

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

587th BOARD MEETING MINUTES

THURSDAY, 22 JUNE 2023, 9:00 A.M.

BOARD MEETING LOCATION

Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
And via Zoom Teleconference and Webcast

BOARD MEMBERS PRESENT

Bradford, Mark	Lee Reeder, Elena
Kadara, Denise	Yang, Sean

STATE WATER BOARD MEMBERS PRESENT

Morgan, Nichole

STATE WATER BOARD OFFICE OF CHIEF COUNSEL PRESENT

Jahr, Jessica	Moskal, Christopher
Knight, Kennedy	Toft-Dupuy, Bayley

STATE WATER BOARD OFFICE OF ENFORCEMENT PRESENT

Rubin, Naomi

REGIONAL BOARD STAFF PRESENT

Armstrong, Scott	Gamon, Dan	Olsen, Alex
Asami, Rebecca	Goode, Danielle	Pulupa, Patrick
Baum, JJ	Harvey, Dale	Smith, Bryan
Botsford, Bryan	Hatton, Scott	Snapp, Michelle
Calanchini, Dina	Howard, Meredith	Snyder, Clint
Chow, Bob	Laputz, Adam	Walters, Anne
Coughlin, Gene	Lovato, Maria	
DeCarvalho, Patrick	Maxwell, Mindy	
Durette, David	Mushegan, Alex	

ADDITIONAL IDENTIFIED ATTENDEES

Barroso, David	Harlow, Loren	Salvatore, Stephen
Bedore, Paul	Joslin, Nick	Scuito, Paul
Coelho, Brian	Kipps, Jo Anne	
Dodd, Ryan	Nelson, Martha	
Epperson, Daniel	Oliver, Michael	

AGENDA ITEM 1 – CALL TO ORDER

Chair Bradford called the 587th Board Meeting to order and made introductions. Executive Officer (EO) Patrick Pulupa introduced staff. Chair Bradford led the Pledge of Allegiance.

AGENDA ITEM 2 – BOARD MEMBER COMMUNICATIONS

Chair Bradford submitted the following communications:

- 26 May 2023 – Participated in the 2023 Board Chairs call with State Water Board.

Member Kadara submitted the following communications:

- 17 May 2023 – Staff from the Department of Water Resources visited the community of Allensworth to update and inform residents on flooding and expectations for future potential flooding.
- 6 June 2023 – The Tulare Mosquito Abatement District visited the community of Allensworth to assist and inform residents of tools and resources to address the mosquito infestation resulting from flooding. The Governor’s Office of Emergency Services and the California Department of Public Health are also assisting with the effort.
- Multiple – Participated in several webinars hosted by the California Natural Resources Agency pertaining to climate change and groundwater sustainability.

Member Lee Reeder submitted the following communications:

- 6 May 2023 – Participated on a panel at the California Special District Association’s statewide conference discussing droughts, floods, fires, and climate adaptation with former assembly member Pedro Nava from the Little Hoover Commission, as well as other panelists.
- 19 May 2023 – Attended the Regional Sanitation District’s EchoWater Project ribbon cutting ceremony in Elk Grove to commemorate the upgraded treatment plant that prevents 30,000 pounds of ammonia from reaching the Delta every day.

AGENDA ITEM 3 – STATE WATER BOARD LIAISON UPDATE

State Water Board Member Nichole Morgan provided the following updates:

Sackett v. EPA Decision

[Governor Newsom Statement on US Supreme Court Decision to Roll Back Protections for Waterways and Wetlands.](#)

(<https://www.gov.ca.gov/2023/05/25/governor-newsom-statement-on-us-supreme-court-decision-to-roll-back-protections-for-waterways-and-wetlands/>)

See [State Water Board Statement: U.S. Supreme Court decision decreases federal wetlands protection.](#)

Water Boards Funding Highlight

[Major state-funded Sacramento project to provide environmental, water recycling benefits](#)

https://www.waterboards.ca.gov/press_room/press_releases/2023/pr05192023-swb-regional-san.pdf)

State Water Board provided \$1 billion in loans to Regional San's EchoWater Project, which will upgrade Sacramento's treatment of wastewater.

SAFER Drinking Water Updates

On 14 May 2023, State Water Board staff held a public webinar workshop providing stakeholders an opportunity to contribute towards the enhancement of the SAFER Administrator Policy Handbook. The Administrator Policy Handbook provides standards, terms, and procedures that apply to the selection and duties of appointed administrators for designated water systems, as required by Health and Safety Code section 116686.

Statewide Nutrient Management

On 18 May 2023, State Water Board held a public staff workshop to present information on the impact of nutrient discharges on inland and ocean waters and activities underway or planned to address nutrients.

Drought & Conservation Reporting

The 6 June 2023 State Water Board Meeting will include an informational item on the drought and conservation reporting to the SAFER clearinghouse.

The State Water Board, in partnership with the California Public Utilities Commission, developed a new reporting platform to streamline drought and conservation data reporting from public drinking water systems. The SAFER Clearinghouse Drought and Conservation Reporting was launched in January 2023 and is the reporting platform now used to submit this data, replacing earlier reporting methods.

Tribal Beneficial Uses

On 7 June 2023, State Water Board [held an informational item](#)

(https://www.waterboards.ca.gov/board_info/calendar/docs/2023/notice_tbu_051123.pdf)

during the regularly scheduled State Water Board Meeting providing information on the potential addition of tribal beneficial uses to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). An [Environmental Justice Listening Session](#)

(https://www.waterboards.ca.gov/board_info/calendar/docs/2023/notice_ejsession_051123.pdf)

on efforts to update and implement the Bay-Delta Plan was also held on 7 June 2023.

The addition of tribal beneficial uses to the Bay-Delta Plan would provide for explicit recognition and reasonable protection of these beneficial uses within the context of the Bay-Delta Plan, which is focused on instream flow and associated habitat conditions and implementation through water right related actions. Tribal representatives and other interested persons will have an opportunity to provide input before tribal beneficial uses may be added to the Bay-Delta Plan, including during public review and comment on an upcoming draft staff report evaluating potential changes to the Bay-Delta Plan planned for release this summer.

Clean Water State Revolving Fund Intended Use Plan & Drinking Water State Revolving Fund Intended Use Plan (IUP)

The State Water Board held a board workshop on 20 June 2023 to provide an overview of the Clean Water State Revolving Fund IUP and Drinking Water State Revolving Fund IUP with Supplemental IUPs and receive public input regarding the draft IUPs. The State Water Board will consider adoption at its regularly scheduled board meeting on 18 July 2023.

The State Water Board accepted public comments on the draft SFY 2023-24 CWSRF and DWSRF IUPs and Supplemental IUPs no later than 12:00 noon on 23 June 2023.

Sustainable Groundwater Management Act (SGMA)

Proposed schedule for holding probationary hearings:

Tulare Lake – December 2023

Tule – January 2024

Kaweah – March 2024

Kern County – April 2024

Delta-Mendota – September 2024

Chowchilla – October 2024

Board Resources

FAQs for GSAs

FAQs for Pumpers

GSA Look-up Map Tool

Water Quality Map Tool

Water Use Efficiency Regulations

Staff hopes to release draft regulations late June 2023.

Questions and Comments from Board Members

EO Pulupa thanked the State Water Board for launching the Wastewater Needs Assessment. There are approximately 800 wastewater treatment plants statewide that discharge to land, with approximately 400 in the Central Valley alone. Many of these Dischargers have nitrate compliance concerns and need upgrades and funding. EO Pulupa stated it is a big step forward for the Central Valley Region.

Member Kadara thanked Ms. Morgan for her report and confirmed there are six basins participating in probationary hearings. Ms. Morgan replied there are six to date considered critical. The Department of Water Resources is currently analyzing others for referral.

Member Yang thanked Ms. Morgan for the report and asked if there were any flood protection plans or resources for the City of Elk Grove and surrounding communities. Ms. Morgan replied those cities are under local jurisdiction. The State Water Board has an Emergency Management Program (EMP) that responds during emergencies. The EMP works with other responders including Cal OES, DWR, counties, and local flood jurisdictions. All State Water Board workshops and meetings are publicly noticed and streamed via Zoom for the public to attend and participate in.

Chair Bradford thanked Ms. Morgan for the report and asked if there were any significant impacts to programs because of the state budget. Ms. Morgan replied there are no significant impacts she is aware of and she will keep the Regional Board updated on developments.

Member Lee Reeder commented she was interested in following the SGMA updates in the future. Additionally, Ms. Lee Reeder thanked Ms. Morgan for involvement in the recent Regional Sanitation District's ribbon cutting event for the EchoWater Project.

AGENDA ITEM 4 – PUBLIC FORUM

Stephen Salvatore, Lathrop City Manager, addressed the Board and stated the City of Lathrop has a population of approximately 35,000 and has been noted as the fastest growing city in the State of California. Ms. Salvatore indicated he has been in Lathrop for 16 years and has enjoyed the partnership with the Central Valley Water Board. Mr. Salvatore has brought many projects to the Board and felt staff should be commended for their work and collaboration in getting the projects completed. Mr. Salvatore described several large projects that would not have been possible without the support received from Central Valley Water Board staff.

Questions and Comments from Board Members

Chair Bradford commented it was refreshing to hear and is a positive reflection of Central Valley Water Board. Staff handles many issues and is professional and responsive. Chair Bradford also stated he really appreciated Mr. Salvatore coming before the Board to express his gratitude.

EO Pulupa thanked Mr. Salvatore for the compliment and indicated it would be passed on to staff. EO Pulupa indicated Lathrop, Tracy, and Manteca are bright spots for addressing California's housing needs while also protecting water quality as they grow. The Central Valley Water Board is proud to be part of that development within the Valley.

Member Kadara thanked Mr. Salvatore for his comments and commended him for taking the lead as a community in that portion of the of the Valley to address green energy and transportation for commuters into the Bay Area. Member Kadara stated it is positive to see the City moving forward and staff and the Board is pleased to partnership with the City of Lathrop to accomplish future goals.

Member Yang thanked Mr. Salvatore for his comments and stated he appreciated the ability to work together to uplift our communities.

AGENDA ITEM 5 – EXECUTIVE OFFICER'S REPORT

Chair Bradford noted prior to each Board Meeting, the EO works with the Executive Assistant and the Board's Program Managers to compile a report on the status of the Board's programs and initiatives.

EO Pulupa stated staff was continuing to streamline the EO Report to ensure it is useful to the Board and understandable by the public.

Initially, the June 2023 Board Meeting was slotted to have a memorial for Clay Rodgers. However, the commendation from the California legislature was delayed so the memorial will commence at the August 2023 Board Meeting in Sacramento.

Recently, staff provided a comprehensive CV-SALTS update to the State Water Board. The presentation will be forwarded to the Central Valley Board members. The State Water Board shares overlapping jurisdiction over many issues involving water quality and groundwater sustainability in the valley, most notably the Safe and Affordable Funding for Equity and Resilience (SAFER) program and the State Water Board's oversight of Groundwater Sustainability Agencies and Groundwater Sustainability Plans under the Sustainable Groundwater Management Act (SGMA).

Questions and Comments from Board Members

Member Kadara commented the Central Valley Water Board is the largest region and stated her appreciation for the changes to the report. She further stated she commended staff for their work and felt the report provided easily readable and understandable information.

Member Lee Reeder echoed Ms. Kadara's sentiments and thanked staff for providing an easily understandable report.

AGENDA ITEM 6 – ADOPTION OF MINUTES FROM PRIOR BOARD MEETING

MOTION TO ADOPT 27 APRIL 2023 BOARD MEETING MINUTES

Motioned: Member Lee Reeder

Seconded: Member Yang

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 4-0-0

AGENDA ITEM 7 – ADOPTION OF UNCONTESTED CALENDAR AGENDA ITEMS 13 THROUGH 16

(Cal. Code Regs., tit. 23, section 647.2, subd. (f).) Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar.

WASTE DISCHARGE REQUIREMENTS (AGENDA ITEM 13)

- a. California Asbestos Monofill Inc., California Asbestos Monofill, Calaveras County – Consideration of Amended Waste Discharge Requirements Order No. R5-2020-0060
- b. California Department of Corrections and Rehabilitation, Pleasant Valley State Prison Wastewater Treatment Facility, Fresno County – Consideration of Amended Waste Discharge Requirements Order No. R5-2016-0092
- c. Central Valley Meat Company, Inc., et al, Hanford Beef Processing Facility, Kings County – Consideration of Revised Waste Discharge Requirements Order No. R5-2008-0017
- d. City of Clovis, City of Clovis Landfill, Fresno County – Consideration of Revised Waste Discharge Requirements Order No. R5-2016-0058
- e. City of Patterson, City of Patterson Water Quality Control Facility, Stanislaus County – Consideration of Amended Waste Discharge Requirements Order No. R5-2018-0070

- f. Glenn County, Glenn County Class III Municipal Solid Waste Landfill, Glenn County – Consideration of Revised Waste Discharge Requirements Order No. R5-2014-0084-01

NPDES (AGENDA ITEM 14)

- a) City of Lathrop, Consolidated Treatment Facility, San Joaquin County – Consideration of NPDES Permit Amendment (NPDES Permit CA0085359)

(THIS ITEM WAS MOVED FROM THE CONTESTED CALENDAR)

- 12. Mountain House Community Services District Wastewater Treatment Plant, San Joaquin County – Consideration of NPDES Permit Renewal (NPDES Permit CA0084271) [Saranya Elankovan (916) 464-4742]

RESCISSIONS (AGENDA ITEM 15)

- a. The Boeing Company, Groundwater Extraction and Treatment Systems GET HB, Southern Groundwater Study Area GET, and Admin GET, Sacramento County – Order R5-2017-0096 (NPDES Permit CA0084891)
- b. City of Lathrop, Consolidated Treatment Facility, San Joaquin County –,Waste Discharge Requirements Order No. R5-2016-0028-01
- c. County of Mariposa, Coulterville Wastewater Treatment Facility, Mariposa County – Waste Discharge Requirements Order No. 5-00-193

Johnsville Public Utility District, Plumas County – Waste Discharge Requirements Order No. R5-2002-0144
- d. R Wild Horse Ranch, Tehama County – Waste Discharge Requirements Order No. 98-138
- e. Shasta Ranch Aggregate, Shasta County – Waste Discharge Requirements Order No. R5-2012-0040
- f. Sun Ng Cisco Grove RV, LLC, Sun Ng Cisco Grove RV Wastewater Treatment Facility, Nevada and Placer Counties – Waste Discharge Requirements Order No. 96-016
- g. Valley Springs Public Utility District, Valley Springs Wastewater Treatment Plant, Calaveras County – Waste Discharge Requirements Order No. R5-2005-0066
- h. Weimar Institute, Inc., Weimar Institute Wastewater Treatment Facility, Placer County – Waste Discharge Requirements Order No. R5-2005-0099

CHANGE OF NAME (AGENDA ITEM 16)

- a. B&R Livestock Washout, Greg & Lori Bragg, and Eugene Nunes, B&R Livestock Washout, Tulare County – Waste Discharge Requirements Order No. R5-2019-0054
- b. Evoqua Water Technologies LLC, Evoqua Water Technologies LLC, Tehama County – Waste Discharge Requirements Order No. 91-209
- c. Seminis Vegetable Seeds Inc., Woodland Research Station, Yolo County – Waste Discharge Requirements Order No. 97-137
- d. Vita-Pakt Citrus Products Company, City of Lindsay, and Brower GSA Ranch, LLC, Vita-Pakt Lindsay Land Application Site, Tulare County – Waste Discharge Requirements Order No. R5-2022-0049

Staff Comments

Assistant Executive Officer (AEO) Adam Laputz indicated Item 12 (Mountain House Community Services District Wastewater Treatment Plant, San Joaquin County) was moved to the uncontested calendar under Item 14 with late revisions. Based on State Water Board’s new Toxicity Policy, the revisions clarify certain requirements. Staff recommends adoption of the late revisions.

Comments from Interested Persons

None.

MOTION TO ADOPT AGENDA ITEM 7 WITH LATE REVISIONS (UNCONTESTED CALENDAR ITEMS 13 THROUGH 16)

Motioned: Member Kadara
Seconded: Member Lee Reeder

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 4-0-0

AGENDA ITEM 8 – DAVID BARROSO AND MARK BARROSO, JOE AND RENEE BARROSO DAIRY, LP, MERCED COUNTY – CONSIDERATION OF A STIPULATED CEASE AND DESIST ORDER (CDO), SETTLEMENT AGREEMENT, AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER (ACLO) R5-2023-0505

Enforcement Presentation

Naomi Rubin, Counsel, State Water Board Office of Enforcement, stated enforcement staff included herself, AEO John “JJ” Baum, Supervising Engineering Geologist Robert Busby (recently retired), Sr. Engineering Geologist Daniel Gamon, and Engineering Geologist Bryan Botsford. Ms. Rubin further indicated the Prosecution Team would provide the Board with brief factual background and review the details of the Settlement Agreement. Staff recommends approval and adoption of the Settlement Agreement, which is comprised of two Orders, an ACLO (which assesses monetary liabilities) and a CDO. Adoption of both Orders resolve violations of the Dairy General Order. The settlement is the result of months of settlement negotiations which involved careful considerations by the parties. The Prosecution Team believes the settlement is fair, reasonable, fulfills enforcement objectives, and is in the best interest of the public.

Bryan Botsford, Engineering Geologist, Confined Animals Unit, Sacramento Office, introduced himself to the Board and stated the presentation would include the facility description, regulatory framework, alleged violations related to the facility, a settlement timeline, a summary of the proposed Stipulated Order, and a summary of the proposed CDO.

The alleged violations resolved by the liability assessment were failure to submit Annual Reports for the 2017, 2018, 2019 and 2020 reporting periods. The main violations resolved by the CDO are failure to maintain adequate freeboard in the settling basins and wastewater storage lagoons on the property, improper disposal of dead animals on the property, and the use of two illegal wastewater storage lagoons, which need to be bermed to prevent run-on. The CDO addresses other violations as well.

The parties entered confidential settlement negotiations in October of 2022. On 20 April 2023, the proposed Stipulated Order was posted for public comment. On 22 May 2023, the public comment period closed with no comments received.

The CDO requires the Discharger comply with the reissued Dairy General Order, which includes maintaining adequate freeboard in the settling basins and lagoons, proper disposal of dead animals, discontinue use of two illegal wastewater storage lagoons for wastewater storage, and berm them to prevent run-on.

Comments from Discharger

David Barroso, a party to the action, stated he is a principle of Joe and Renee Barroso Dairy, LP, and thanked the Board for the opportunity to speak. Mr. Barroso further stated since the inception of the animal reporting process, he was the person responsible for completing the annual reports and maintaining compliance. Due to some personal issues, the process became overwhelming and he takes full responsibility for not staying in compliance. Ms. Rubin and her

staff were very professional, polite, and accommodating to work with through the development of the proposed CDO. The stipulations of the proposed CDO have been mutually agreed upon and the dairy has retained a professional consultant to assist with compliance. Within the past year, staff began implementing steps outlined on the CDO. Mr. Barroso further indicated his desire for the Board to accept the mutually agreed-upon Orders and requested the Board to show consideration regarding the imposed fines. Ms. Rubin and her team gave the dairy an opportunity to submit tax returns to help determine fines and they failed to provide that to her.

Advisory Team Recommendation

EO Pulupa commented the enforcement actions represent the diligent prosecution of violations at a dairy facility. The ACLO carries a significant monetary penalty for the dairy. The CDO puts the dairy on a track towards compliance. EO Pulupa further stated that staff supports the settlement.

Questions and Comments from Board Members

Chair Bradford thanked the presenters for the information and was pleased to see and the parties had reached an agreement.

Member Kadara asked if the Dischargers had taken actions to address concerns. Mr. Botsford replied the Discharger had previously been unresponsive, but recently hired a consultant and were planning on submitting future annual reports. The Discharger was also working with staff to comply with the CDO.

MOTION TO ADOPT AGENDA ITEM 8 - DAVID BARROSO AND MARK BARROSO, JOE AND RENEE BARROSO DAIRY, LP, MERCED COUNTY, ADOPTION OF A STIPULATED CEASE AND DESIST ORDER (CDO), SETTLEMENT AGREEMENT, AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER (ACLO) R5-2023-0505

Motioned: Member Lee Reeder

Seconded: Member Kadara

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 4-0-0

AGENDA ITEM 9 – GICO MANAGEMENT AND STEVE GIKAS TRUST, CALIFORNIA NUGGETS, INC. AND GOLDEN GATE NUTS, INC., SAN JOAQUIN COUNTY – CONSIDERATION OF REVISED WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2014-0056

Scott Armstrong, Sr. Engineering Geologist, Sacramento office, stated he had taken the Oath and the presentation would focus on revised Waste Discharge Requirements (WDRs) for California Nuggets and Golden Gate Nuts. Gico Management and Steve Gikas Trust are co-dischargers collectively referred to as Discharger. The Discharger is not contesting the revised Order. However, comments were received from Ms. Jo Anne Kipps (private citizen) contesting adoption of the Order.

The existing WDRs have a monthly flow limit of 2 million gallons and an annual flow limit of 16 million gallons. The Discharger requested an increase to their annual flow limit to 24 million gallons. The Discharger's water balance demonstrated adequate treatment and discharge capacity. Wastewater is generated from processing corn and almonds, sanitizing washdown of related equipment and boiler blowdown. Corn slurry, oil used to fry the corn, and sanitizing wastes are hauled off-site and are either disposed of at an appropriate facility or used as livestock feed. All solids are trucked off-site and not land applied.

The Discharger recently purchased a 7.88-acre almond orchard along the northern boundary of the facility to be used as a second land application area. Discharge of wastewater has not yet occurred to the new land application area. This is, in part, the reason for updating the WDRs. Storm water is collected separately and discharged to an on-site storm water pond.

The Discharger began making treatment process modifications prior to the 2014 WDR Order. At that time, a companion Cease and Desist Order was also adopted requiring the Discharger to address on-going groundwater pollution occurring in violation of the Basin Plan and Antidegradation Policy. In response to the enforcement Orders, there has been numerous changes to the treatment system and wastewater management practices such as:

- Lining the wastewater pond, adding aeration, and pH adjustment to reduce BOD;
- Installing a dissolved air flotation system (or DAF) to remove suspended material, and
- Hauling high strength wastes and solids off-site to an appropriate disposal facility or for livestock feed.

These actions have significantly reduced the amount of organics and salts discharged to the wastewater pond. Additionally, the Discharger enrolled in the Salt Control Program and has chosen to pursue Option 2, the Alternative Salinity Permitting Approach. The facility is in a Priority 2 area for the Nitrate Control Plan, where notices to comply are expected to be issued later this year.

The list of wastewater constituents with the potential to degrade or pollute groundwater include salts, represented by fixed dissolved solids, various forms of nitrogen, and biochemical oxygen

demand (BOD). These wastewater constituents and parameters are consistent with similar food processing facilities throughout the Central Valley region.

Mr. Armstrong reviewed three slides showing concentration trends for averages in all three down gradient wells over the last 5 years. Nitrogen concentrations are decreasing or have stabilized. Additionally, salt concentrations are decreasing.

Iron and manganese exceed water quality objectives. The presence of these metals in groundwater are considered a byproduct from the previous overloading of the existing land application area and the long term use of the area for agriculture purposes. However, these concentrations also show decreasing trends. While actions to improve wastewater treatment can be seen relatively quickly in effluent quality, it can take months or years to see changes in groundwater quality. Manganese and iron concentrations are expected to decrease as the discharge blends with groundwater downgradient. Although these concentrations exceed secondary maximum contaminant levels (MCLs), secondary MCLs are based on esthetic taste and odor limits, rather than posing a risk to human health.

Upgradient groundwater quality is considered poor with respect to nitrate and salts. Concentrations for both nitrates and salts show increasing trends above water quality objectives. The quality of groundwater flowing into the facility from the east is out of the Discharger's control.

The Tentative WDRs were issued for the 30-day public review period. The Discharger provided no formal comments on the Tentative Order. Ms. Jo Anne Kipps raised concerns that the discharge at the existing land application area has and will continue to violate the State's Antidegradation Policy and the Basin Plan. Staff acknowledge that previous overloading of wastewater to the existing land application area has impacted groundwater in violation of the Basin Plan and the Antidegradation Policy. In response to these violations, the Discharger was issued a Cleanup and Abatement Order and has made improvements to their overall wastewater treatment process. These treatment system improvements and the purchase of additional land application area acreage are the basis for revising the WDRs for this Facility.

The Basin Plan recognizes immediate compliance with water quality objectives may not be feasible in all circumstances. The Basin Plan also allows for additional time to bring the discharge into compliance. In this case, facility changes have already resulted in improvements in effluent and groundwater quality and more time is needed to confirm these trends will continue.

The Discharger was issued a Cease-and-Desist Order partially due to hydraulic and BOD overloading of the existing land application area. A recommendation was made to discontinue discharge to this area until iron and manganese concentrations in groundwater return to below their corresponding water quality objectives. Because the facility is in a predominately agricultural setting where shallow groundwater is influenced by surrounding crop use and related organic loading, the expectation that iron and manganese concentrations will reduce to below their respective water quality objectives is not guaranteed. Actions taken by the Discharger since 2014 to improve their discharge have already resulted in improved effluent and groundwater quality. Increasing and using all available land application acreage and better

discharge practices to ensure the even application of wastewater are expected to reduce mass loading and further reduce impacts to groundwater. Continued use of the existing land application area is considered a beneficial use because the land is used to grow crops, which helps reduce effluent nutrient loading.

Based on using the total acreage available and observed improvements in effluent quality, groundwater conditions are expected to continue improving. Effluent and groundwater quality will continue to be closely monitored and if exceedances occur, additional actions or an enforcement order may be necessary to bring the discharge back into compliance.

An additional concern was raised the discharge will exceed the BOD loading limit. Effluent BOD concentrations have been decreasing due to changes made to the wastewater treatment system. Increasing land application area acreage will further reduce overall wastewater constituent loading. Based on loading calculations provided by the Discharger and confirmed by Water Board staff, the projected BOD loading rate to all available land application area is expected to meet the 100 lb/ac/day loading limit in the proposed WDRs. The BOD loading limit included in the proposed Order is appropriate and is considered protective of groundwater.

A request was made for additional groundwater monitoring wells to be installed around the new land application area to monitor impacts from the proposed wastewater discharge. Although wastewater constituent concentrations in monitoring wells downgradient of the existing land application area are improving, staff added Provision I.1.a to the proposed WDRs specifically for the new land application area. The provision requires the Discharger to submit a technical report demonstrating whether additional monitoring wells are necessary to track potential impacts from discharges to the new land application area. If the evaluation does not recommend additional well(s), the document must provide a technical rationale demonstrating the existing monitoring well network adequately represents changes in groundwater conditions beneath the newly acquired land application area. Board staff will review the Discharger's evaluation to determine whether we concur with their recommendation or if additional monitoring wells are necessary.

Mr. Armstrong noted the addition of a late revision indicating the Discharger adequately satisfied the requirements set forth in Cease and Desist Order R5-2014-0057 and the revised WDRs Order. Therefore, the proposed Order rescinds the previous WDRs Order R5-2014-0056 and the accompanying CDO R5-2014-0057.

Comments from Interested Persons

Ms. Jo Anne Kipps, a private citizen, stated her concern with the Order is it provides the continuation of discharge to a land application area which, because of past loading, has caused pollution in groundwater for iron and manganese. Additionally, it increases the discharge flow limit. Although the Discharger added another parcel to dispose of wastewater, the existing land application area is no longer able to assimilate additional organic carbon. This is evident by the extremely low concentrations of nitrate in groundwater downgradient and elevated concentrations of iron and manganese. These constituents are in the soil and mobilized because of the anoxic conditions created by the organic loading. Ms. Kipps stated if the Board allowed the discharge to continue, they are authorizing continued pollution. The

Discharger improvements are not sufficient to preclude pollution, making the revised Order inconsistent with the Basin Plan and Antidegradation Policy. Ms. Kipps requested the Board deny the Order and remand it back to staff for corrections.

Staff Recommendation

EO Pulupa stated the Discharger made significant improvements to address the most pressing water quality considerations. Staff would continue to perform ongoing monitoring to ensure any future impacts could be addressed. The iron and manganese impacts are secondary MCLs so taste and odor thresholds are not currently impacting domestic wells, nor creating nuisance conditions. The existing permit, monitoring provisions, and the extension of land application areas satisfy legal and policy obligations under the Basin Plan of the Water Code and applicable policies. Therefore, EO Pulupa recommends adoption of the Order.

Questions and Comments from Board Members

Chair Bradford thanked Mr. Armstrong and staff for the presentation and stated he appreciated Ms. Kipps comments. Chair Bradford also confirmed there would be future monitoring. EO Pulupa responded there will be future monitoring from the new land application area. Part of the proposed Order requires an assessment of existing monitoring. If no additional wells are going to be proposed by the Discharger, they are required to have a technical expert demonstrate (to the satisfaction of the Board) the existing well network is sufficient to adequately characterize impacts to groundwater. Chair Bradford stated his recommendation would be to approve the proposed Order and trusted staff performed due diligence.

Member Kadara stated she appreciated Ms. Kipps' comments and felt her concerns were valid. However, based on staff's recommendation, efforts are being made to improve water quality and adjustments have been made.

Member Yang stated he also appreciated Ms. Kipps' comments and asked how long staff had been involved in this process with the Discharger. Mr. Armstrong replied since 2007.

AGENDA ITEM 9 – GICO MANAGEMENT AND STEVE GIKAS TRUST, CALIFORNIA NUGGETS, INC. AND GOLDEN GATE NUTS, INC., SAN JOAQUIN COUNTY – ADOPT REVISED WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2014-0056 WITH LATE REVISIONS

Motioned: Member Lee Reeder
Seconded: Member Kadara

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

AGENDA ITEM 10 – THOMAS ALEXANDER, CALIFORNIA CONCENTRATE COMPANY, SAN JOAQUIN COUNTY – CONSIDERATION OF REVISED WASTE DISCHARGE REQUIREMENTS ORDER NO. 98-136

Scott Armstrong, Sr. Engineering Geologist, Sacramento office, stated he had taken the Oath and his presentation would focus on revised WDRs for the California Concentrate Company. The facility owner and Discharger, Mr. Thomas Alexander, is not contesting the proposed WDRs. However, comments were received from Ms. Jo Anne Kipps (private citizen) contesting adoption of the Order.

The facility began operating in 1935 and processes grapes for juice concentrates and barley for malt extract. Waste discharge to land is currently permitted through WDRs Order 98-136, which was adopted June 1998. Balsamic vinegar is also produced at the facility. However, all wastes associated with vinegar production are currently transported off-site for disposal. Wastewater is generated from processing grapes and barley, cleaning the facility, and sanitizing equipment. Storm water captured on-site is discharged to the wastewater treatment system.

The facility currently has a permitted flow of 7.5 million gallons annually and there is no planned flow increase included in this proposed Order.

Mokelumne Beach RV Park is located adjacent to the west side of the California Concentrate facility. Up until 2019, residents and managers from the RV park made numerous nuisance and odor complaints. Recent operational changes at the facility included rerouting the wastewater to first enter treatment pond T-3 instead of T-1 due to the proximity of the neighboring RV Park. Pond T-1 is now only used when flows are high due to heavy rains, a facility upset, or when additional capacity is needed. A resident of the RV Park recently informed Water Board staff of their appreciation because the Discharger was proactive in addressing problems and cooperative in communicating their activities to build a more productive working relationship between the two entities.

Since 2000, California Concentrate Company has received numerous Notice of Violations for on-going odor complaints and various other violations. Most of the odor complaints were made by residents of the neighboring RV park. After adoption of the Waste Discharge Requirements in 1998, the Discharger received 10 Notices of Violation over a 20-year period, which included numerous odor complaints. In February 2019, a Cleanup and Abatement Order (CAO) was issued requiring the Discharger to discontinue the on-site discharge of vinegar waste, implement measures to reduce objectionable odors, and make operational changes to bring the discharge into compliance. The CAO also required a combination of work plans and evaluations to identify appropriate actions to be taken by the Discharger to improve effluent quality, reduce impacts to groundwater quality, and eliminate off-site odors. Three additional Notices of Violation were issued in late 2019 as the Discharger was modifying the wastewater treatment system processes. Since January 2020, there have been no additional odor complaints or Notices of Violation.

In response to the Cleanup and Abatement Order, the Discharger made numerous changes to the treatment system and wastewater management practices. Notably, the Discharger now provides off-site disposal of all vinegar wastes. Discharge of vinegar waste into the treatment system resulted in low wastewater pH, the corrosion of portions of the collection system piping, and generation of objectionable odors. Additional improvements include reduced sanitizing chemical usage, the installation of screens on floor drains to reduce the amount of organics discharged to the ponds, and better pond management to reduce odors. These changes are on-going and the Discharger continues to be proactive in managing discharges.

The only increasing trend is total Kjeldahl nitrogen (TKN), which is the organic fraction of total nitrogen. Most wastewater constituents in groundwater are showing stable trends, indicating the changes made at the facility beginning in 2019 have stabilized groundwater quality.

There are some on-going groundwater concerns for total dissolved solids, manganese, and electrical conductivity in the downgradient monitoring wells. While actions to improve wastewater treatment can be seen relatively quickly in effluent quality, it can take months or years to see changes in groundwater quality. To address these concerns, the WDRs includes a compliance schedule (Provision I.1.a), which requires the Discharger to continue monitoring groundwater and reevaluate groundwater conditions in 5 years. If wastewater constituent concentration trends are increasing over that time, the Discharger would be required to submit a work plan describing additional actions to address groundwater impacts. While these constituents are currently a concern, the issues will not be quickly rectified and will take time before true improvement can be confirmed. If groundwater conditions do not continue to improve after 5 years, additional actions or enforcement orders may be necessary.

Groundwater salinity will be addressed as part of the CV-SALTS Program. The Discharger has enrolled in the Salinity Control Program and has selected option 2 (the P&O Study). Due to low regional nitrate concentrations in drinking water wells in the surrounding area, the facility is in an unprioritized area for the Nitrate Control Plan.

TKN and nitrate as nitrogen in groundwater are not currently a concern. The low concentrations of TKN and nitrate as nitrogen in groundwater indicate the vadose zone is adequately supporting the nitrification and denitrification processes. Nitrate as nitrogen concentrations in groundwater are well below the Primary Maximum Contaminant level water quality objective of 10 mg/L.

During the 30-day public comment period, comments were received Ms. Jo Anne Kipps. Concerns were raised that upon adoption of these revised WDRs, the Regional Board would be authorizing the discharge of designated waste and will continue to allow violations of the Basin Plan and the State Antidegradation Policy.

Staff acknowledge previous discharge activities impacted groundwater in violation of the Basin Plan and the Antidegradation Policy and the unpermitted discharge of vinegar wastewater could be considered designated waste. In response to these violations, the Discharger was issued a Cleanup and Abatement Order to bring the discharge back into compliance. The Discharger made improvements to their overall wastewater treatment process, which is now being reflected in improved effluent quality.

Chapter three of the Basin Plan states that “water quality objectives are to be achieved primarily through the adoption of WDRs and cleanup and abatement orders.” The Basin Plan recognizes that immediate compliance with water quality objectives adopted by the Regional Water Board may not be feasible in all circumstances. Therefore, the Basin Plan also allows for additional time to be determined by the Regional Water Board to bring the discharge into compliance. In this case, facility changes have already resulted in improvements in effluent and groundwater quality and more time is needed to confirm that these trends will continue.

The proposed WDRs includes a compliance schedule that requires the Discharger to submit a Groundwater Compliance Assessment Report after 5 years of continued groundwater monitoring. This is necessary to determine the effectiveness of wastewater treatment system improvements and the resulting impact on groundwater quality. The Groundwater Compliance Assessment Report will be used to determine whether additional actions are required to further reduce impacts to groundwater.

Comments also included the suggestion the percolation ponds should be regulated as land application areas. Land application areas typically have requirements related to land use such as agronomic loading for crops use and other limitations that are not applicable to pond systems. Land application areas are primarily used for irrigation and nitrogen uptake, which is not applicable in this scenario.

Ms. Kipps asked for a comparison between using BOD loading limits normally used to regulate land application areas with an effluent limit and how the proposed effluent limit is considered protective of groundwater and how BOD overloading will be addressed.

To address the high BOD concentrations in the effluent, the Discharger added screens to reduce organics in the wastewater and installed aerators in the treatment ponds to oxygenate the wastewater. These changes have reduced BOD concentrations. BOD in effluent is regulated as a loading limit to the land application areas to maintain crop health. For pond systems, BOD is regulated as an effluent limit, which is a performance based limit. The effluent limit is set using data collected after improvements were made to the facility and does not allow for increasing BOD concentration trends. To meet this limit, the treatment system is expected to be operated efficiently.

Metals that can be mobilized in groundwater due to high BOD concentrations include iron and manganese. Increasing iron and manganese concentrations and the production of odors are indicators that BOD is not being managed appropriately. The compliance schedule in the proposed WDRs requires the Discharger to conduct a groundwater evaluation in 5 years to determine the effectiveness of facility improvements. Staff believes the proposed BOD effluent limit is appropriate and considered protective of groundwater at this time.

A question was brought up asking for clarification on the long-term storage of pond sludge. The comment specifically references compliance with Discharge Specification E.1, which require the wastewater to remain within the permitted treatment system, and Discharge Specification E.2, which requires all systems to be operated to optimize the quality of the discharge. Regarding Discharge Specification E.1, it is important to note that percolation is part of the treatment process and does not represent an uncontrolled or unpermitted discharge

occurring outside the treatment system. Regarding Discharge Specification E.2, sludge that accumulates at the bottom of a pond is an expected part of operating a pond system. Pond sludge is not indefinitely stored and is appropriately regulated as the WDRs do not allow the accumulation of sludge to reduce a ponds' functional capacity. Also, when sludge is removed from the pond, it must be transported off site and documented. It cannot be land applied. Prior to removing any sludge, the Discharger must submit a Sludge Cleanout Plan describing how the sludge will be managed to stay compliant with the WDRs. Some sludge accumulation in the treatment pond can be beneficial. It can reduce percolation rates, allowing for more aeration treatment time prior to discharging to more traditional percolation ponds, which are not intended to accumulate sediment. In the percolation ponds, sludge and sediment accumulation slows the percolation time, which can result in wastewater taking too long to percolate increasing the potential to produce objectionable odors. The proposed WDRs provides information on the Discharger's maintenance procedures to better maintain percolation rates.

A request was made to issue a stand-alone enforcement order, such as a Time Schedule Order, requiring the Discharger to implement additional management practices to bring the discharge into compliance. Currently, staff believes it is unnecessary to issue a stand-alone Time Schedule Order. Recent changes have improved wastewater quality, which should reduce impacts on groundwater.

Ms. Kipps commented the facilities berms are inadequate to protect the ponds from river flooding. The berms surrounding the ponds may not meet Discharge Specification E.3, which requires "all conveyance, treatment, storage, and disposal systems for wastewater shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency." Provision I.1.b in the proposed WDRs includes a compliance schedule requiring the Discharger evaluate the berms. The required evaluation shall determine the status of the berms in relation to a 100-year return frequency and what steps will be taken by the Discharger to meet Discharge Specification E.3.

Ms. Kipps requested additional constituents be monitored in the effluent and groundwater to provide more information on the effectiveness of wastewater treatment. Staff added sulfate, potassium, total chromium, and nickel to the proposed Monitoring and Reporting Program for analysis in effluent and groundwater.

A late revision was added indicating the Discharger adequately satisfied the requirements set forth in Cleanup and Abatement Order R5-2019-0700 and that the revised WDRs Order, as proposed, rescinds the previous WDRs Order 98-136 and CAO R5-2019-0700.

Comments from Interested Persons

Ms. Jo Anne Kipps, a private citizen, thanked the Board for the opportunity to comment. Ms. Kipps stated the staff presentation failed to mention the discharge to the treatment ponds contained iron and manganese many times higher than the water quality objective. The facility was built in 1935 and the wastewater is acidic and dissolving metals from the piping. Staff should have looked at it and identified it as designated waste due to the discharge concentrations of iron and manganese, which far exceed decades-long water quality objectives.

Just because it is a secondary water quality drinking water standard, does not negate the fact that it is a water quality objective. The Board should prohibit the discharge altogether. It is not only a discharge of designated waste to unlined ponds, but is in a regulatory floodplain. Ms. Kipps stated she did not understand staff's recommendation because it is unlined and the quality of wastewater entering groundwater is worse than what is entering the percolation ponds. From the information in the WDR, it appears the quality of the influence going into the treatment ponds is twice the strength of high strength municipal sewage. It is a municipal sewage treatment plant with unlined ponds being the primary treatment pond. This discharge does not reflect best practical treatment and control. It is causing pollution and the and the Board should prevent this discharge from happening. Ms. Kipps felt the Discharger should be given a Time Schedule Order or have it ceased because it is not consistent with the Basin Plan or the Antidegradation Policy, nor is it consistent with the California Water Code.

Mr. Armstrong acknowledged past discharges were in violation of the WDRs, partly due to putting the balsamic vinegar waste into the wastewater treatment system, causing PH issues. The cast iron piping likely caused the increase in iron and manganese. Staff believes the Discharger should be given time to determine if the recent changes make an impact to groundwater. Additionally, staff is requiring the discharger to analyze for total chromium and nickel. Staff is working diligently with the Discharger and holding them responsible for the compliance schedule. Lastly, this Discharger has been very cooperative and based on a recent visit to the RV Park, residents are pleased with the rectification of odor issues.

Staff Recommendation

EO Pulupa commented staff is proposing quarterly monitoring. If staff sees increasing trends, upgrading the facility will be discussed. Requiring the capital expenditure cost of corrosion resistant piping may put the facility out of business. Staff has seen similar facilities falter under that type of burden, so staff wants to give time to understand the dynamics of the discharge. The Water Code and existing policies give staff the flexibility to understand where the sensitive receptors are and if there are continuing impacts prior to taking further action. Additionally, the RV Park is now protected from odors and has not had any complaints since the changes in the Discharger's process. Staff will monitor the groundwater for improvement and have a better understanding of where the iron and manganese are going. The new BOD limitations in the revised Order are adequately protective of groundwater.

EO Pulupa stated his recommendation is to adopt the revised WDRs.

Questions and Comments from Board Members

Chair Bradford thanked the staff for the presentation and Ms. Jo Anne Kipps for the comments and asked how often the reporting occurred and staff replied sampling is quarterly and reporting is semi-annually. Chair Bradford also confirmed if trends reversed the Discharger would be brought back to the Board. Staff replied yes because the quickest indicator would be the return of offensive odors for the residents living adjacent to the Discharger. Chair Bradford indicated he was comfortable with the revised WDRs presented to the Board.

Member Kadara thanked Ms. Kipps for her comments and stated her comments were making a difference as a representative of the public and community advocate. Member Kadara stated she was pleased to hear there were no odor complaints since 2020 and asked if there was an opportunity prior to the five year mark for addressing concerns. Staff replied there were tools to respond accordingly if concentrations were increasing and staff did not need to wait until five years to address any issues.

Member Lee Reeder asked how long it would take to determine if the piping was causing the iron and manganese issues. Staff replied a specific timeline had not been established. However, the concentration should not increase.

AGENDA ITEM 10 – THOMAS ALEXANDER, CALIFORNIA CONCENTRATE COMPANY, SAN JOAQUIN COUNTY – ADOPT REVISED WASTE DISCHARGE REQUIREMENTS ORDER NO. 98-136 WITH LATE REVISIONS AND RESCIND CLEANUP AND ABATEMENT ORDER R5-2019-0700

Motioned: Member Lee Reeder
Seconded: Member Yang

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 4-0-0

AGENDA ITEM 11 – MUNICIPAL WASTEWATER DISCHARGERS THAT MEET OBJECTIVES/CRITERIA AT THE POINT OF DISCHARGE TO SURFACE WATER (MUNICIPAL GENERAL ORDER), REGION 5 – CONSIDERATION OF NPDES GENERAL ORDER RENEWAL (NPDES GENERAL ORDER CAG585001)

Anne Walters, Environmental Program Manager, Sacramento office, indicated she had taken the oath and stated the presentation would provide an overview of the Municipal General Order (MGO), the changes to the proposed renewal, major public comments received followed by staff responses, and Central Valley Water Board staff recommendation.

A General Order provides a standard approach for similar types of discharges. The MGO was developed to cover similar high-quality discharges of treated municipal water that can meet all their effluent limits at the point of discharge, without the need for dilution. Coverage under the MGO allows for a simplified permit application process and a more efficient permit development process through issuance of Notices of Applicability versus issuance of 20 plus individual NPDES permits.

The MGO was originally adopted at the August 2017 Board Meeting. Currently, there are 20 facilities enrolled under the MGO with plans to enroll two more facilities under the proposed permit in the coming months if adopted.

Ms. Walters reviewed the process for eligible Dischargers to be issued a Notice of Applicability (NOA) under the MGO and stated it was updated to include important changes:

- Removes requirements based on the Basin Plan's narrative toxicity objective and implements requirements based on the recently approved Statewide Toxicity Provisions.
- Criteria for ammonia, mercury, and aluminum have been updated. The changes for these criteria are also reflected in the proposed renewal.
- Add screening levels, effluent limitations, and routine effluent monitoring for a more comprehensive list of priority pollutants to include constituents not previously included in the MGO to allow more flexibility to enroll facilities in the future that may have effluent limits or monitoring for any of these constituents.
- Includes important updates based on recent Basin Plan Amendments. These include pyrethroid pesticide monitoring and requirements to implement a Pyrethroid Management Plan (if applicable).

Comments on the proposed NPDES Permit were received from interested persons. All comments were addressed. Ms. Walters then reviewed comments (and staff responses) from Central Valley Clean Water Association (CVCWA) and Ms. Jo Anne Kipps.

Board staff reviewed the minimum monitoring frequencies for major and minor Dischargers and confirmed CVCWA's finding that most minimum monitoring frequencies are the same after including the complete list of 126 California Toxic Rule constituents. Since the minimum frequencies are similar for most constituents, Board staff combined both lists into a single list and defaulted to the lower frequency between major and minor Dischargers if the frequency was different.

Ms. Kipps commented that the proposed MGO should be revised to require a 30-day public comment period for facilities that may threaten groundwater or all tentative NOAs. Board staff do not concur with increasing the public comment period for tentative NOAs from 15 days to 30 days. The MGO is subject to a 30-day comment period but NOAs are not subject to a public review period. NOAs implementing the already publicly reviewed MGO are significantly shorter and more focused documents than an individual permit. However, the Board previously discussed granting a public review period at the hearing for the existing MGO based on comments received and committed to a 15-day public review period to allow interested persons to provide comments. In addition to this commitment, if significant concerns are raised, the Executive Officer may schedule a hearing for a specific NOA under the MGO.

Upon request, the Central Valley Water Board will include Ms. Kipps on noticing for all tentative NOAs issued under the MGO or specific facilities of interest if requested. The Central

Valley Water Board can also extend the 15-day public noticing period if a request is made by an interested person who is able to substantiate the need for additional time for review of the tentative NOA.

Ms. Kipps also commented the Notice of Intent (NOI), which is the application submitted by a Discharger for coverage under the MGO should include legible flow schematics with specific information regarding flows and scaled site maps. Additionally, the NOI should include specific information regarding ponds to characterize influences to groundwater including, but not limited to, dimensional data for ponds, liner characterization, and annual hydraulic loading of wastewater or sludge. Board staff concur, in part, with the requested changes. To make the NOAs within the proposed MGO more consistent and comparable to individual permits, Board staff revised the NOI to require a site-specific map and flow schematic annotation requirements.

Ms. Kipps commented inadequately designed or maintained ponds can cause groundwater degradation in violation of the Antidegradation Policy and unlined ponds and sludge storage do not constitute best practicable treatment or control, nor is it in the best interest of the State of California. Due to the threat to groundwater quality, Ms. Kipps asked that facilities with unlined ponds and sludge storage be prohibited from coverage under the proposed MGO. Board staff do not concur that in all scenarios that groundwater degradation is a violation of the Antidegradation Policy. Compliance with the General Order requirements will result in the use of best practicable treatment or control to prevent impacts to groundwater. To the extent there is limited degradation of high-quality waters despite implementation of these requirements, the limited degradation is consistent with the maximum benefit to the people of the State. Additional text has been added to the Fact Sheet of the MGO discussing applicable groundwater antidegradation requirements.

Board staff concurs, in part, with restricting the frequency and duration of sewage discharges to unlined emergency storage ponds, and requiring return of impounded sewage to the facility for treatment. The MGO allows short-term usage of unlined ponds by providing a seven-day grace period for monitoring requirements when using an unlined basin or pond. However, in situations where the Discharger requires the use of an emergency pond for more than seven days, it would still be able to protect surface water from raw or partially treated wastewater discharges by continuing to use the unlined emergency storage pond without being in direct violation of the MGO. It is important to note most of the facilities currently enrolled under the MGO have lined storage basins or ponds. In cases where unlined ponds or sludge processing components are planned for long-term use, Board staff have added eligibility criteria to the MGO requiring the Discharger to obtain (or be in the process of obtaining) additional regulatory requirements that address operation, maintenance, monitoring, and other specific requirements for long-term operation of unlined ponds or the sludge treatment process.

Additional regulatory requirements for long-term use of unlined ponds or sludge processing components may include a future amendment to the MGO, individual NPDES permit, separate Waste Discharge Requirements, or a Water Code section 13267 Order requiring additional monitoring and reporting.

Ms. Walters stated late revisions were made to the proposed MGO. Staff revised the lined pond definition to a hydraulic conductivity standard greater than 1×10^{-6} centimeters per second and revised language to clarify Toxicity Reduction Evaluation requirements. Additionally, clarifying language was added regarding the requirement for submitting a NOI and continued coverage of NOAs issued under the existing MGO.

Comments from Interested Persons

Jo Anne Kipps, a private citizen, thanked the Board for the opportunity to speak and thanked Board staff for the changes to the MGO to recognize the potential threat to groundwater posed using unlined ponds. In 2023, it should be recognized by staff and the Board that unlined ponds are not best practicable treatment and control for discharges to high quality groundwater. She further stated she appreciates the MGO does not authorize the use of these unlined facilities. Ms. Kipps asked how hydraulic conductivity was defined in the MGO and wanted to ensure the revision was made to include a definition. Additionally, Ms. Kipps stated she wished to correct staff in terms of her recommendation the NOA (if there is a groundwater discharge component of unlined ponds, even briefly for emergency storage) include numerical groundwater limitations. She was not suggesting the MGO include numerical groundwater limitations. Ms. Kipps feels if numerical groundwater limitations were included in the NOA, any needed enforcement action would be easier to enforce. Lastly, Ms. Kipps stated she had been trying to educate staff in the NPDES Program about organic overloading and feels she has succeeded. Ms. Kipps also mentioned the late revisions were not posted nor made a part of the agenda package.

Bayley Toft-Dupuy, Counsel, stated the late revisions were not posted online due to the timing of the Board Meeting. However, they were made available to the Board Members and members of the public, as well as emailed to Ms. Kipps.

Paul Bedore, Robertson Bryan Inc., representing the City of Roseville, the City of Placerville, and El Dorado Irrigation District thanked the Board for the opportunity to speak and indicated he took the Oath. Mr. Bedore also thanked staff for the collaborative and responsive efforts in terms of working through comments. In 2007, as part of their NPDES Permit, the City of Roseville was required to determine an electrical conductivity standard that would protect the agriculture beneficial use of the area. The City of Roseville performed special studies for their two wastewater treatment plants to determine what electrical conductivity threshold would protect the downstream beneficial use. Subsequently, the 2013 NPDES Permit used that threshold to establish effluent limits on their two facilities regulated under the MGO. The MGO is now including two pathways to implement the Salt Control Program: the alternative pathway which does not include defined effluent limits for electrical conductivity, and the conservative pathway approach that includes defined effluent limits. The City of Roseville's treatment facilities qualify for the conservative pathway if their site specific threshold is used as the limit (which is allowed under the Basin Plan objective). Mr. Bedore asked to clarify the language in the MGO to allow that site specific threshold to be used for the effluent limit using the conservative pathway.

The Board took a recess to allow staff to verify the language on page 104 of the MGO.

Bayley Toft-Dupuy, Counsel, indicated the late revision to the effluent limit section of the MGO would indicate where a site-specific numeric value has been developed and adopted into the Basin Plan, the Board shall continue to apply that value as an effluent limitation. Additionally, similar language would be included in the corresponding section within the fact sheet.

EO Pulupa thanked Mr. Bedore for identifying the needed edit and the staff for collaborating quickly.

Staff Recommendation

Staff recommends adoption of the MGO with all late revisions.

Comments and Questions from Board Members

Chair Bradford thanked staff for the presentation and Ms. Kipps for the comments.

Member Kadara thanked staff for the presentation and commended Ms. Kipps for her comments and stated she was representing the public well.

AGENDA ITEM 11 – MUNICIPAL WASTEWATER DISCHARGERS THAT MEET OBJECTIVES/CRITERIA AT THE POINT OF DISCHARGE TO SURFACE WATER (MUNICIPAL GENERAL ORDER), REGION 5 – ADOPT THE NPDES GENERAL ORDER RENEWAL (NPDES GENERAL ORDER CAG585001) WITH ALL LATE REVISIONS

Motioned: Member Kadara
Seconded: Member Yang

Roll Call Vote:

Member Yang	Yes
Member Lee Reeder	Yes
Member Kadara	Yes
Chair Bradford	Yes

Approved by Roll Call Vote of 4-0-0

MEETING ADJOURNED

The Board Meeting adjourned at 12:37 p.m. to the 10-11 August 2023 Board Meeting in Rancho Cordova, CA.