

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
**NOVEMBER 16, 2010**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chair Hoppin called the meeting to order on November 16, 2010 at 9:03 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

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

**STAFF PRESENT**

Tom Howard, Executive Director	Rik Rasmussen, Division of Water Quality
Jonathan Bishop, Chief Deputy Director	Liz Haven, Division of Water Quality
Michael Lauffer, Chief Counsel	Dominic Gregorio, Division of Water Quality
Jeanine Townsend, Clerk to the Board	Lisa Babcock, Division of Water Quality
Sarah Olinger, Office of Chief Counsel	Bruce Fujimoto, Division of Water Quality
Phil Wyels, Office of Chief Counsel	Sarah Ong, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Nick Martorano, Division of Water Quality
Marleigh Woods, Office of Chief Counsel	Greg Gearhart, Division of Water Quality
Jennifer Fordyce, Office of Chief Counsel	Annalisa Kihara, Division of Water Quality
Bill Rukeyser, Office of Public Affairs	Paul Hann, Division of Water Quality
Jim Kassel, Division of Water Rights	Brian Ogg, Division of Water Quality
Barbara Evoy, Division of Water Rights	Deb Smith, Los Angeles Regional Water Board
James Maughan, Division of Financial Assistance	Eric Wu, Los Angeles Regional Water Board

**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*

**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.

**None**

**BOARD BUSINESS**

1. The Board will consider adoption of the November 2, 2010 Board Meeting minutes.

**No Action Taken – Deferred to a future Board Meeting.**

2. Board Member Report.

**No Action Taken**

**DIVISION OF WATER QUALITY**

3. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a Total Maximum Daily Load for Organochlorine Pesticides, Polychlorinated Biphenyls, Sediment Toxicity, Polycyclic Aromatic Hydrocarbons, and Metals for [Colorado Lagoon](#). (*Written comments were due on October 20, 2010 by 12 noon.*) ([Staff Presentation](#))

**Motion:** Member Dodoc moved to adopt the proposed Resolution.

**Seconded by:** Member Baggett

**MOTION CARRIED:** ([Resolution 2010-0056](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*David Smith, U.S. EPA*

*Howard Gest, Los Angeles County Flood Control District ([Presentation](#))*

*Susie Santilena, Heal the Bay*

4. Consideration of a proposed Resolution to provide staff with direction regarding [Marine Protected Areas and State Water Quality Protection Areas](#).

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes proposed by staff and Board Member Baggett.

**Seconded by:** Member Baggett

**MOTION CARRIED:** ([Resolution 2010-0057](#))

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

**Nay:** Member Doduc

**Abstain:** None

**Absent:** None

**Commenters**

*Brennon Flahive, South Orange County Wastewater Authority*

*Paul Hobi, Ocean Conservancy*

*Steve Maguin, Sanitation Districts of Los Angeles County*

*Susie Santilena, Heal the Bay*

5. Consideration of proposed amendments to [State Water Board Order No. 2009-009-DWQ \(the Construction General Permit, or CGP\)](#) for the limited purpose of modifying the definitions of "Legally Responsible Person" and "Approved Signatory." (*Written comments are due on November 5, 2010 by 12 noon.*)

- [Change Sheet #1](#)

**Motion:** Member Baggett moved to adopt the proposed amendments with changes proposed by staff in Change Sheet #1.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Quality Order 2010-0014](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

Bob Lucas, California Council for Environmental & Economic Balance  
Geoff Brosseau, California Stormwater Quality Association  
Pete Ghelfi, Sacramento Area Flood Control Agency  
Randall Friedman, U.S. Navy  
Robert Scharf, U.S. Army Corp of Engineers  
Tamara Rasberry, Sempra Energy Utilities

**DIVISION OF WATER RIGHTS**

6. ~~Consideration of a proposed Order denying reconsideration of Division Order denying petitions for extension of time and change under a permit held by [Langtry Farms LLC and Guenoc Winery, Inc. on Butcherknife Creek and Bucksnot Creek in Lake County.](#)~~

**Postponed to a future Board Meeting**

**OFFICE OF CHIEF COUNSEL**

7. Consideration of the adoption of amendments to [California Code of Regulations, title 23, division 3, chapter 27](#) (commencing with section 3720) relating to the implementation of the California Environmental Quality Act of 1970. (*Written comments were due on February 17, 2010 and September 8, 2010 by 12 noon. The written comment period is now closed.*)

**Motion:** Member Baggett moved to adopt the proposed amendments.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2010-0058](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**INFORMATIONAL ITEM**

8. [Executive Director's Report.](#)

**BOARD WORKSHOP**

**No final action will be taken at the Workshop on Items 9 & 10**

**DIVISION OF WATER QUALITY**

9. The State Water Board will hold a Workshop on the [Draft Policy for Toxicity Assessment and Control for the State Implementation Plan](#). (*Written comments are due on November 22, 2010 by 12 noon.*) ([Staff Presentation](#))

**No Action Taken**

- **Dr. Debra Denton with U.S. EPA and Dr. Jerry Diamond with Tetra Tech were also present for the workshop. ([Presentation](#))**
- **Comment Deadline was extended to January 21, 2011 by 12 noon.**

**Commenters**

Ann Heil, California Association of Sanitation Agencies & Tri-Tac ([Presentation](#))  
Dale Ihrke, San Jose/Santa Clara Water Pollution Control  
Dan Jackson, East Bay Municipal Utility District  
David Arrieta, Western States Petroleum Association  
David Smith, U.S. EPA  
Debbie Webster, Central Valley Clean Water Association  
Delia McGrath, Sacramento Stormwater Quality Partnership

**Commenters (cont'd)**

Doug Culbert, City of Ferndale/North Coast Operators  
Erik Lust, City of Arcata  
Gail Chesler, Tri-Tac  
Geoff Brosseau, California Stormwater Quality Association  
James Scanlin, Clean Water Program (Alameda)  
John Pastore, Southern California Alliance of POTWs  
Julie Guerra, Bear Valley Water District  
Kristen Wardlaw, Yucaipa Valley Water District POTW  
Lysa Voight, Sacramento Regional County Sanitation District  
Margaret Orr, Central Contra Costa Sanitary District ([Presentation](#))  
Melissa Thorne, Downey Brand ([Presentation](#))  
Michael Bryan, RBI  
Monica Oakley, Napa Sanitation District  
Phil Markle, Sanitation Districts of Los Angeles County  
Scott Joslyn, Nevada County Sanitation District  
Stacey Aldstadt, San Bernardino Municipal Water District  
Susan Paulsen, Flow Science Inc. (Cities of Signal Hill and Downey)  
Susie Santilena, Heal the Bay  
Thomas Grovhoug, Larry Walker Associates (CASA & Tri-TAC)  
Tim Moore, Risk Sciences  
Vickie Caulfield, El Dorado Irrigation District

**DIVISION OF WATER RIGHTS**

10. The State Water Board will hold a Workshop to receive public comments on a staff report containing a prioritized list and estimate of costs for [instream flow studies on California rivers and streams developed pursuant to the Delta Reform Act](#). (Written comments are due on November 10, 2010 by 12 noon.)

**No Action Taken**

**Commenters**

Erick Soderlund, State Water Resources Control Board  
Leo Wintermintz, The Nature Conservancy  
Mark Rentz, Association of California Water Agencies

**ADJOURNED**

The Board Meeting adjourned at 4:15 p.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.**