

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
February 3, 2009

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 February 3, 2009 at 10:05 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; Member Arthur G. Baggett, Jr.; Member Charlie Hoppin; Member Frances Spivy-Weber

STAFF PRESENT

Dorothy Rice, Executive Director
Jonathan Bishop, Chief Deputy Director
Tom Howard, Chief Deputy Director
Michael Lauffer, Chief Counsel
Jeanine Townsend, Clerk to the Board
James Herink, Office of Chief Counsel
Andy Sawyer, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Ted Cobb, Office of Chief Counsel
Michael Levy, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Barbara Evoy, Division of Financial Assistance
Leslie Laudon, Division of Financial Assistance
Allan Patton, Division of Financial Assistance
Jim Maughan, Division of Financial Assistance

Les Grober, Division of Water Rights
Jim Kassel, Division of Water Rights
Gordon Innes, Division of Water Quality
Liz Haven, Division of Water Quality
Darrin Polhemus, Division of Water Quality
Dennis Parfitt, Division of Water Quality
John Elkins, Division of Water Quality
Caren Trgovcich, Office of Research, Planning & Performance
Bill Rukeyser, Office of Public Affairs
Gita Kapahi, Office of Public Participation
Sandia Potter, Office of Legislative Affairs
Mark Bradley, Office of Enforcement
Reed Sato, Office of Enforcement
Karl Longley, Central Valley Regional Water Board

ANNOUNCEMENT

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

PUBLIC FORUM

Commenters

Tim O'Laughlin, San Joaquin River Group Association

BOARD BUSINESS

1. The Board will consider adoption of the January 6, 2009 Board Meeting minutes.

Deferred to a future board meeting

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEMS (Items 3-6*)

- *3. Consideration of a proposed Resolution approving projects, and authorizing issuance of grants for the [Proposition 84 Areas of Special Biological Significance \(ASBS\) Grant Program](#).

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

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0007](#))

Aye Board Chair Doduc
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: Member Baggett

Abstain: None

- *4. Consideration of a proposed Resolution to approve up to \$2,000,000 in grant funding from the Cleanup and Abatement Account (CAA) to the [City of Shafter](#) (City) for the North Shafter Wastewater Project (Project).

Motion: Member Spivy-Weber moved to adopt the proposed Resolution with [Change Sheet #1](#).

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0008](#))

Aye Board Chair Doduc
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: Member Baggett

Abstain: None

- *5. Consideration of proposed Resolution allocating \$1,765,000 from the Cleanup and Abatement Account to the State Water Resources Control Board and Central Valley Regional Water Quality Control Board for support of water quality planning efforts related to [salinity in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the San Joaquin River Basin](#).

This Item was moved to Contested Items.

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

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0009](#))

Aye Board Chair Doduc
 Member Hoppin
 Member Spivy-Weber

Nay: None

Absent: Member Baggett

Abstain: None

Commenters

Tim O'Laughlin, San Joaquin River Group Association

- *6. Consideration of a proposed Resolution authorizing the Executive Director to execute a contract with the [United States Bureau of Reclamation](#) (USBR) under which the State Water Board will be reimbursed for administering the water rights of the USBR.

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

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0010](#))

Aye Board Chair Doduc
Member Hoppin
Member Spivy-Weber

Nay: None

Absent: Member Baggett

Abstain: None

DIVISION OF WATER QUALITY

Comments will be accepted only on the changes depicted on the January 16, 2009 version of the proposed Policy.

7. Consideration of a [Proposed Recycled Water Policy and associated Certified Regulatory Program Environmental Analysis](#). (Written comments were due on December 22, 2008 by 12 noon.)

Motion: Member Spivy-Weber moved to adopt the proposed Resolution as amended with changes from [Change Sheet #1](#).

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0011](#))

Aye Board Chair Doduc
Member Hoppin
Member Spivy-Weber

Nay: None

Absent: Member Baggett

Abstain: None

Commenters

Art O'Brien, City of Roseville

David Aladjem, Association of California Water Agencies

David Arrieta, Western States Petroleum Association

Debbie Webster, Central Valley Clean Water Association

Kirsten James, Heal the Bay

Mary Grace Pawson, WateReuse Association

Ray Tremblay, Los Angeles County Sanitation

Roberta Larson, California Association of Sanitation Agencies

Linda Sheehan, California Coastkeeper Alliance

DIVISION OF FINANCIAL ASSISTANCE

8. Consideration of a proposed Resolution directing changes in the administration of the Cleanup and Abatement Account (CAA) to improve [Program Efficiency and Transparency](#).

Motion: Member Spivy-Weber moved to adopt the proposed Resolution with revisions from [Change Sheet #1](#).

Seconded by: Member Baggett

MOTION CARRIED ([Resolution 2009-0012](#))

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

Nay: None

Absent: None

Abstain: None

Commenters

Linda Sheehan, California Coastkeeper Alliance

OFFICE OF ENFORCEMENT

- 9. Consideration of a Proposed [Policy for Use of the State Water Pollution Cleanup and Abatement Account for Regional Water Quality Improvement Projects](#). (Written comments were due on December 15, 2008 by 12 noon.)
 - [Redline/Strikethrough Version of October 15, 2008 Draft Policy \(January 21, 2009\)](#)

No Action Taken

Commenters

John Pastore, Southern California Alliance of POTWs
Linda Sheehan, California Coastkeeper Alliance
Martha Guzman, California Rural Legal Assistance Foundation

- 10. Consideration of a Proposed [Policy on Supplemental Environmental Projects](#). (Written comments were due on December 15, 2008 by 12 noon.) ([Staff Presentation](#))
 - [Redline/Strikethrough Version of October 15, 2008 Draft Policy \(January 21, 2009\)](#)
 - [Supporting information for Proposed Policy on Supplemental Environmental Projects](#)

Motion: Member Baggett moved to adopt the proposed Resolution with changes proposed by Board Member Baggett and changed from [Change Sheet #1](#).

Seconded by: Chair Doduc

MOTION CARRIED ([Resolution 2009-0013](#))

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

Nay: None

Absent: None

Abstain: None

Commenters

Craig Wilson, General Public
David Arrieta, Western States Petroleum Association
Debbie Webster, Central Valley Clean Water Association
John Pastore, Southern California Alliance of POTWs
Kirsten James, Heal the Bay
Linda Sheehan, California Coastkeeper Alliance
Matt Bogoshian, California Environmental Protection Agency
Rita Schmidt Sudman, Water Education Foundation
Roberta Larson, California Association of Sanitation Agencies
Ray Tremblay, Los Angeles County Sanitation

The following items may not occur before 1:00 p.m.

OFFICE OF CHIEF COUNSEL

- 11. ~~Consideration of a proposed Order remanding the permit to the Central Valley Water Board in the Matter of on Own Motion Review of Waste Discharge Requirements and Master Reclamation Permit (Order No. R5-2007-0113 [NPDES No. CA0079243]) for [City of Lodi](#), Central Valley Region. (SWRCB/OCC File A-1886). (Written comments were due on January 23, 2009 by 12 noon.)~~

Postponed to a future Board Meeting

12. In the Matter of the Petition of [Ultramar, Inc.](#) for Review of Sonoma County's Responsible Party Designation. (SWRCB/OCC File P06-230.) The State Water Resources Control Board will consider whether to adopt an order that modifies Sonoma County's responsible party designation. *(Written comments on the initial proposed order were due by November 3, 2008. Written comments on the revisions to the initial proposed order are due on January 28, 2009 by 12 noon.)* ([Staff Presentation](#))

Motion: Chair Doduc moved to adopt the proposed Order with changes from [Errata Sheet #1](#).

Seconded by: Member Spivy-Weber

MOTION CARRIED ([Water Quality Order 2009-0001-UST](#))

Aye Board Chair Doduc
Member Baggett
Member Spivy-Weber

Nay: None

Absent: None

Abstain: Member Hoppin

Commenters

Carl Schwab, Black Point Environmental

Dale Radford, County of Sonoma

Saied Molavi, General Public ([Presentation](#))

Shay Wideman, Ultramar

DIVISION OF WATER RIGHTS

- ~~13. Consideration of a proposed Order denying petitions for reconsideration of Order WR 2008-0029-EXEC, which approved a temporary urgency change in permit conditions regarding the use of [Joint Points of Diversion and the Yuba transfer](#). *(Written comments are due on January 29, 2009 by 12 noon.)*~~

Postponed to a future Board Meeting

ADJOURNED

The Board Meeting adjourned at 3:15 p.m.

CLOSED SESSION

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 Lake Alpine Water Company's and the County of Alpine's petition for partial assignment of State Filed Application (SFA) 5648(7), petition to change SFA 5648 and Application 31523. This closed session is authorized under Government Code section 11126(c)(3).