

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING MINUTES  
JULY 19, 2011**

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**

Chairman Hoppin called the meeting to order on July 19, 2011 at 9:02 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 Tam M. Doduc

**STAFF PRESENT**

Tom Howard, Executive Director	Jonathan Bishop, Chief Deputy Director
Caren Trgovcich, Chief Deputy Director	Jeanine Townsend, Clerk to the Board
Michael Lauffer, Chief Counsel	Kevin Graves, Division of Water Quality
Marleigh Wood, Office of Chief Counsel	Michael Buckman, Division of Water Quality
Lori Brock, Office of Chief Counsel	Dominic Gregorio, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Vicky Whitney, Division of Water Quality
Emel Wadhvani, Office of Chief Counsel	Shahla Farahnak, Division of Water Quality
Liz Haven, Division of Financial Assistance	Bruce Fujimoto, Division of Water Quality
Jim Maughan, Division of Financial Assistance	Paul Hann, Division of Water Quality
George Kostyrko, Office of Public Affairs	Joanna Jensen, Division of Water Quality
Gita Kapahi, Office of Public Participation	Walt Shannon, Division of Water Quality

**ANNOUNCEMENT**

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

**PRESENTATION**

Recognition of the contributions of the [Economic Analysis Task Force Participants](#) and Agencies in the development of economic analysis guidance and beneficiary pays analysis for water recycling projects.

- *The following Task Force Participants were presented a plaque by Shahla Farahnak: Brooke Miller-Levy, US Bureau of Reclamation; Ray Hoagland, Department of Water Resources; Mark Bartson, Department of Public Health; Jerry Horner, State Water Resources Control Board, Dr. Jay Lund, Dr. Richard Howitt, Josue Medellin-Azura, Ph.D., with University of California Davis; Carolyn Penny, J.D., & Mary Madison-Campbell, with U.C. Davis Extension Common Ground; and Nathan Burley & Sachi DeSouza, with U.C. Davis.*

**BOARD MEETING**

*Public comments on agenda items will be limited to 3 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.

**Commenters**

*Liz Crosson, Santa Monica Baykeeper  
Mariko Yamada, California State Assemblymember  
Mark Gold, Heal the Bay  
Mark Grey, Construction Industry Coalition on Water Quality*

**BOARD BUSINESS**

1. The Board will consider adoption of the June 21, 2011 Board Meeting minutes.

**Motion:** Member Doduc moved to adopt the minutes from the June 21, 2011 Board Meeting.

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

**MOTION CARRIED:** ([June 21, 2011](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

2. Board Member Report.

**None**

**UNCONTESTED ITEMS\* (Items 3-6)**

- \*3. Consideration of a proposed Resolution approving Regional Water Quality Control Boards Nonpoint Source (NPS) Program project preferences, authorizing staff to solicit and recommend projects, and authorizing the Executive Director or Designee to award and execute finance agreements for the [2012 Federal Clean Water Act 319\(h\) NPS Grant Program](#).

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2011-0029](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*4. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Colorado River Basin to establish a total maximum daily load (TMDL) and implementation plan for bacterial indicators in the [Coachella Valley Storm Water Channel](#). (*Written comments were due on June 22, 2011 by 12 noon.*)

- [Change Sheet #1](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes proposed in Change Sheet #1

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2011-0030](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the [Los Angeles Region to update the bacteria objectives for freshwaters designated for water contact recreation by removing the fecal coliform objective](#). (Written comments are due by July 8, 2011 by 12 noon.)

- [Change Sheet #1](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes proposed in Change Sheet #1

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2011-0031](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*6. Consideration of a proposed Resolution to adopt the [Petroleum Underground Storage Tank Emergency, Abandoned and Recalcitrant \(EAR\) Account Fiscal Year 2011-2012 Annual Site List](#); and authorizing the Executive Director, or designee to issue Letters of Award or execute contracts and amendments for the expenditure of EAR Account funds.

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2011-0032](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

## ADOPTION HEARING

### DIVISION OF WATER QUALITY

7. Consideration of a proposed Resolution to adopt a proposed amendment to the [“Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling”](#). (Written comments were due on July 5, 2011 by 12 noon.) ([Staff Presentation](#))

- [Change Sheet #1](#)

**Motion:** Chairman Hoppin moved to adopt the proposed Resolution with changes proposed in Change Sheet #1 and additional revisions proposed by staff based on board members’ requests.

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

**MOTION CARRIED:** ([Resolution 2011-0033](#))

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

**Nay:** Member Doduc

**Abstain:** None

**Absent:** None

#### Commenters

*Alex Esparza, City of Los Angeles*

*Alfredo Medina, Senator Kevin deLeon*

*Angela Kelley, Natural Resources Defense Council*

*Aram Benjamin, City of Los Angeles*

*Awel Kidane, Assemblymember Steven Bradford*

*Carol Schatz, Central City Association of Los Angeles & Downtown Center Business Improvement District*

*Carolyn Cassavan, Valley Industry and Commerce Association*

*David Modisette, California Municipal Utilities Association*

*Fred Main, Los Angeles Chamber of Commerce*

*Jeffrey Volberg, San Diego County Water Authority*

*Jim Metropolus, Sierra Club California*

*Joe Geever, Surfrider Foundation*

*John Dennis, Los Angeles Department of Water & Power*

*John Steinbeck, Tenera Environmental*

*Jonas Minton, Planning & Conservation League*

*Julie Gill, AES Southland*

*Keith Dunn, California Apartment Association & American Council of Engineering Companies*

*Kenneth Silver, Los Angeles Department of Water & Power*

*Linda Sheehan, California Coastkeeper Alliance*

*Liz Crosson, Santa Monica Baykeeper*

*Mark Gold, Heal the Bay*

*Mark Weideman, Los Angeles Department of Water & Power*

*Noah Long, Natural Resources Defense Council*

*Patrick Henning, California Laborers Union*

*Peter Landreth GENON*

*Peter MacLaggan, Poseidon Resources*

*Rich Nagel, West Basin Municipal Water District*

*Ron Davis, CalDesal*

*Ron Nichols, Los Angeles Department of Water & Power ([Presentation](#))*

*Sarah Sikich, Heal the Bay*

*Scott Wetel, IBEW, LCNE, VA & WSCSMW*

*Sean Bothwell, California Coastkeeper Alliance*

*Shane Beck, MBC*

*Steve Suarez, University of California*

*Veronica Villalobos, University of Southern California*

## **INFORMATIONAL ITEMS**

8. Development of an [Underground Storage Tank Low-Threat Closure Policy](#). (*Staff Presentation*)

**No Action Taken**

- [Comment Letters](#)
- *Vicky Whitney, Deputy Director with Division of Water Quality and Kurt Berchtold, Executive Officer with Santa Ana Regional Water Board made the presentation to the Board.*

### **Commenters**

*David Noren, North Coast Regional Water Board*

*Ronald Chinn, Closure Solutions, Inc.*

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

**No Action Taken**

**The following Public Hearing will not commence before 1:00 p.m.**

## **PUBLIC HEARING**

### **DIVISION OF WATER QUALITY**

10. The State Water Resources Control Board will conduct a public hearing on the draft tentative order for [California Department of Transportation Municipal Separate Storm Sewer System \(MS4\) Permit](#). (*Written comments were due on March 14, 2011 by 12 noon.*) (*Staff Presentation*)

**No Action Taken**

### **Commenters**

*Ed Puchi, MCM Construction*

*Emily Cohen, Engineering & Utility Contractors Association*

*Linda Sheehan, California Coastkeeper Alliance*

*Mack Walker, California Alliance for Jobs*

*Michael Quigley, California Alliance for Jobs*

*Patrick Henning, California Laborers Union*

*Rick Land, Caltrans*

*Scott McGowen, Caltrans ([Presentation](#))*

*Scott Taylor, California Stormwater Quality Association*

*Sean Bothwell, California Coastkeeper Alliance*

## **ADJOURNMENT**

The Board adjourned at 5:02 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 Petitions for Reconsideration of State Water Board Order WR 2011-0005 regarding a Cease and Desist Order issued to Woods Irrigation Company for diversion from Middle River in San Joaquin County.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to the matter of the threat of an unauthorized diversion of water pursuant to a claim of pre-1914 appropriative rights by Thomas Hill, Steven Gomes, and Millview County Water District. A proposed cease and desist order, issued to Thomas Hill, Steven Gomes, and Millview County Water District on April 10, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

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

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

(These are authorized under Government Code section 11126, subdivision (e).)

- The Board will meet in closed session to confer with and receive advice from its legal counsel regarding City of Tracy v. California State Water Resources Control Board, Sacramento County Superior Court, Case No. 34-2009-80000392.

**The Board met in Closed Session on this Item**

- The Board will meet in closed session to confer with and receive advice from its legal counsel regarding Dianne E. Young et al. v. State Water Resources Control Board et al., San Joaquin County Superior Court, Case No. 39-2011-00259191-CU-WM-STK.

**The Board did not meet in Closed Session on this Item**

#### **IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on July 14, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on July 14, 2011, 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, "**7/19/2011 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](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.