



# STATE WATER RESOURCES CONTROL BOARD

## BOARD MEETING MINUTES

TUESDAY, SEPTEMBER 19, 2023

WEDNESDAY, SEPTEMBER 20, 2023

COASTAL HEARING ROOM

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/).

The video of the Board Meeting is available to view on our website at: [http://www.waterboards.ca.gov/board\\_info/video.shtml](http://www.waterboards.ca.gov/board_info/video.shtml)

### **CALL TO ORDER**

Chair Joaquin Esquivel called the meeting to order on Tuesday, September 19, 2023 at 9:41 a.m. with both a physical meeting location and remote location.

### **BOARD MEMBERS PRESENT**

Chair E. Joaquin Esquivel; Member Sean Maguire; Member Laurel Firestone; Member Nichole Morgan

### **BOARD MEMBERS ABSENT**

Vice Chair Dorene D'Adamo

### **EXECUTIVE STAFF PRESENT**

Eileen Sobeck, Executive Director  
Michael Lauffer, Chief Counsel  
Jonathan Bishop, Chief Deputy Director  
Eric Oppenheimer, Chief Deputy Director  
Courtney Tyler, Clerk to the Board  
Emily McShane, Assistant Clerk to the Board  
Beba Maletic, Administrative Assistant II

### **ANNOUNCEMENTS**

- *Instructions were given in regard to participating in the Remote Meeting.*
- *The Board meeting is being webcasted and recorded.*

## **REVISED- ITEM 6 HAS BEEN POSTPONED**

### **BOARD MEETING**

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

## **PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARD**

- *Deputy Director Karen Mogus, with the Division of Water Quality, presented a Superior Accomplishment Award to Caitlin Gray for her work with the Santa Monica Bay Restoration Commission.*

## **PUBLIC FORUM**

***(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)***

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

## **No Action Taken**

### **Commenters**

*Aaron Fukuda, Mid-Kaweah GSA*

*Tod Hickman, Concerned Citizen*

*Charles Sharp, General Public*

## **BOARD BUSINESS**

1. The Board will consider adoption of the September 6-7, 2023 Board Meeting minutes.

**Motion:** Board Member Firestone moved to adopt the September 6-7, 2023 Board Meeting minutes

**Seconded by:** Board Member Morgan

**MOTION CARRIED** ([September 19, 2023](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

## **UNCONTESTED ITEMS**

2. Consideration of a proposed Resolution authorizing the Executive Director, or designee, to execute and amend contracts related to the California Water Action Plan and the California Water Resilience Portfolio, up to budgeted amounts and durations in accordance with state contracting laws, regulations, policies, and procedures.

*Staff Presenting: Erin Ragazzi, Philip Dutton, Julia Nick*

- [Agenda Item](#)
- [Draft Resolution](#)

**Motion:** Board Member Morgan moved to adopt the proposed Resolution

**Seconded by:** Board Member Firestone

**MOTION CARRIED** ([Resolution No. 2023-0029](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

3. Consideration of a proposed Resolution to allocate up to an additional \$3,200,000 from the Cleanup and Abatement Account for the Leviathan Mine Emergency Acid Mine Drainage Treatment and Pit Slope Stabilization Projects.

*Staff Presenting: Chris Stetler, Timothy Middlemis-Clark, Matt Pavelchik, Douglas Bojack*

- [Agenda Item](#)
- [Draft Resolution](#)

**Motion:** Board Member Morgan moved to adopt the proposed Resolution

**Seconded by:** Board Member Firestone

**MOTION CARRIED** ([Resolution No. 2023-0030](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

4. Consideration of a proposed Resolution regarding groundwater support services authorizing the Executive Director or designee to allow an amendment to a contract to increase spending authority for services provided to the State Water Resources Control Board to support state intervention work pursuant to the Sustainable Groundwater Management Act.

*Staff Presenting: James Nachbaur, Natalie Stork, Zach Mayo, Amanda Pearson*

- [Agenda Item](#)
- [Draft Resolution](#)

**Motion:** Board Member Morgan moved to adopt the proposed Resolution

**Seconded by:** Board Member Firestone

**MOTION CARRIED** ([Resolution No. 2023-0031](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

### **INFORMATIONAL ITEMS**

5. Current Hydrologic Conditions and Response.

(Staff Presentation) *Staff Presenting: Erin Ragazzi, Matt McCarthy, Marianna Aue, Jason Grimm, Allison Rabe, Andy Sawyer*

**No Action Taken**

### **Commenters**

None

- ~~6. Water Supply Strategy Implementation Update.~~

- ~~• [Agenda Item](#)~~

**POSTPONED**

## **ADMINISTRATIVE HEARINGS OFFICE**

7. Consideration of July 7, 2023 revised proposed order prepared by the Administrative Hearings Office (AHO) on the draft Cease and Desist Order issued by the Assistant Deputy Director for the Division of Water Rights Permitting and Enforcement Branch to BlueTriton Brands, Inc., BlueTriton's June 2 and June 26, 2023 requests to set aside proposed order, June 2, 2023 motion to stay further action, and August 11, 2023 motion to disregard and strike the amended proposed order.

(Staff Presentation) *Staff Presenting: Nicole Kuenzi, Alan Lilly, Michael Lauffer*

- [Agenda Item](#)
- [Revised Proposed Order](#)
- [2023-07-07 Proposed Order Figs. 1-8 \(BlueTriton Brands, Inc.\)](#)
- [2023-07-07 Proposed Order Figs. 9-16 and Table 1 \(BlueTriton Brands, Inc.\)](#)
- Written Comments (due by August 11, 2023)
- [Change Sheet #1](#)

**Motion:** Board Member Maguire moved to adopt the proposed Resolution with Change Sheet #1

**Seconded by:** Board Member Firestone

**MOTION CARRIED** ([Order WR 2023-0042](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

### **Commenters**

*Jule Rizzardo, State Water Board, Prosecution Team*

*Ken Petruzzelli, State Water Board, Prosecution Team*

*Amanda Frye, General Public*

*Lisa Belenky, Center for Biological Diversity*

*Dr. Hugh A Bialecki, Save Our Forest Association*

*Steve Loe, General Public*

*Michael O'Heaney, Story of Stuff Project*

*Brendan O'Rourke, Brands, Inc., Vice President of Technical Services*

*Louis Mixon, BlueTriton Brands, Inc., Senior Natural Resources Manager*

*Tam Pham, BlueTriton Brands, Inc., Arrowhead Springs Resources Manager*

*Rita Maguire, BlueTriton Brands, Inc.'s outside water resources counsel from Arizona*

*Robert Donlan, BlueTriton Brands, Inc.'s outside water rights counsel in this proceeding*

*Rachel Doughty, Greenfire Law, PC*

*Alison Toivola, Association of California Water Agencies*

**FEE ITEMS WILL BEGIN NO EARLIER THAN 1:30 P.M.**

**DIVISION OF ADMINISTRATIVE SERVICES**

8. Consideration of a proposed Resolution adopting emergency regulations amending the Environmental Laboratory Accreditation Program fee regulations in title 22, California Code of Regulations section 64802.25.

(Staff Presentation) *Staff Presenting: David Ceccarelli, Cassandra White, Matt Carr, Andy Sawyer, Darrin Polhemus*

- [Agenda Item \(Attachment 1 | Attachment 2\)](#)
- [Draft Resolution](#)
- [Regulation Text](#)

**Motion:** Board Member Morgan moved to adopt the proposed Resolution

**Seconded by:** Board Member Maguire

**MOTION CARRIED** ([Resolution No. 2023-0032](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

**Commenters**

*Judy Morgan, American Council of Independent Laboratories*

*Allison Mackenzie, Babcock Laboratories, Inc.*

*Debbie Mackey, Central Valley Clean Water Association*

*Jared Voskuhl, California Association of Sanitation Agencies*

9. Consideration of a proposed Resolution adopting emergency regulations revising the Core Water Quality Regulatory Fee Schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.1, 2200.6 and 2200.7 of the California Code of Regulations.

(Staff Presentation) *Staff Presenting: David Ceccarelli, Cassandra White, Phil Wyels*

- [Agenda Item \(Attachment 1\)](#)
- [Draft Resolution](#)
- [Regulation Text](#)
- [Change Sheet #1](#)

**Motion:** Board Member Maguire moved to adopt the proposed Resolution with Change Sheet #1

**Seconded by:** Board Member Morgan

**MOTION CARRIED** ([Resolution No. 2023-0033](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

**Commenters**

*Bob Gore, The Gualco Group, Inc.*

*J.P. Cativiela, Dairy Cares*

*Roger Isom, Western Agricultural Processors Association*

*Jared Voskuhl, California Association of Sanitation Agencies*

*Karen Cowan, California Stormwater Quality Association*

*Bruce Houdesheldt, Northern California Water Association/Sacramento Valley Water Quality Coalition*

10. Consideration of a proposed Resolution adopting an Emergency Regulation amending Water Rights Fee Schedules in Title 23, Sections 1030, 1042, 1044, 1062, 1063, 1064 and 1066 of the California Code of Regulations.

(Staff Presentation) *Staff Presenting: David Ceccarelli, Cassaundra White, Zach Mayo, Andy Sawyer*

- [Agenda Item](#)
- [Draft Resolution](#)
- [Regulation Text](#)

**Motion:** Board Member Maguire moved to adopt the proposed Resolution

**Seconded by:** Board Member Morgan

**MOTION CARRIED** ([Resolution No. 2023-0034](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

**Commenters**

*None*

11. Consideration of a proposed Resolution adopting emergency regulations amending Drinking Water Fee Schedules in title 22, section 64305 of the California Code of Regulations.  
(Staff Presentation) *Staff Presenting: David Ceccarelli, Cassandra White, Andy Sawyer*

- [Agenda Item \(Attachment 1 | Attachment 2\)](#)
- [Draft Resolution](#)
- [Regulation Text](#)

**Motion:** Board Member Firestone moved to adopt the proposed Resolution

**Seconded by:** Board Member Maguire

**MOTION CARRIED** ([Resolution No. 2023-0035](#))

**Aye:** Chair Esquivel  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** Vice Chair D'Adamo

**Abstain:** None

**Commenters**

*Norman Benson, General Public*

**INFORMATIONAL ITEM**

12. Board Member Reports.

**No Action Taken**

For full details on each Board Member report, please review the video at [Board Videos | California State Water Resources Control Board](#). It begins at 7:44:33 on the video for the September 19, 2023 Board Meeting.

**The Board recessed at 5:20 p.m. until Wednesday, September 20, 2023 at 12:00 p.m.**



## **CLOSED SESSION**

Closed Sessions are not open to the Public

### **ADMINISTRATIVE HEARINGS OFFICE**

The Board may meet in closed session to deliberate on the July 7, 2023 revised proposed order prepared by the Administrative Hearings Office (AHO) on the draft Cease and Desist Order issued by the Assistant Deputy Director for the Division of Water Rights Permitting and Enforcement Branch to BlueTriton Brands, Inc., and on BlueTriton's June 2 and June 26, 2023 requests to set aside proposed order, June 2, 2023 motion to stay further action, and August 11, 2023 motion to disregard and strike the amended proposed order. This closed session is authorized under Government Code section 11126, subdivision ©(3).

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

### **PERSONNEL**

The Board will meet in closed session to discuss the appointment, evaluation of performance, or dismissal of public employee, or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing. (This closed session is authorized by Government Code section 11126, subdivision (a)(1).)

**The Board met in Closed Session on the above item. Vice Chair Dorene D'Adamo joined the Closed Session remotely.**

## **WEDNESDAY, SEPTEMBER 20, 2023**

### **ITEM 13 WILL BEGIN AT 12:00 P.M. (NOON)**

#### **CALL TO ORDER**

Chair Joaquin Esquivel called the meeting to order on Wednesday, September 20, 2023 at 12:03 p.m. with both a physical meeting location and remote location.

#### **BOARD MEMBERS PRESENT**

Chair E. Joaquin Esquivel; Vice Chair Dorene D'Adamo; Member Sean Maguire; Member Laurel Firestone; Member Nichole Morgan

#### **BOARD MEMBERS ABSENT**

None

#### **EXECUTIVE STAFF PRESENT**

Eileen Sobeck, Executive Director  
Phil Wyels, Assistant Chief Counsel  
Jonathan Bishop, Chief Deputy Director  
Eric Oppenheimer, Chief Deputy Director  
Courtney Tyler, Clerk to the Board  
Emily McShane, Assistant Clerk to the Board  
Beba Maletic, Administrative Assistant II

#### **ANNOUNCEMENTS**

- *Instructions were given in regard to participating in the Remote Meeting.*
- *The Board meeting is being webcasted and recorded.*

#### **OFFICE OF CHIEF COUNSEL**

13. Consideration of a proposed Order on Own Motion Review of General Waste Discharge Requirements for dischargers from Irrigated Lands Order No. R3-2021-0040, issued by the California Regional Water Quality Control Board, Central Coast Region (SWRCB/OCC File A-2751(a)-(b)). The State Water Resources Control Board will consider issuing an Order remanding the General Waste Discharge Requirements.

*Staff Presenting: Eric Gillman, Phil Wyels, Brianna St. Pierre*

- [Agenda Item](#)
- [Proposed Order \(Transmittal Letter | Extension Letter\)](#)
- [Revised Proposed Order \(Transmittal Letter\)](#)
- Written Comments (due by noon on August 11, 2023)

**Motion:** Vice Chair D'Adamo moved to adopt the proposed Resolution with changes as read into the record by Phil Wyels

**Seconded by:** Board Member Maguire

**MOTION CARRIED** ([Order WQ 2023-0081](#))

**Aye:** Chair Esquivel  
Vice Chair D'Adamo  
Member Maguire  
Member Firestone  
Member Morgan

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

*Matt Keeling, Central Coast Regional Water Quality Control Board*

*Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties*

*Tess Dunham, on behalf of the Ag Petitioners*

*Tim Borel, Blanco Farms, LLC*

*Kari Fisher, CA Farm Bureau Federation*

*Horacio Amezcua, Resident of Salinas*

*Anthony Miranda, San Jerardo Cooperative*

*Chelsea Tu, Monterey Waterkeeper*

*Sean Bothwell, California Coastkeeper Alliance*

*Sarah Lopez, Central Coast Water Quality Preservation, Inc.*

*Mary Hamilton, Central Coast Regional Water Quality Control Board*

*Ileana Miranda, San Jerardo Cooperative*

*Fabian Flores, General Public*

*Aldo Ortega, General Public*

*Maria Medina, General Public*

*Juan Medina, General Public*

*Rafael Coronel, General Public*

*Justine Massey on behalf of Santiago Villegas, General Public*

*Rosa Carrillo, General Public*

*Valentin Cornejo, General Public*

*Jesus Calvillo, General Public*

*Oscar Barreto, General Public*

*Kjia Rivers, Community Water Center*

*Richard Smith, University of California Cooperative Extension*

*Michael Cahn, University of California, Cooperative Extension*

*Eric Brennan, United States Department of Agriculture- Agricultural Research Service*

*Ehsan Toosi on behalf of Ramy Colfer, True Organic Products*

*Charles Delgado, Sustainable Conservation*

*Lowell Zelinski, Precision Ag Consulting*

*Brent Burchett, San Luis Obispo County Farm Bureau*

*Chelsea Tu on behalf of John Swendseid, General Public*

*Chris Shutes, California Sportfishing Protection Alliance*

*Emily Gottlieb, General Public*

*Elias Rodriguez, California Rural Legal Assistance, Inc.*

*Nathaniel Kane, Environmental Law Foundation  
Tess Dunham, Central Valley Agricultural Petitioners  
Uriel Mendoza, California Rural Legal Assistance  
Chris D'Aiuto, Provost & Pritchard Consulting  
Heather Billing, Provost & Pritchard Consulting  
Adam Laputz, Central Valley Regional Water Quality Control Board  
Noelle Cremers, Wine Institute  
Ted Morton, Santa Barbara Channelkeeper*

## **ADJOURNMENT**

The Board adjourned at 6:46 p.m.

### **IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments **must be received by 12:00 p.m. (Noon) on September 14, 2023 and will not be accepted after that time.**

Submittal of electronic PowerPoint presentations **must be received by 12:00 p.m. (Noon) on September 14, 2023 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](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, **09/19-20/2023 BOARD MEETING – ITEM # (fill in bolded subject from appropriate item)**. If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

If you would like to request a copy of public comments submitted on an agenda item, please send a request to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov), identifying the Board meeting date, and agenda item by name and number.

Agenda and items will be available electronically at:  
[http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](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: <https://video.calepa.ca.gov/>. An alternate live-stream broadcast will also be available at: <https://www.youtube.com/user/BoardWebSupport/>

## LANGUAGE SERVICES

For oral interpretation, written translation, or sign language services, please call (916) 341-5254 or e-mail: [opp-languageservices@Waterboards.ca.gov](mailto:opp-languageservices@Waterboards.ca.gov) (at least 7 calendar days before the date of the Board meeting).

## ACCESSIBILITY

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

