

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
AUGUST 3 & 4, 2010

Copies of the resolutions and water quality orders can be obtained by calling (916) 341-5600 or downloading from our [Website](#).

CALL TO ORDER

Chairman Charlie Hoppin called the meeting to order on August 3, 2010 at 9:05 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chairman Charlie Hoppin; Vice Chair Frances Spivy-Weber; Member Arthur G. Baggett, Jr.; Member Tam M. Doduc; Member Walter G. Pettit

STAFF PRESENT

Dorothy Rice, Executive Director	Tom Howard, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jeanine Townsend, Clerk to the Board
Steven H. Blum, Office of Chief Counsel	Reed Sato, Office of Enforcement
Andy Sawyer, Office of Chief Counsel	Melissa Hall, Office of Enforcement
James Herink, Office of Chief Counsel	Liz Haven, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Darrin Polhemus, Division of Water Quality
Philip Wyels, Office of Chief Counsel	Michael Buckman, Division of Water Quality
Erin Mahaney, Office of Chief Counsel	James Giannopoulos, Division of Water Quality
Barbara Evoy, Division of Financial Assistance	Judie Panneton, Office of Public Affairs
Leslie Laudon, Division of Financial Assistance	Gita Kapahi, Office of Public Participation
Erin Ragazzi, Division of Financial Assistance	Bill Rukeyser, Office of Public Affairs
Christopher Stevens, Division of Financial Assistance	Catherine Foreman, Office of Employee Assistance
Vicky Whitney, Division of Water Rights	Tanya Cole, Office of Employee Assistance
Diane Riddle, Division of Water Rights	David Ceccarelli, Division of Administrative Services
Phil Crader, Division of Water Rights	

ANNOUNCEMENT

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair

PRESENTATION OF SUPERIOR AND SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS

- ***Vicky Whitney, Deputy Director of the Division of Water Rights presented the Superior Accomplishment Award to the AB2121 Team of: Steve Herrera, Karen Niiya, Katherine Washburn, Aaron Miller, Dana Heinrich, William Cowan & Erin Mahaney***
- ***Darrin Polhemus, Deputy Director of the Division of Water Quality presented the Sustained Superior Accomplishment Award to Mr. Dominic Gregorio***

INTRODUCTION OF THE DELTA WATERMASTER

- ***Chairman Hoppin introduced the new Delta Watermaster Craig Wilson.***

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

Commenters

Daniel Merkley, California Farm Bureau

Mark Rentz, Association of California Water Agencies

BOARD BUSINESS

- 1. The Board will consider adoption of the July 6, 2010 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the minutes from the July 6, 2010 Board meeting.

Seconded by: Member Pettit

MOTION CARRIED: ([July 6, 2010](#))

Aye: Vice Chair Spivy-Weber
Member Baggett
Member Pettit

Nay: None

Abstain: Chairman Hoppin
Member Doduc

Absent: None

- 2. Board Member Report.

➤ *The Board presented a resolution to Dorothy Rice recognizing her years of service to the State of California and extending their gratitude for her accomplishments as Executive Director.*

UNCONTESTED ITEMS* (Items 3-7)

- *3. Consideration of a proposed Resolution authorizing the Executive Director or designee to enter into contracts to implement the [Groundwater Ambient Monitoring and Assessment Program](#).

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0032](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

- *4. Consideration of a proposed Resolution approving Regional Water Quality Control Boards Program preferences, authorizing staff to solicit and recommend projects, and authorizing the Executive Director or Designee to award and execute finance agreements for the [2010-2011 319\(h\) Nonpoint Source Grant Program](#).

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0033](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

- *5 Consideration of a proposed Resolution approving Projects and authorizing grants for the Santa Monica Bay Restoration Commission through the [Proposition 84 Clean Beaches Program](#).

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0034](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

- *6. Consideration of a proposed Resolution adopting a Clean Water State Revolving Fund (CWSRF) Program Preliminary Funding Commitment for the [Yolo County Flood Control and Water Conservation District, Capay Diversion Dam Apron Retrofit Project](#), CWSRF Project No. C-06-6601-110.

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0035](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

- *7. Consideration of a proposed Resolution extending the Notice-to-Proceed with Construction Deadline for the [City of Shafter's North Shafter Wastewater Project](#).

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0036](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

DIVISION OF FINANCIAL ASSISTANCE

8. Consideration of a proposed Resolution on the [2010/2011 Clean Water State Revolving Fund Intended Use Plan](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded By: Vice-Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0037](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

Commenters

Jennifer Clary, Clean Water Action

Paul Boyer, Self-Help Enterprises

DIVISION OF WATER QUALITY

9. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region to: (1) add the Aptos Creek Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition, and (2) establish Total Maximum Daily Loads for pathogens in [Aptos Creek, Valencia Creek, and Trout Gulch](#). (*Written comments were due on June 29, 2010 by 12:00 noon.*)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0038](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

INFORMATIONAL ITEMS

10. Second annual update on State Water Resources Control Board efforts to promote strategies to assist [Small and/or Disadvantaged Communities with Wastewater needs](#).

➤ **Erin Ragazzi with the Division of Financial Assistance, Melissa Hall with the Office of Enforcement, Darrin Polhemus with the Division of Water Quality, and Steve Woods & Leah Walker with Department of Public Health made the [presentation](#) to the Board**

Commenters

Jennifer Clary, Clean Water Action
Paul Boyer, Self-Help Enterprises

11. Presentation by the [NPDES fee workgroup](#) on the progress of workgroup meetings and to present a proposal on assessing NPDES fees.

Ms. Bobbi Larson with the California Sanitation of Water Agencies and David Ceccarelli with the Division of Administrative Services made the [presentation](#) to the Board.

Commenters

Julie Gill, AES Southland
Kevin Buchan, Western States Petroleum Association
Mark Krausse, Pacific Gas & Electric

The following item will not be heard before 10:00 a.m.

DIVISION OF WATER RIGHTS

12. Consideration of a proposed Resolution determining [Delta flow criteria](#) pursuant to the Delta Reform Act. (*Written comments were due on July 29, 2010 by 12:00 noon.*) ([Staff Presentation](#))

Motion: Member Baggett moved to adopt the proposed Resolution with changes recommended by Staff and Board Members Baggett & Doduc.

Seconded By: Member Pettit

MOTION CARRIED: ([Resolution 2010-0039](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

Commenters

Barbara Barrigan-Parrilla, Restore the Delta
Bill Jennings, California Sportfishing Protection Alliance
Bruce Herbold, Delta Panel of Experts
Chris Scheuring, California Farm Bureau
Cynthia Koehler, Environmental Defense Fund
Dante John Nomellini, Central Delta Water Agency & South Delta Water Agency
David Guy, Northern California Water Association
David Maurier, Planning & Conservation League
Dick Pool, Water 4 Fish

Commenters (cont'd)

- Doug Obegi, Natural Resources Defense Council
- Gail Delihant, Western Growers Association
- Gary Bobker, The Bay Institute
- Karen Medders, Delta Primary Zone
- Kathy Mannion, Regional Council of Rural Counties
- Mark Rentz, Association of California Water Agencies
- Mike Jackson, California Water Impact Network
- Paul Seger, Oakley Citizens for Responsible Growth
- Richard Morat, Friends of the Estuary
- Roge Mammon, California Striped Bass
- Steve Heringer, Heringer Holland
- Terrie Mitchell, Sacramento Regional County Sanitation District
- Thomas Birmingham, Westlands Water District
- Tim Neuhorth, Farmer
- Tim O’Laughlin, San Joaquin River Group Authority
- Zeke Grader, Pacific Coast Federation of Fisherman

ADJOURNED

The Board Meeting adjourned at 2:30 p.m.



Wednesday, August 4, 2010 – 9:00 a.m.

DIVISION OF WATER QUALITY

13. Consideration of a proposed Resolution approving the [303\(D\) List Portion of the Proposed 2010 Integrated Report](#), Clean Water Act Section 303(D) List of Water Quality Limited Segments and Clean Water Act Section 305(B) Assessment of Surface Water Quality (*Written comments were due on May 28, 2010 by 12:00 noon.*) ([Staff Presentation](#))
 - [Change Sheet #1](#) (Circulated on June 8, 2010 for the June 15, 2010 Board Meeting)
 - [Change Sheet #2](#)
 - [Change Sheet #3](#)
 - [Change Sheet #3 & 4 \(Consolidated\)](#)

Motion #1 Central Cost Region: Sedimentation – San Vicente Creek. Member Doduc moved to “Not Delist,” but the source of the impairment shall be changed to “Unknown” from “Silviculture.”

Seconded by: Chair Hoppin

MOTION #1 CARRIED (5-0):

Aye: Chairman Hoppin
 Vice Chair Spivy-Weber
 Member Baggett
 Member Doduc
 Member Pettit

Nay: None

Abstain: None

Absent: None

Motion #2 Los Angeles Region: Benthic Macroinvertebrate – Santa Clara River Reaches 5 & 6. Member Pettit moved “Not to List.”

Seconded by: Member Baggett

MOTION #2 CARRIED (4-1):

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Pettit

Nay: Member Doduc

Abstain: None

Absent: None

Motion #3 (Staff Issue #8) Central Valley Region: Temperature San Joaquin River and Tributaries. Member Pettit moved “Not to List.”

Seconded by: Chair Hoppin

MOTION #3 CARRIED (4-1):

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Pettit

Nay: Member Doduc

Abstain: None

Absent: None

Motion #4 (Staff Issue #10) Santa Ana Region: E-Coli – Multiple water bodies. Member Pettit moved “Not to List.”

Seconded by: Member Baggett

MOTION #4 CARRIED (3-2):

Aye: Chairman Hoppin
Member Baggett
Member Pettit

Nay: Vice Chair Spivy-Weber
Member Doduc

Abstain: None

Absent: None

Motion #5 (Staff Issue #11) Santa Ana Region: Metal – Multiple water bodies. Member Doduc moved “Not to List.”

Seconded by: Chair Hoppin

MOTION #5 CARRIED (5-0):

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

Main Motion: Member Baggett moved to adopt the proposed Resolution with staff changes, except as further amended by the Board pursuant to Motions #1-5.

Seconded By: Member Doduc

MOTION CARRIED: ([Resolution 2010-0040](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett
Member Doduc
Member Pettit

Nay: None

Abstain: None

Absent: None

Commenters

Ann Heil, Sanitation Districts of Los Angeles County

Art Godwin, Merced Irrigation District

Bill Jennings, California Sportfishing Protection Alliance

Bob Berlage, Big Creek Lumber

Craig Johns, General Public

David Bischel, California Forestry Association

Gary Paul, Cemex

Janet Hashimoto, U.S. EPA

Jodi Frediani, Sierra Club (Santa Cruz Group-Ventana Chapter) & Central Coast Forest Watch

Kirsten James, Heal the Bay

Ken Landau, Central Valley Regional Water Board

Linda Sheehan, California Coastkeeper Alliance

Louis Schippen, Cemex

Melosa Granda, Pacific Coast Federation of Fisherman's Association

Nadia Hamey, Big Creek Lumber Company

Tess Dunham, Somach, Simmons & Dunn

Tim O'Laughlin, San Joaquin River Group Authority

ADJOURNED

The Board Meeting adjourned at 11:35 a.m.

CLOSED SESSION

Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

(These are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Woods Irrigation Company. A draft cease and desist order, issued to Woods Irrigation Company on December 28, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Yong Pak and Sun Young. A proposed cease and desist order, issued to Yong Pak and Sun Young on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Mark and Valla Dunkel. A proposed cease and desist order, issued to Mark and Valla Dunkel on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Rudy Mussi, Toni Mussi and Lori C. Mussi Investment LP (Mussi et al.). A proposed cease and desist order, issued to Mussi et al. on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

The Board did not meet in Closed Session on these Items.