

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES DECEMBER 4, 2012**

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/.

CALL TO ORDER

Chairman Hoppin called the meeting to order on December 4, 2012 at 9:03 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 Tam M. Doduc; Member Steven Moore; Member Felicia Marcus

STAFF PRESENT

Tom Howard, Executive Director	Caren Trgovcich, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jonathan Bishop, Chief Deputy Director
Andy Sawyer, Office of Chief Counsel	Courtney Davis, Assistant to Clerk to the Board
James Herink, Office of Chief Counsel	Russell Norman, Division of Water Quality
Therese Barakatt, Office of Chief Counsel	Dominic Gregorio, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Todd Thompson, Division of Water Quality
Karen O'Haire, Office of Chief Counsel	Rik Rasmussen, Division of Water Quality
Conny Mitterhofer, Division of Financial Assistance	Kevin Graves, Division of Water Quality
Meghan Brown, Division of Financial Assistance	Johanna Weston, Division of Water Quality
Jule Rizzardo, Division of Financial Assistance	Renan Jauregui, Division of Water Quality
Wes Wilkinson, Division of Financial Assistance	Barbara Evoy, Division of Water Rights
Jim Maughan, Division of Financial Assistance	Ernie Mona, Division of Water Rights
Leslie Laudon, Division of Financial Assistance	Jim Kassel, Division of Water Rights
Liz Haven, Division of Financial Assistance	Jeanne Chilcott, Central Valley Regional Water Board
Craig Wilson, Office of Delta Watermaster	

ANNOUNCEMENT

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

PRESENTATION OF SUSTAINED SUPERIOR & SUPERIOR ACCOMPLISHMENT AWARDS

- ❖ *Liz Haven, Deputy Director with the Division of Financial Assistance presented the Superior Accomplishment Award to Anne Hartridge, Heather Bell & Kelly Valine.*

BOARD MEETING

Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chairman

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.

Commenter

Todd Andersen, General Public

BOARD BUSINESS

- 1. The Board will consider adoption of the November 6, 2012 Board Meeting minutes.

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

Seconded by: Member Doduc

MOTION CARRIED: ([November 6, 2012](#))

Aye:

Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: Chairman Hoppin (absent from 11/6/12 Board Meeting)

- 2. Board Member Report.

None

UNCONTESTED ITEMS* (Items 3-4)

- *3. Consideration of a proposed Resolution amending the [Proposition 84 Stormwater Grant Program Implementation Round 1 Projects Pending Approval List](#).

Motion: Chairman Hoppin moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0063](#))

Aye:

Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

- *4. Consideration of a proposed Resolution to allocate \$99,500 from the Cleanup and Abatement Account to the [San Diego Unified Port District for the removal of marine debris from the A-8 Anchorage, San Diego Bay, San Diego](#).

Motion: Chairman Hoppin moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0064](#))

Aye:

Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

DIVISION OF FINANCIAL ASSISTANCE

5. Consideration of a proposed Resolution to allocate \$955,646 from the Cleanup and Abatement Account to the [San Gabriel Basin Water Quality Authority for the Whitmore Street Groundwater Remediation Facility](#). ([Staff Presentation](#))

- [Comment Letters](#)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes proposed by Board Member Doduc.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution No. 2012-0065](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Ken Manning, Water Quality Authority
Ray LeClere, Department of Toxic Substances Control
Dan Arrighi, San Gabriel Valley Water Company
Ronald Berdugo, General Public

6. Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) Annual Progress Report and Consideration of a proposed Resolution to release the remaining \$1.8 million of Cleanup and Abatement Account funding for [CV-SALTS](#) based on demonstration of adequate progress. ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0066](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Pamela Creedon, Central Valley Regional Board

7. Consideration of a proposed Resolution adopting Amendments to the California Code of Regulations, Title 23, Division 3, Chapter 26 (commencing with section 3670) relating to the [Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program](#). (*Written comments were due on October 15, 2012 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0067](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

PRESENTATION BY CALIFORNIA WATER ENVIRONMENT ASSOCIATION

❖ *Mr. Christopher Dobson, CWEA's President Elect presented a Resolution to the Board.*

DIVISION OF WATER RIGHTS

8. Consideration of a draft Order denying reconsideration of State Water Board Order WR 2010-0026-EXEC, which approved a settlement agreement in the matter of the diversion and use of water by [Gallo Vineyards, Inc.](#) from the Old River in San Joaquin County. (*Written comments were due on November 19, 2012 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Order.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Water Rights Order No. 2012-0035](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Rebecca Akroyd, San Luis & Delta-Mendota Water Authority

David Rose, State Water Board

INFORMATIONAL ITEMS

9. Fourth Annual Update on Efforts to Assist [Small and/or Disadvantaged Communities in Meeting their Wastewater Needs](#).

No Action Taken

❖ *Meghan Brown with the Division of Financial Assistance made the presentation to the Board.*

Commenters

Debbie Webster, Central Valley Clean Water Association

10. Office of the Delta Watermaster [Report on Term 91: Stored Water Bypass Requirements](#).

No Action Taken

❖ **Craig Wilson with the Office of the Delta Watermaster made the [presentation to the Board](#).**

Commenters

*Dante John Nomellini, Central Delta Water Agency
John Herrick, South Delta Water Agency
Alan Lilly, Sacramento Valley Water Users
Andy Hitchings, Sacramento Valley Water Users
Kevin O'Brien Sacramento Valley Water Users
Valerie Kincaid, San Joaquin Tribes
Tripp Mizell, Department of Water Resources*

Items 11 & 12 will not be heard until after 1:00 p.m.

OFFICE OF CHIEF COUNSEL

11. Consideration of a proposed Order regarding the Petitions of Sacramento Regional County Sanitation District and California Sportfishing Protection Alliance for review of Waste Discharge Requirements Order No. R5-2010-0114 [NPDES NO. CA0077682] for the [Sacramento Regional Wastewater Treatment Plant](#). SWRCB/OCC Files A-2144(a) and A-2144(b). The State Water Board will consider adoption of a revised draft order amending Order No. R5-2010-0014. (*Written comments limited to changes reflected in draft circulated October 29, 2012 and all materials to be presented during the Board Meeting were due on November 13, 2012 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Order with changes proposed in [Change Sheet #1](#) and limiting the precedential nature of the Order to certain portions.

Seconded by: Member Moore

MOTION CARRIED: ([Water Quality Order No. 2012-0013](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

*Pamela Creedon, Central Valley Regional Water Board
Stan Dean, Sacramento Regional County Sanitation District
Paul Simmons, Sacramento Regional County Sanitation District
Bill Jennings, California Sportfishing Protection Alliance
Debbie Webster, Central Valley Clean Water Association
Paul Singarella, Metropolitan Water District
Bobbi Larson, California Association Sanitation Agencies
Glenda Marsh, Department of Fish & Game
Bruce Burton, Department of Public Health
Mark Bradley, Delta Stewardship Council*

12. Consideration of a proposed Resolution to authorize the Chief Deputy Director to negotiate, approve, and execute tentative settlement agreements with parties potentially responsible for contamination of the [Rialto-Colton Groundwater Basin from a 160-acre site in Rialto](#). (*Written comments and all other materials to be presented during the Board Meeting were due on November 28, 2012 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Resolution with changes proposed by staff.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Resolution No. 2012-0068](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Brett Williams, on behalf of Senator Negrete McLeod

Kurt Bertchold, Santa Ana Regional Water Board

Brian Zagon, on behalf of Pyro Spectaculars, Inc. & Astro Pyrotechnics, Inc.

John VanVlear, on behalf of Tom Peters, Peters Trust & Stonehurst Site LLC

Jim Meeder, on behalf of The Emhart Parties

Ryan Hiele, West Valley Water District

Peter Weiner, City of Rialto

Ed Scott, City of Rialto

Fred Fudacz, Fontana Water Company

Christopher Johnson, Whittaker Corporation

David Lawton, County of San Bernardino

ADJOURNMENT

The Board adjourned at 4:55 p.m.

CLOSED SESSION

Closed Session are not open to the Public

DIVISION OF WATER RIGHTS

The Board will meet in closed session to deliberate on a decision to be reached pertaining to a Draft Order Denying Reconsideration of State Water Board Order WR 2010-0026-EXEC. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board did not meet in Closed Session on the above Item.

OFFICE OF CHIEF COUNSEL

The Board will meet in closed session to discuss the status of and receive legal advice concerning *GenOn Energy Inc., et al., v. State Water Resources Control Board, et al.*, Sacramento Superior Court, Case No. 34-2010-CV-80000701. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board met in Closed Session on the above Item.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on November 27, 2012, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on November 27, 2012, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at commentletters@waterboards.ca.gov. Please indicate in the subject line, "**12/4/12 BOARD MEETING (fill in bolded subject from appropriate item).**" If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: http://www.waterboards.ca.gov/board_info/calendar/index.shtml

* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.