

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
JUNE 21, 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/.

CALL TO ORDER

Chairman Hoppin called the meeting to order on June 21, 2011 at 9:06 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

STAFF PRESENT

Tom Howard, Executive Director	Jonathan Bishop, Chief Deputy Director
Caren Trgovcich, Chief Deputy Director	Jeanine Townsend, Clerk to the Board
Phil Wyels, Office of Chief Counsel	Kevin Graves, Division of Water Quality
Andy Sawyer, Office of Chief Counsel	Erik Ekdaahl, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Lisa Babcock, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Vicky Whitney, Division of Water Quality
Patrick Pulupa, Office of Chief Counsel	Liz Haven, Division of Water Quality
Steven Blum, Office of Chief Counsel	Rik Rasmussen, Division of Water Quality
Jim Maughan, Division of Financial Assistance	Patrick Morris, Central Valley Regional Board
Christopher Stevens, Division of Financial Assistance	Michelle Wood, Central Valley Regional Board
Gita Kapahi, Office of Public Participation	George Kostyrko, Office of Public Affairs

ANNOUNCEMENT

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

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

David Cox, Assemblyman Jeff Miller

Geoff Brosseau, California Stormwater Quality Association

Jerry Desmond, Metal Finishing Associations of Southern & Northern California

Katherine Wagner, California Stormwater Quality Association

BOARD BUSINESS

1. The Board will consider adoption of the May 17, 2011 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the minutes from the May 17, 2011 Board Meeting.

Seconded by: Member Doduc

MOTION CARRIED: ([May 17, 2011](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

2. Board Member Report.

None

UNCONTESTED ITEM* (Item 3)

- *3. Consideration of a proposed Resolution to add [Inland Empire Utilities Agency](#) (Agency) Southern Area Recycled Water System Improvements Project (Project) to the Water Recycling Funding Program (WRFP) Competitive Project List and to authorize funding from the WRFP and the Clean Water State Revolving Fund to the Agency's Project; Project No. 5319-110.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0027](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

DIVISION OF WATER QUALITY

4. Consideration of a proposed Order on [Kelly Gate Associates'](#) petition for closure of its Underground Storage Tank (UST) case pursuant to Health and Safety Code section 25296.40 at the site located at 27821 Dutcher Creek Road, Cloverdale, California. The Board will also consider, on its own motion, whether to close non-UST related case at the above-mentioned site. (*Written comments were due on May 27, 2011 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Order.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2011-0010](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

CENTRAL VALLEY REGIONAL BOARD

5. Consideration of a proposed Resolution approving amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of [Methylmercury and Total Mercury in the Sacramento-San Joaquin Delta Estuary](#). (Written comments were due on May 23, 2011 by 12 noon.) ([Staff Presentation](#))

- [Response to Comments](#)

Motion: Member Doduc moved to adopt the proposed Resolution with changes proposed by Phil Wyels, Assistant Chief Counsel and minor changes to the Response to Comments.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0028](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

Commenters

*Alexis Strauss, U.S. EPA
Andria Ventura, Clean Water Action
Bobbi Larson, Central Valley Clean Water Association
Ian Wren, San Francisco Baykeeper
John Herrick, South Delta Water Agency
Ken Landau, Central Valley Regional Water Board
Laurence Kerckhoff, Department of Water Resources
Lysa Voight, Sacramento Regional County Sanitation District
Sherri Norris, California Indian Environmental Alliance
Stefanie Hedlund, State Water Contractors*

INFORMATIONAL ITEMS

6. Status of the [SBX2 1 Nitrate Project for the Tulare Lake Basin and the Salinas Valley](#). ([Staff Presentation](#))

No Action Taken

- *Presenting this item to the Board was Erik Ekdahl with the Division of Water Quality and Dr. Thomas Harter with the University of California Davis.*

7. [Summary assessment of toxicity in California watersheds and coastal waters](#). ([Staff Presentation](#))

No Action Taken

- *Presenting this item to the Board was Karen Larsen with the Office of Information, Management and Analysis.*

Commenters

*Dr. Susan Paulsen, Western States Petroleum Association
Roberta Larson, California Association of Sanitation Agencies*

8. [Product Stewardship and Water Quality](#) (Extended Producer Responsibility (EPR))

No Action Taken

- [Written Comments](#)
- ***Making the [presentation](#) to the Board was Heidi Sanborn, Executive Director of the California Produce Stewardship Council and Brenda Smyth with CalRecycle.***

Commenters

Andria Ventura, Clean Water Action

Bobbi Larson, California Association Sanitation Agencies

Charles White, Waste Management

Geoff Brosseau, California Stormwater Quality Association

Jennifer Jackson, East Bay Municipal Utility District

Karin North, City of Palo Alto

Karri Ving, San Francisco Public Utilities Commission

Melody LaBella, Central Contra Costa Sanitary District & Bay Area Pollution Prevention Group

Rob Baquera, City of Roseville

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

The Board went into Closed Session at 1:50 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.

OFFICE OF CHIEF COUNSEL

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. (This is authorized under Government Code section 11126, subdivision (e).)

The Board met in Closed Session on all three items.

ADJOURNMENT

The Board adjourned the meeting immediately following the Closed Session.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on June 16, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on June 16, 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. Please indicate in the subject line, "**6/21/2011 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

* 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.