramirez Yes
 Chair Longley Yes
 Approved by Roll Call Vote of 5-0-0

AGENDA ITEM 8 – Irrigated Lands Regulatory Program, Enrollment Activities Update

Robert Ditto, Senior Environmental Scientist and Wesley Ouimette, Engineering Geologist from the Irrigated Lands Regulatory Program’s Compliance and Outreach Unit in the Sacramento Office gave the Board an update on current enrollment activities. This was an information item only and did not require any action of the Board. The presentation discussed the process for identifying non-filers, the preparation of compliance efforts including, outreach and progressive enforcement activities, along with the status of enrollments.

Process for Identifying Non-Filers

The Program uses the Geographic Information System (GIS) to determine who needs to be enrolled. GIS allows staff to display and compare data in a spatial or map setting. In GIS the 2016 Land Use Data from the Department of Water Resources (DWR) was used as the base layer. This dataset allowed the Regional Board to develop an estimate of

irrigated acreage in the Central Valley Region. Staff added the county assessor parcels, coalition membership lists and other information such as dairy permitted lands. The result of this process is a map that shows parcels that can be considered potential non-filers because they do not match parcels with known regulatory coverage.

Enforcement Process

Once non-filers are identified, an initial outreach letter is sent out within 15-30 days, explaining the program and how to enroll in it. We follow-up with a Water Code section 13267 directive within 15-30 days and for those that do not respond, a Notice of Violation (NOV) is issued. If still no response, attempts to contact the owner are made. We follow-up with a site inspection to ensure there is active operations on the parcel (15-30 days). If the parcel confirms active operations and we have made contact with the owner, but still no response, we issue a Pre-Administrative Civil Liability Letter within 15-30 days. The *final step* is the issuance of an Administrative Civil Liability Complaint and Board Hearing if necessary. Approximately 90% non-filers are enrolled before initiating the *final step*.

Status of Enrollment

The status of enrollment in the Central Valley Water Board's Irrigated Lands Regulatory Program is: 28,000 Coalition Members and 100,000 Parcels enrolled, covering approximately 5.9 million acres (24% increase in acres covered since 2012). We have approximately 488,000 acres spread over 35,000 parcels left to follow-up on. We currently sit at a 93% compliance rate with enrollments.

Comments on Agenda Item 8

Bruce Houdesheldt (joined Zoom meeting to speak) – Bruce values the constructive working relationship with the Irrigated Lands Regulatory Program's Team. The relationship helps bring understanding to those folks who may be confused about a water resource issue versus an irrigated lands permit issue. Bruce is looking forward to working together with Sue McConnell and Robert Ditto's team to bring those remaining into compliance with enrollment.

AGENDA ITEM 15 –Board Strategic Planning

The Executive Officer continued discussion on the development of the Strategic Plan for the Central Valley Water Board. This was an information item only and did not require any action of the Board.

The group contemplated our strengths, opportunities, weaknesses and threats, discussed the revised calendar and the next steps for moving forward.

Next Steps

Over the summer the strategic planning group will meet with Programs to collect a historical account of how the programs were started, how they have evolved, the obstacles encountered, ideas for streamlining and plans/ideas to make things run more efficiently. The findings will be presented to the Board in October 2020. The Strategic Plan should be ready in April 2021.

Public Comments Received on Agenda Item 15

None

Closing Comments from Board Members

All Board Members wanted to take a moment to give thanks to Kiran Lanfranchi-Rizzardi for her service and wish her well into her retirement. Kiran provided a level of service to Board Members that they will miss and they would like to see her formally recognized at the next non-virtual Board meeting.

Meeting Adjourned

Board meeting adjourned at 11:16 a.m. to the 13/14 August Board Meeting.