
Central Valley Regional Water Quality Control Board

June 15, 2015

Senator Jean Fuller
California State Senate, Sixteenth District
Capitol Office: State Capitol, Room 3063
Sacramento, CA 95814

Dear Senator Fuller:

Thank you for your letter dated June 8, 2015 requesting that the Central Valley Water Board (Board) consider holding the hearing for the tentative Cease and Desist Order for Valley Water Management Company (hereafter referred to as the CDO) in Kern County. Unfortunately, the Board cannot accommodate your request. As explained in more detail below, the Board believes that in light of the egregious allegations contained in the CDO and the length of time that Valley Water Management Company has been regulated under orders issued by this Board, delaying the hearing for a change in location is unwarranted.

The Central Valley Water Board's jurisdiction extends from the Oregon border to the Tehachapi Mountains, which makes it a challenge for the Board to conduct hearings in various locales throughout the region. However, when the Board is making significant policy decisions that result in precedential decisions or that are related to new or changed regulatory policies, it may conduct hearings outside of the Rancho Cordova office in the area or areas where a regulated community or citizens may be disproportionately affected. The Board holds these meetings outside of its normal place of business not because of any legal obligation to do so, but simply because the Board highly values hearing the concerns of people that may be affected by the Board's policy decisions. For example, in the past few years, the Board has conducted meetings in Redding to discuss emerging concerns related to the Board's development of a cannabis cultivation regulatory program, and in Fresno and Bakersfield to address issues related to proposed requirements in the Board's Irrigated Lands Regulatory Program.

However, the issues presented by the pending CDO are neither precedential nor are they related to any new or changed regulatory policy. In determining whether or not to issue the CDO, the Board will be adjudicating facts related to one company's compliance, or lack thereof, with previously-issued permits that have been in place for decades. Though the enforcement action may have significant consequences for Valley Water and the companies that rely on the wastewater services that Valley Water provides, issuance of the proposed CDO would simply enforce an existing set of permits. This does not present the type of policy concerns that

usually would prompt a special meeting outside of Rancho Cordova. Furthermore, relocating the hearing to Kern County would delay the Board's consideration of the CDO, and if the allegations in the proposed CDO are true, wastewater discharges at the Valley Water facility may present a significant threat to groundwater quality, which merits prompt action. For these reasons, the Board has elected to keep this matter on track for a July hearing in Rancho Cordova.

Though the Central Valley Water Board will hold its meeting in Rancho Cordova, the Board remains highly committed to public involvement in its consideration of the proposed CDO. The Board meeting will be streamed live on the internet at <http://www.calepa.ca.gov/Broadcast>, and the public comment period for the proposed CDO remains open through June 19, 2015. Public comments may be directed to Ron Holcomb at (559) 445-6050 or Ronald.Holcomb@waterboards.ca.gov. The Board will carefully consider all comments received for this matter, and promises a neutral and unbiased adjudication of the proposed CDO.

Thank you again for your input. We sincerely appreciate your interest in this and other Central Valley Water Board issues. If you wish to discuss further please contact me at (916) 341-5189 or Pamela Creedon at (916) 464-4638.

Yours,



Patrick Pulupa, Attorney III
Office of the Chief Counsel

***Pursuant to the Revised Hearing Procedure, the public comment deadline is now June 30, 2015.**

cc: **[All via email only]**

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