

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
May 19, 2009

Copies of the resolutions and water quality orders can be obtained by calling (916) 341-5600 or downloading from our [Website](#).

CALL TO ORDER

Chairman Charlie Hoppin called the meeting to order on May 19, 2009 at 9:07 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 Arthur G. Baggett, Jr.; Member Tam M. Doduc

STAFF PRESENT

Tom Howard, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Michael Lauffer, Chief Counsel
Ted Cobb, Office of Chief Counsel
James Herink, Office of Chief Counsel
Andy Sawyer, Office of Chief Counsel
Lori Brock, Office of Chief Counsel
Dana Heinrich, Office of Chief Counsel
Kathy Keber, Office of Chief Counsel
Steven Blum, Office of Chief Counsel
Karen O'Haire, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Lori Okun, Office of Chief Counsel
Bill Rukeyser, Office of Public Affairs
Rob Egel, Office of Legislative Affairs

Jeanine Townsend, Clerk to the Board
Darrin Polhemus, Division of Water Quality
James Giannopoulos, Division of Water Quality
Laura Fisher, Division of Water Quality
Ken Harris, Division of Water Quality
Ernie Mona, Division of Water Rights
Larry Lindsay, Division of Water Rights
Jim Kassel, Division of Water Rights
Jane Farwell, Division of Water Rights
Barbara Evoy, Division of Financial Assistance
Allan Patton, Division of Financial Assistance
Lori Casias, Division of Financial Assistance
Selica Potter, Division of Financial Assistance
Reed Sato, Office of Enforcement
Val Conner, Office of Information Management and Analysis

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 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.

None

BOARD BUSINESS

1. The Board will consider adoption of the May 5, 2009 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the May 5, 2009 Board Meeting minutes.

Seconded by: Member Doduc

MOTION CARRIED: ([May 5, 2009](#))

Aye
Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEMS (Items 3-4*)

- *3. Consideration of a proposed Resolution adopting a Statement of Overriding Considerations regarding the Santa Barbara Countywide Integrated Regional Water Management (IRWM) Implementation Grant for the [City of Santa Barbara](#) Lower Mission Creek Flood Control Project (Component 6).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice-Chair Spivy Weber

MOTION CARRIED: ([Resolution 2009-0040](#))

Aye
Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

- *4. Consideration of a proposed Resolution authorizing acceptance of a federal grant to continue contaminant source investigation activities in the [San Gabriel Valley](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice-Chair Spivy Weber

MOTION CARRIED: ([Resolution 2009-0041](#))

Aye
Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

DIVISION OF WATER RIGHTS

5. Consideration of a proposed Order ruling on a petition submitted by [Department of Water Resources and United States Bureau of Reclamation](#). The petition proposes consolidation of portions of their authorized places of use in various counties in California. (*Written comments were due on May 18, 2009 by 12:00 noon.*)

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

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Water Rights Order 2009-0033](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Commenters

Bill Jennings, California Sportfishing Protection Alliance

Charlotte Hodde, Planning & Conservation League

Erick Soderlund, Department of Water Resources

Jon Rubin, Diepenbrock Harrison on behalf of San Luis & Delta Mendota Water Authority and Westlands Water District

DIVISION OF FINANCIAL ASSISTANCE & DIVISION OF WATER QUALITY

6. Consideration of a proposed Resolution to improve administration of the [Underground Storage Tank \(UST\) Cleanup Fund and UST Cleanup Program](#). ([Staff Presentation](#))

- [Change Sheet #1](#)

Motion: Member Doduc moved to adopt the proposed Resolution with changes from Change Sheet #1 and additional changes ([Change Sheet #2](#)) requested by Board members.

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2009-0042](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Commenters

Barbara Dunn, EnvironCap, LLC

Craig Johns, Partnership for Sound Science in Environmental Policy

David Arrieta, Western States Petroleum Association

David Zedrick, General Public

Gil Moore, General Public

Howard Whitney, RTD, Inc.

James Arnold, CORE Environmental Foundation ([Presentation](#))

Jay McKeeman., California Independent Oil Marketers Association

Jennifer Talbert, G & M Oil Company, Inc.

Mark Hite, California Council on Environmental & Economic Balance

Mark Magargee, General Public

Noel Sheno, Cal Clean, Inc.

Mike Bonkowski, Bonkowski & Associates, Inc.
Rafael Gallardo, Gallardo & Associates, Inc.
Richard Botke, PW Environmental
Zack Moran, PW Environmental

OFFICE OF CHIEF COUNSEL

7. Consideration of a draft Order on own motion review of Waste Discharge Requirements Order No. R5-2007-0136 and Time Schedule Order No. R5-2007-0037 issued to the [City of Tracy](#) Wastewater Treatment Plant, San Joaquin County, by the Central Valley Regional Water Quality Control Board. (SWRCB/OCC File A-1846(a) and (b).) The State Water Resources Control Board will consider issuing an order remanding the Waste Discharge Requirements. (*Written comments were due on March 4, 2009 by 12 noon; **additional written comments will be accepted only on the changes depicted on the May 7, 2009 version of the draft Order. Additional written comments are due on May 12, 2009 by 12 noon.***) ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Order with changes proposed by Staff.

Seconded by: Vice-Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2009-0003](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Commenters

Bill Jennings, California Sportfishing Protection Alliance
Debbie Webster, Central Valley Clean Water Association
Joel Krein, Leprino Foods
Jon Rubin, Diepenbrock Harrison on behalf of Westlands Water District
Ken Landau, Central Valley Regional Water Board
Melissa Thorne, Downey Brand on behalf of the City of Tracy ([Presentation](#))
Michele Pla, Bay Area Clean Water Agencies
Steve Bayley, City of Tracy

8. Consideration of an interlocutory Order regarding the State Water Board's review, on its own motion, of groundwater contamination in the area of the [City of Rialto](#). (SWRCB/OCC File A-1824.) (*Written comments were due on May 6, 2009 by 12 noon.*)

Motion: Member Baggett moved to adopt the interlocutory Order with changes from [Errata Sheet #1](#).

Seconded by: Vice-Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2009-0004](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Commenters

Brian Zagon, Pyro Spectaculars, Inc.
Daniel Boone, City of Riverside
James Meeder, The Emhart Parties
Jeffrey Dintzer, Goodrich Corp.
Jennifer Novak, Regional Board Advocacy Team
Scott Sommer, City of Rialto & Rialto Utility Authority

INFORMATIONAL ITEM

9. [Executive Director's Report](#).
10. Presentation of the results from the first year of monitoring contaminant levels in [sport fish in California Lakes](#).
 - Mr. Jay Davis from the San Francisco Estuary Institute made the [presentation](#) to the Board

BOARD HEARING

The following Board Hearing will not occur before 1:00 p.m.

No final Board action will be taken on Item 11 until a future Board meeting

WATER QUALITY

11. Public Hearing on the proposed General Waste Discharge Requirements for [Landscape Irrigation Uses of Municipal Recycled Water \(General Permit\) and a Mitigated Negative Declaration for the General Permit](#). (Written comments were due on April 27, 2009 by 12 noon; **additional written comments will be accepted only on the changes depicted on the May 7, 2009 version of the proposed General Permit.**) ([Staff Presentation](#))
 - **Comment period on this item was extended to Tuesday, May 26, 2009 by 12 noon.**

No Further Action Taken

Commenters

Art O'Brien, City of Roseville
Bert Michalczyk, Dublin San Ramon Services District
Betty Burnett, South Orange County Wastewater Authority & South Coast Water District
Bob Heilman, California American Water Company
Cassie Aw-yang, South Orange County Wastewater Authority & South Coast Water District
Dave Smith, WaterReuse Association
David Lippman, Las Virgenes Municipal Water District
Elizabeth Wells, El Dorado Irrigation District
Eric Rosenblum, City of San Jose & Bay Area Clean Water Agencies
Evelyn Cortez-Davis, City of Los Angeles, Department of Water & Power
Gus Dembegiotes, City of Los Angeles, Bureau of Sanitation
Jim Inglis, Stanford University
Kirsten James, Heal the Bay
Linda Sheehan, California Coastkeeper Alliance
March Bruner, Stanford University
Mark Pumford, City of Oxnard
Martha Davis, Recycled Water Stakeholders
Michele Pla, Bay Area Clean Water Agencies
Mike McCullough, Northern California Golf Association

CLOSED SESSION

Closed Sessions are not open to the public

WATER RIGHTS

The Board will be meeting in closed session to deliberate on a proposed order following a hearing on the California Department of Water Resources and United States Bureau of Reclamation's petition to consolidate portions of the authorized places of use in various counties in California. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

No closed session was held.

OFFICE OF CHIEF COUNSEL

RIALTO PERCHLORATE

The Board will meet in closed session to discuss ongoing litigation in *Goodrich Corp. v. California State Water Resources Control Bd., et al.* (Los Angeles Superior Court No. BS110389). (This is authorized under Government Code section 11126, subdivision (e)(2)(A).)

No closed session was held.

ADJOURNED

The Board Meeting adjourned at 4:40 p.m.