

STATE WATER BOARD
BOARD MEETING MINUTES
April 5, 2006

Copies of the resolutions, water quality, and water rights order can be obtained by calling (916) 341-5602 or downloading from our [website](#).

CALL TO ORDER

Tam M. Doduc, Chair called the meeting to order on April 5, 2006 at 10:05 a.m. in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Tam M. Doduc, Gerald D. Secundy and Arthur G. Baggett, Jr.

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Celeste Cantú, Executive Director
Tom Howard, Deputy Director
Bill Rukeyser, Office of Public Affairs
Liz Kanter, Office of Public Affairs
Chris Davis, Office of Public Affairs

Elizabeth Jennings, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Michael Levy, Office of Chief Counsel
Steven Blum, Office of Chief Counsel
Ted Cobb, Office of Chief Counsel
Barbara Evoy, Office of Chief Counsel
Phil Wyels, Office of Chief Counsel
Lewis Moeller, Division of Water Rights

Beth Jines, Deputy Director
Michael Lauffer, Chief Counsel
Song Her, Clerk to the Board
Carmencita Sannebeck, Asst. Clerk to the Board
Darrin Polhemus, Division of Financial Assistance
Daniel Merkley, Executive Office
Joanne Cox, Division of Water Quality
Ken Harris, Division of Water Quality
Rik Rasmussen, Division of Water Quality
Jonathan Bishop, Los Angeles Water Board
Thomas Mumley, San Francisco Bay Water Board
Ernie Mona, Division of Water Rights
Camilla Williams, Division of Water Rights

Chair Doduc started the Board meeting by

- Introducing the new undersecretary Dan Skopec
- Removing Item 10 (Lake Arrowhead)
- No customer service

Member Baggett stated for the interested party (Lake Arrowhead) that item 10 would not be adopted (it won't come back in 30 days). Chief Counsel Lauffer stated that the statutory time line for reconsideration will have passed before the next Board meeting. If the parties want to pursue this matter, they can go to court.

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MINUTES

Motion: Vice Chair Secundy moved to adopt the [February 15](#) and [March 8](#), 2006 minutes.

Seconded by: Chair Doduc

MOTION CARRIED

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

INFORMATIONAL ITEM

1. Reports by Celeste Cantu, State Water Board Executive Director

Ms. Cantu made a few announcements before giving her report ([Presentation](#)):

- New Deputy Director, Beth Jines
- New Water Quality Division Chief, Darrin Polhemus and new Assistant Chief for Mr. Polhemus, Liz Haven
- Agricultural Coordinator, Daniel Merkle, moved to 24th floor, Executive Unit

2. Board Member Report:

- **Report from Vice Chair Secundy:**
 - Vice-Chair Secundy started by saying the reason the Board canceled the meeting at the end of March was lack of a quorum and for item 10; he has to recuse himself because he is a part-time resident in the Lake Arrowhead area and there will not be a full quorum.
 - Announced as of March 21, Chair Doduc and Vice Chair Secundy have completed their first year with the Water Board.
 - Vice Chair Secundy and Deputy Director, Beth Jines will meet with the new Chair of the Air Board on April 18, 2006 on Aerial Deposition.
 - Areas of Special Biological Significance and Once Through Cooling 316(b) process: Final resolution in a few months.
 - Numeric Limits for storm waters: awaiting report from blue ribbon panel of experts.

- **Report from Chair Doduc:**
 - Signed a memo to the Air Resources Board (ARB) Chair Dr. Bob Sawyer, designating Vice Chair Secundy as a State Water Board liaison to the Air Board's air and water issues.

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- **Report from Member Baggett:**
 - Orville Re licensing Settlement: Staffs from all the fish agencies and State contractors and environmental communities have been negotiating over 7 years and spent \$70 million. Over 9-month period crafted a settlement for over a billion dollars.
 - Klamath Process: Have been working on it for 4 years and still an ongoing issue.

3. Status update on implementation of State Water Resources Control Board Resolution No. 2005-0060 requiring development of a revised Total Maximum Daily Load (TMDL) for mercury in the San Francisco Bay

Thomas Mumley, San Francisco Bay Water Board, presented the item to the Board and states that within 2 weeks there will be a public notice for the proposed Basin Plan amendment leading to a Board Hearing in June.

Joanne Cox, Division of Water Quality, gave a report on the development of the off set program and will soon be releasing a CEQA scoping document for public comment.

Commenters

Andrea Ventura, Clean Water Action

FINANCIAL ASSISTANCE

4. Consideration of a resolution adopting the Petroleum Underground Storage Tank Orphan Site Cleanup Priority List and authorizing the Chief of the Division of Financial Assistance to enter into grant agreements

Barbara Evoy, Division of Financial Assistance, presented items, 4, 5, and 6 to the Board. Ms. Evoy also introduced Pat Preslar, Division of Financial Assistance and Chuck Curtis, South Lake Tahoe Water Board for assistance in answering questions from the Board.

Motion: Member Baggett moved to adopt the proposed resolution.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Resolution 2006-0019](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

Commenters

None

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5. **Consideration of allocation of \$400,000 from the Cleanup and Abatement Account (CAA) to the Lahontan Regional Water Quality Control Board for emergency pond water treatment at Leviathan Mine**

Motion: Member Baggett moved to adopt the proposed resolution.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Resolution 2006-0020](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

Commenters

None

6. **Consideration of a resolution authorizing the Executive Director or designee to accept a \$1.378 million federal grant to support the Lake Tahoe TMDL development and implementation plan**

Motion: Member Baggett moved to adopt the proposed resolution.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Resolution 2006-0021](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

Commenters

None

WATER QUALITY

7. **In the Matter of the Petition of Water Replenishment District of Southern California, WaterReuse Association and County Sanitation Districts of Los Angeles County for Review of Waste Discharge and Water Recycling Requirements For Alamitos Barrier Recycled Water Project, Order No. R4-2005-0061, Issued by the Los Angeles Regional Water Board. SWRCB/OCC File A-1719 (The Board will consider whether to adopt the proposed order Revising the Waste Discharge and Water Recycling Requirements for Alamitos Barrier Recycled Water Project, Order No. R4-2005-0061.)**

(Chief Counsel Michael Lauffer recused himself from this matter. Staff Counsel Ted Cobb took the lead as the Board's attorney for the matter.)

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Elizabeth Jennings, Office of Chief Counsel, presented the item to the Board and said that she received 2 late comment letters past the March 22nd deadline and unless otherwise told by the Board, they will not be included in the record. She also gave brief comments on the timely comment letters she received.

Ms. Jennings also clarified the policy language Chair Doduc asked for. Ms. Jennings continues to say (in reference to the draft order on page 4) this Policy is almost thirty years old. In recognition of the importance of water reclamation, the State Water Board is preparing an updated Policy for adoption this year. This Policy provides, in part: "The State Board and the Regional Boards shall (1) encourage reclamation and reuse of water in water-short areas of the State, (2) encourage water conservation measures which further extend the water resources of the State, and (3) encourage other agencies . . . to assist in implementing this policy."

Motion: Member Baggett moved to adopt the proposed order with additional language.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Water Quality Order 2006-0001](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

Commenters

Roberta Larson, WateReuse Association
Robb Whitaker, Water Replenishment District
Jim Stahl, Sanitation Districts Los Angeles County
Jonathan Bishop, Los Angeles Water Board
Michael Levy, Regional Water Board Counsel
Phil Wyels, Regional Water Board Counsel
Uzi Daniel, West Basin
Tim Blair, Metropolitan Water District Of Southern California
David Bolland, Association of California Water Agencies

WATER RIGHTS

8. Consideration of a proposed order on the petition of Yuba County Water Agency to change the effective date of the long-term instream flow requirements specified in Revised Water Right Decision 1644

Ernie Mona, Division of Water Rights, presented the item to the Board. Mr. Mona recommends adoption of the proposed order with the minor changes described in the errata sheet.

Motion: Member Baggett moved to adopt the proposed order with errata.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Water Rights Order 2006-0009](#))

Aye: Board Chair Doduc

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Vice Chair Secundy

Member Baggett

Commenters

Paul Bartkiewicz, Law Firm, Bartkiewicz, Kronick, & Shanahan
Michael B. Jackson, California Sportfishing Protection Alliance

9. Delegation to the Chief of the Division of Water Rights, the authority to designate local agencies to administer the Groundwater Extraction Recordation Program

Camillia Williams, Division of Water Rights, presented the item to the Board.

Motion: Member Baggett moved to adopt the proposed order.

Seconded by: Vice-Chair Secundy

MOTION CARRIED ([Resolution 2006-0022](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett

Commenters

None

Robert Grandberg, City of Stockton

Jon Rubin, San Luis & Delta-Mendota Water Authority

~~10. Consideration of a proposed order on a Petition for Reconsideration by Marjorie M. Mikels regarding State Water Board Order WR2006-0001 adopting a Cease and Desist Order and assessing civil liability against the Lake Arrowhead Community Services District~~

ADJOURNED

The Board meeting adjourned at 12:40 pm