

STATE WATER BOARD
BOARD MEETING MINUTES
May 19, 2005
(Adopted July 21, 2005)

Copies of the resolutions, water quality order, and water right order can be obtained from Debbie Irvin at (916) 341-5600 or downloading from our [website](#).

CALL TO ORDER

Arthur G. Baggett, Jr., called the meeting to order on May 19, 2005 at 10:02 am in the Sierra Hearing Room, 1001 I Street, Sacramento, California

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chair; Peter S. Silva, Vice Chair; Richard Katz, Member; Tam M. Doduc, Member; and Gerald D. Secundy, Member

BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Celeste Cantú, Executive Director, Harry Schueller, Chief Deputy Director; Tom Howard, Deputy Director; Debbie Irvin, Clerk to the Board; Barbara Evoy, Chief, Division of Financial Assistance; Craig M. Wilson, David Boyers, Mike Levy, Marleigh Wood, Lori Okun, Barbara Leidigh, Kathleen Keber, and Samantha Olson, Office of Chief Counsel; Liz Haven, John Ladd, Phil Zentner, Greg Frantz, Lisa Babcock, Rik Rasmussen, and Scott Bacon, Division of Water Quality; and Liz Kanter, Office of Public Affairs

OTHERS PRESENT

Tom Pinkos, Executive Officer, Central Valley Regional Board; Tod Hickman, Contra Costa; Joseph Frugé, Modern Welding Company/Tanks; Mike Lewis, Western Fiberglass; Keith Casto, Standard Fusee Corporation; Randolph Visser, Paul R. Minasian, and Marc Del Piero

PUBLIC FORUM

Tom Pinkos, representing Region 5, gave a power point presentation report on major/significant issues.

MINUTES

The Board unanimously adopted the minutes for March 16 and April 21, 2005.

CONSENT AGENDA (Items 1-4)

WATER QUALITY

1. Consideration of a resolution authorizing the Executive Director to sign a Cooperative Agreement with the Department of the Navy to provide regulatory oversight of site remediation activities at all Navy facilities

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0036**

2. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region incorporating a total maximum daily load for pathogens in San Luis Obispo Creek

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0037**

3. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Santa Ana Region to incorporate nutrient total maximum daily loads for Lake Elsinore and Canyon Lake

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0038**

ADMINISTRATION

4. Consideration of a resolution amending the core regulatory program fee schedule (California Code of Regulations, Title 23, Division 3, Chapter 9, Article 1)

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0039**

REGULAR AGENDA (Items 5-8)

~~ADMINISTRATION~~ **ITEM 5 PULLED FROM THIS AGENDA**

~~**5. Consideration of a resolution adding a fee schedule for agricultural waivers (California Code of Regulations, Title 23, Division 3, Chapter 9, Article 1)**~~ Comments will only be considered on the changes discussed at the May 3, 2005 Board Workshop.

WATER QUALITY

6. Consideration of a resolution adopting the regulations that defines the term “Interstitial Liquid Level Measurement” as used to describe a means of leak detection for underground storage tanks

David Boyers, OCC, presented the item to the Board.

Michael Lewis addressed the Board and presented a letter from Ken Wilcox, Inc. to the Board.

Mssrs. Hickman and Frugé addressed the Board.

Member Doduc appreciated the different perspective that were introduced to the record regarding this matter, thanked staff for providing responses to the various comments and concerns, and is in support of the resolution.

Member Secundy said the Legislature made it clear and there is no choice. This was discussed at the last workshop meeting and the staff did an excellent job, not only analyzing the legislative intent but the engineering that goes along with these various systems.

Member Silva recommends approval.

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0040**

7. Consideration of an order in the matter of the Petitions of Olin Corporation and Standard Fusee, Inc., for review of Cleanup and Abatement Order No. R3-2004-0101 issued by the Central Coast Water Board, SWRCB/OCC Files A-1654 and A-1654(a)

A court reporter was present for this item.

Marleigh Wood presented an errata sheet to the Board and gave clarifications.

Member Doduc recommended additional changes to the errata.

Keith Casto addressed the Board requesting issue be remanded to the regional board. Marleigh Wood explained that Mr. Casto would have the option to go back to the regional board to petition.

Randy Visser addressed the Board requesting postponement of this item to the June 16, 2005 Board meeting.

Member Katz made a motion to adopt the errata sheet with Member Doduc's changes to the errata.

Lori Okun, OCC, Central Coast Water Board, stated that this order requires Olin to perform those monitoring requirements. Marleigh Wood recommended eliminating the words *jointly agreed upon*. Chairman Baggett agreed.

Motion: The Board unanimously adopted the proposed water quality order with errata.
Water Quality Order 2005-0007

WATER RIGHTS

8. Consideration of a Cease and Desist Order against Redwood Valley County Water District, which diverts water from the East Fork Russian River

Barbara Leidigh, OCC, presented the item to the Board and suggested changes on page 18, paragraph 2, in the 2nd conclusion about the use of irrigation and the number of acres. Staff recommended (instead of *is not serving water*) the language read, “*there is no evidence that Redwood is serving water for irrigation use to more than the 3300 acres authorized under permit 17593*”, and staff recommends that a sentence be added at the end of condition 6, on page 20 saying, “*Redwood shall implement the approved plan.*”

Samantha Olson, OCC, of Enforcement Team, supports adoption except the 3 issues Barbara Leidigh just brought up.

Mssrs. Minasian & Del Piero addressed the Board.

Chairman Baggett asked if items 6 & 7 were clear. Victoria Whitney, Chief, Division of Water Rights, suggests adding the words “in writing” on line 5 of condition 7, following the word “verified.”

Motion: The Board unanimously adopted the proposed water right order with changes.
Water Right Order 2005-0013

ADJOURNMENT

The Chairman adjourned the meeting at 11:42 a.m.