

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
NOVEMBER 17, 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

Chairman Charlie Hoppin called the meeting to order on November 17, 2009 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 Arthur G. Baggett, Jr.; Member Tam M. Doduc; Member Walter G. Pettit

STAFF PRESENT

Dorothy Rice, Executive Director
Michael Lauffer, Chief Counsel
Anne Hartridge, Office of Chief Counsel
Ted Cobb, Office of Chief Counsel
Betsy Jennings, Office of Chief Counsel
Lori Okun, Office of Chief Counsel
Steven Blum, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Alex Mayer, Office of Chief Counsel
Lori Brock, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Esteban Almanza, Division of Administrative Services
Miles Burnett, Division of Administrative Services
Dyan Whyte, San Francisco Regional Water Board
Carrie Austin, San Francisco Regional Water Board
Ken Harris, Division of Water Quality

Tom Howard, Chief Deputy Director
Jeanine Townsend, Clerk to the Board
James Maughan, Division of Financial Assistance
Selica Potter, Division of Financial Assistance
Allan Patton, Division of Financial Assistance
Ann Marie Ore, Office of Enforcement
Mark Bradley, Office of Enforcement
Reed Sato, Office of Enforcement
James Giannopoulos, Division of Water Quality
Darrin Polhemus, Division of Water Quality
Liz Haven, Division of Water Quality
Peter Martin, Division of Water Quality
Rik Rasmussen, Division of Water Quality
Kevin Graves, Division of Water Quality
Renan Jauregui, Division of Water Quality
Laura Fisher, 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.*

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair

PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARD

- ❖ *Mr. Esteban Almanza, Deputy Director for the Division of Administrative Services presented the Superior Accomplishment Award to Ms. Teri Shafer with the Division of Administrative Services.*

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 October 20, 2009 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the proposed minutes of the October 20, 2009 Board Meeting.

Seconded by: Member Baggett

MOTION CARRIED: ([October 20, 2009](#))

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

Nay: None

Abstain: None

Absent: None

2. Board Member Report.

None

UNCONTESTED ITEMS (Item 3-5*)

- *3. Consideration of a proposed Resolution to allocate \$849,103 from the Cleanup and Abatement Account (CAA) to the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) in support of the [Aramburu Island Restoration Project \(Project\)](#).

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

Seconded by: Member Pettit

MOTION CARRIED: ([Resolution 2009-0078](#))

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

Nay: None

Abstain: None

Absent: None

- *4. Consideration of a proposed Resolution finding that the [Department of Water Resources' Safe, Clean, Reliable Water Supply Act \(Prop 204\) funded projects](#) will assist in the implementation of the 2006 Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary.

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

Seconded by: Member Pettit

MOTION CARRIED: ([Resolution 2009-0079](#))

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

Nay: None

Abstain: None

Absent: None

- *5. Consideration of a proposed Resolution authorizing the Executive Director to execute a contract to support the Central Valley Regional Water Quality Control Board's development of an environmental impact report (EIR) for the regulation of [manure digesters and co-digestion facilities](#).

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

Seconded by: Member Pettit

MOTION CARRIED: ([Resolution 2009-0080](#))

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

Nay: None

Abstain: None

Absent: None

DIVISION OF FINANCIAL ASSISTANCE

6. Consideration of a proposed Resolution directing additional actions to improve administration of the [Underground Storage Tank \(UST\) Cleanup Fund and UST Cleanup Programs](#). ([Staff Presentation](#)) ([Staff Presentation-Graves](#))

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

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2009-0081](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

David Arrieta, Western State Petroleum Association

Dawn Zemo, UST Program Task Force

Howard Whitney, General Public

Lee Howard, General Public

Nick Bokides, California Independent Oil Marketers Association

Ravi Arulanantham, UST Program Task Force

Sue Erikson, General Public

Zack Moran, PW Environmental

DIVISION OF WATER QUALITY

7. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish new water quality objectives, Total Maximum Daily Loads (TMDLs) and Implementation Plan, and to vacate an existing water quality objective, for mercury in the [Guadalupe River Watershed](#). (*Written comments were due on October 19, 2009 by 12 noon.*) ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Resolution with additional language proposed by Chief Counsel Lauffer and staff.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0082](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Art Boudreault, General Public ([Presentation](#))

Daryl Gray, General Public ([Presentation](#))

Dorene Boulland, General Public ([Presentation](#))

Lori Chen, Clean Water Action

Michael Boulland, General Public/Friends of the Los Alamitos Watershed ([Presentation](#))

Michael Cox, General Public ([Presentation](#))

Rick Dill, General Public ([Presentation](#))

Roberta Lamons, General Public

William Jones, General Public ([Presentation](#))

OFFICE OF CHIEF COUNSEL

8. Consideration of a proposed Order regarding the Petition of California Sportfishing Protection Alliance, Waste Discharge Requirements Order No. R5-2008-0104 [NPDES Order No. CA0085286] for the [Soper Company, Spanish Mine, Nevada County](#), issued by the California Regional Water Quality Control Board, Central Valley Region. (SWRCB/OCC File A-1948.) The State Water Board will hear comments and consider issuing an order remanding the waste discharge requirements. (*Written comments on only the changes made in the revised order dated November 3, 2009 were due on October 27, 2009 by 12 noon.*)

Motion: Member Baggett moved to adopt the proposed Order

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2009-0015](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Lori Okun, Central Valley Regional Water Board

Richard McHenry, California Sportfishing Protection Alliance

OFFICE OF ENFORCEMENT

9. Consideration of adoption of the proposed statewide [Water Quality Enforcement Policy](#). (Written comments were due on September 21, 2009 by 12 noon.) ([Staff Presentation](#))

Motion: Member Baggett moved to adopt the proposed Policy & Resolution with amendments proposed by Staff.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2009-0083](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

David Bolland, Association of California Water Agencies

Dr. Gail Chesler, California Association of Sanitation Agencies/Tri-TAC

INFORMATIONAL ITEM

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

BOARD HEARING

**The State Water Board may take final action at the conclusion of this hearing
or may defer final action to a subsequent, publicly noticed board meeting**

11. Consideration of a proposed Resolution to adopt a regulation that provides an interim variance for [underground storage of biodiesel blends](#) up to 20 percent biodiesel (B20). (Written comments were due on October 29, 2009 by 12 noon, except for written comments that are limited to the second modification to the text of the regulation, which are due on November 16, 2009 by 9:00 a.m.)

Motion: Chairman Hoppin moved to adopt the proposed Resolution with changes proposed by Staff.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0084](#))

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

Nay: None

Abstain: None

Absent: Member Doduc

Commenters

Kent Bullard, Southern California Biodiesel Users Group

Louie Brown, California Biodiesel Alliance/National Biodiesel Board

Randall VonWedel, General Public

CLOSED SESSION

Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

The Board will meet in closed session to deliberate on a proposed order following a hearing concerning modification of Cease and Desist Order WR 2006-0006 against the Department of Water Resources and the United States Bureau of Reclamation in Connection with the water right permits and license for the State Water Project and Central Valley Project. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board met in Closed Session

PERSONNEL

The Board will meet in closed session to discuss the appointment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing. (This closed session is authorized under Government Code section 11126, subdivision (a)(1).)

The Board met in Closed Session

ADJOURNED

The Board Meeting adjourned at 2:15 p.m.