

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
July 15-16, 2008

Copies of the resolutions and water quality orders can be obtained by calling (916) 341-5600 or downloading from our website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/index.shtml.

CALL TO ORDER

Board Chair Tam Doduc called the meeting to order on July 15, 2008 at 10:10 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Board Chair Tam Doduc; Vice-Chair Gary Wolff, P.E., Ph.D.; Member Arthur G. Baggett, Jr.; Member Charlie Hoppin; Member Frances Spivy-Weber

STAFF PRESENT

Dorothy Rice, Executive Director
Tom Howard, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Michael Lauffer, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
James Herink, Office of Chief Counsel
Anne Hartridge, Office of Chief Counsel
Betsy Jennings, Office of Chief Counsel
Steven Blum, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Liz Haven, Division of Water Quality
Darrin Polhemus, Division of Water Quality
Bill Orme, Division of Water Quality
Michael Buckman, Division of Water Quality
Nirmal Sandhar, Division of Water Quality
Renan, Jauregui, Division of Water Quality
Rik Rasmussen, Division of Water Quality
Dyan Whyte, San Francisco Bay Regional Water Board
Jill Marshall, San Francisco Bay Regional Water Board

Jeanine Townsend, Clerk to the Board
James Maughan, Division of Financial Assistance
Claudia Villacorta, Division of Financial Assistance
Barbara Evoy, Division of Financial Assistance
Shahla Farahnak, Division of Financial Assistance
Erin Ragazzi, Division of Financial Assistance
Allan Patton, Division of Financial Assistance
Debra Thompson, Division of Financial Assistance
Arlene Plaza, Division of Financial Assistance
Vicky Whitney, Division of Water Rights
Jim Kassel, Division of Water Rights
Les Grober, Division of Water Rights
Diane Riddle, Division of Water Rights
Sharon Norton, Division of Water Rights
Dave Clegren, Office of Public Affairs
Judy Panneton, Office of Public Affairs
Gita Kapahi, Office of Public Participation
Catherine George, San Diego Regional Water Board
Ben Tobler, San Diego Regional Water Board

ANNOUNCEMENT

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

PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT & MERIT AWARDS

- ❖ *Mr. Esteban Almanza, Deputy Director of the Division of Administrative Services, presented the Merit Award to Ms. Billie Wilson.*
- ❖ *Mr. Darrin Polhemus, Deputy Director of the Division of Water Quality presented the Sustained Superior Accomplishment Award to Mr. Patrick Otsuji and Mr. Chris Beegan.*

PUBLIC FORUM

None

BOARD BUSINESS

1. The Board will consider adoption of the June 3, June 17 & July 1, 2008, Board Meeting minutes.

Motion: Member Baggett moved to adopt the minutes from June 3, June 17 & July 1, 2008 Board Meeting.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([06/03/08](#)) ([06/17/08](#)) ([07/01/08](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: Member Baggett (from June 3, 2008 Board Meeting minutes)
Board Chair Doduc (from June 17, 2008 Board Meeting minutes)
Vice Chair Wolff (from July 1, 2008 Board Meeting minutes)

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEMS (Item 3-7*)

- *3. Consideration of a proposed Water Right Order approving petitions for extension of time for permits of [Westland Nursery, Inc.](#), on Butano Creek in San Mateo County.

Motion: Member Baggett moved to adopt the proposed Order.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Water Right Order No. 2008-0032](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *4. Petition of [California Sportfishing Protection Alliance](#) for review of Waste Discharge Requirements Order No. R5-2007-0113 issued to the City of Lodi by the Central Valley Regional Water Quality Control Board (SWRCB/OCC FILE A-1886). (The State Water Resources Control Board will consider issuing an order determining to review the Lodi order on its own motion.) (*Written comments were due on June 11, 2008 by 12:00 p.m.*)

Motion: Member Baggett moved to adopt the proposed Order.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Water Quality Order No. 2008-0005](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *5. Consideration of a Resolution adopting a Statement of Overriding Considerations regarding the [Salinas Valley Integrated Regional Water Management Implementation \(IRWM\) Grant Project](#).

Motion: Member Baggett moved to adopt the Resolution.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Resolution 2008-0050](#))

Aye Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *6. Consideration of a Resolution to allocate \$355,000 in Cleanup and Abatement Account funds (CAA) for the [Big Springs Creek Restoration Assessment](#) to support salmonids in the Shasta River in Siskiyou County.

Motion: Member Baggett moved to adopt the Resolution.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Resolution 2008-0051](#))

Aye Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *7. Consideration of a Resolution granting authority to the State Water Resources Control Board's (State Water Board) Executive Director to apply to the United States Environmental Protection Agency (U.S. EPA) to implement an [Extended Term Financing Program](#) as part of the Clean Water State Revolving Fund (SRF) Program.

Motion: Member Baggett moved to adopt the Resolution.

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Resolution 2008-0052](#))

Aye Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

DIVISION OF FINANCIAL ASSISTANCE

8. Consideration of a Resolution to amend the [Water Recycling Funding Program Guidelines](#) to clarify eligible costs and modify the Waiver of Litigation Rights language.

Motion: Member Spivy-Weber moved to adopt the Resolution.

Seconded by: Board Chair Doduc

MOTION CARRIED ([Resolution 2008-0053](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

OFFICE OF CHIEF COUNSEL

9. Petition of the Environmental Law Foundation for review of Waste Discharge Requirements Order No. R5-2007-0064 [NPDES No. CA0078867] for [Berry Petroleum Company](#), Poso Creek/Mcvan Facility issued by the Central Valley Regional Water Quality Control Board (SWRCB/OCC FILE A-1871). (The State Water Resources Control Board will consider issuing an order remanding the matter back to the Regional Water Board for further consideration.) (*Written comments are due on July 2, 2008 by 12:00 p.m.*)

Motion: Member Spivy-Weber moved to adopt the proposed Order with changes proposed by staff.

Seconded by: Member Baggett

MOTION CARRIED ([Water Quality Order No. 2008-0006](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Pamela Creedon, Central Valley Regional Water Board

DIVISION OF WATER QUALITY

10. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the San Diego Basin (Basin Plan) to incorporate Total Maximum Daily Loads for dissolved copper, lead, and zinc in [Chollas Creek](#), Tributary To San Diego Bay. (*Written comments are due on July 7, 2008 by 12:00 p.m.*) ([Staff Presentation](#))

Motion: Vice Chair Wolff moved to adopt the Resolution with changes.

Seconded by: Board Chair Doduc

MOTION CARRIED ([Resolution 2008-0054](#))

Aye
Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Kris McFadden, City of San Diego

- 11. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region amending mercury water quality objectives in [Walker Creek and Soulagule Reservoir](#) and their tributaries and establishing a Total Maximum Daily Load and implementation plan to reduce mercury in the Walker Creek Watershed. (*Written comments were due on June 12, 2008 by 12:00 p.m.*) ([Staff Presentation](#))

Motion: Vice Chair Wolff moved to adopt the Resolution.

Seconded by: Board Chair Doduc

MOTION CARRIED ([Resolution 2008-0055](#))

Aye Board Chair Doduc
 Vice Chair Wolff
 Member Baggett
 Member Spivy-Weber
 Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Paul Helliker, Marin Municipal Water District

INFORMATIONAL ITEMS

- 12. Stakeholder group information item on the status of an alternative proposal for a [statewide recycled water policy](#). The State Water Board will not take action on this item.

➤ **This item was deferred to the September 2, 2008 Board Meeting.**

Commenters

David Aladjem, WateReuse, ACWA & CASA
David Bolland, Association of CA Water Agencies
Linda Sheehan, California Coastkeeper Alliance
Martha Davis, Inland Empire Utilities Agency
Zeke Grader, Pacific Coast Federation of Fisherman’s Association

- 13. [Wetlands Policy](#) Development Team Board Update. ([Staff Presentation](#))

No Action Taken

- 14. [Executive Director’s Report](#)

ADJOURNED

The Board Meeting adjourned at 2:30 p.m.

CLOSED SESSION ITEM

Closed Sessions are not open to the public

WATER RIGHTS

The Board will meet in closed session to deliberate on a proposed decision following a hearing on the Chino Basin Watermaster’s application to divert water from the Santa Ana River in San Bernardino and Riverside Counties. This closed session is authorized under Government Code section 11126, subdivision (e).

Wednesday, July 16, 2008 - 10:00 a.m.
Sierra Hearing Room – Second Floor

CALL TO ORDER

Board Chair Tam Doduc called the meeting to order on July 16, 2008 at 10:10 a.m. in the Sierra Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Board Chair Tam Doduc; Vice-Chair Gary Wolff, P.E., Ph.D.; Member Arthur G. Baggett, Jr.; Member Charlie Hoppin; Member Frances Spivy-Weber

STAFF PRESENT

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Tom Howard, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Teb Cobb, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Vicky Whitney, Division of Water Rights
Les Grober, Division of Water Rights
Diane Riddle, Division of Water Rights
Karen Larson, Central Valley Regional Water Board

Jeanine Townsend, Clerk to the Board
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DIVISION OF WATER RIGHTS

15. Consideration of a Resolution adopting a [Strategic Workplan for activities to protect beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary](#). (Staff Presentation)

Motion: Member Baggett moved to adopt the Resolution with Vice Chair Wolff Staff Change #1.

Seconded by: Vice Chair Wolff

MOTION CARRIED ([Resolution 2008-0056](#))

Aye Board Chair Doduc
 Vice Chair Wolff
 Member Baggett
 Member Spivy-Weber
 Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Alan Lilly, Yuba County Water Agency
Barbara Byrne, Planning & Conservation League
Bill Jennings, California Sportfishing Protection Alliance
Carol Krieger, California Water Impact Network
Dante Nomellini, Jr., Central Delta Water Agency
Debbie Webster, Central Valley Clean Water Association
David Bolland, Association of CA Water Agencies
Erick Soderlund, Department of Water Resources
John Herrick, South Delta Water Agency
Jon Rubin, San Luis & Delta Mendota Water Districts

Commenters (continued)

Karen Schwinn, U.S. EPA

Karna Harrigfeld, Stockton East Water District

Kristina Ortez, Natural Resources Defense Council

Leah Orloff, Contra Costa Water District

Mary Grace Pawson, WateReuse

Mia Brown, County of San Joaquin

Michael Boccadoro, Coalition for Sustainable Delta

Michael Jackson, Sacramento Valley Environmental Water Caucus

Sharon Green, Sanitation Districts of Los Angeles County

Terrie Mitchell, Sacramento Regional County Sanitation District

Tim O'Laughlin, San Joaquin River Group Authority

Zeke Grader, Pacific Coast Federation of Fisherman's Association

ADJOURNED

The Board Meeting adjourned at 1:00 p.m.