

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
OCTOBER 20, 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 October 20, 2009 at 9:05 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chairman Charlie Hoppin; Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Arthur G. Baggett, Jr. Member Walter G. Pettit

STAFF PRESENT

Dorothy Rice, Executive Director	Tom Howard, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jeanine Townsend, Clerk to the Board
Anne Hartridge, Office of Chief Counsel	Jonathan Bishop, Chief Deputy Director
Ted Cobb, Office of Chief Counsel	Ann Marie Ore, Office of Enforcement
Andy Sawyer, Office of Chief Counsel	Mark Bradley, Office of Enforcement
Buck Taylor, Office of Chief Counsel	Reed Sato, Office of Enforcement
Steven Blum, Office of Chief Counsel	Yvonne West, Office of Enforcement
Sheila Vassey, Office of Chief Counsel	Darrin Polhemus, Division of Water Quality
Michael Levy, Office of Chief Counsel	Liz Haven, Division of Water Quality
James Maughan, Division of Financial Assistance	Peter Martin, Division of Water Quality
Christopher Stevens, Division of Financial Assistance	Nick Martorano, Division of Water Quality
Vicky Whitney, Division of Water Rights	Rik Rasmussen, Division of Water Quality
Jim Kassell, Division of Water Rights	Naomi Ferger, San Francisco Regional Water Board
Les Grober, Division of Water Rights	Tom Mumley, San Francisco Regional Water Board
Jane Farwell, Division of Water Rights	Tracy Egoscue, Los Angeles Regional Water Board
Paul Murphey, Division of Water Rights	Sam Unger, Los Angeles Regional Water Board
Larry Lindsay, Division of Water Rights	Jenny Newman, Los Angeles Regional Water Board
Isabel Baer, Office of Public Participation	Judie Panneton, 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 Chair

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 September 15, & October 6, 2009 Board Meeting minutes.

Motion: Member Doduc moved to adopt the proposed minutes.

Seconded by: Member Baggett

MOTION CARRIED: ([September 15, 2009](#)) ([October 6, 2009](#))

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

Nay: None

Abstain: Member Pettit

Absent: None

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEM (Item 3*)

- *3. Consideration of a Resolution clarifying the prohibition on future senior debt in the Policy for Implementing the [Clean Water State Revolving Fund \(CWSRF\) for Construction of Wastewater Treatment Facilities \(Policy\)](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0075](#))

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

Nay: None

Abstain: None

Absent: None

DIVISION OF WATER QUALITY

4. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for [polychlorinated biphenyls \(PCBs\) in the San Francisco Bay](#). (*Written comments were due on June 4, 2009 by 12 noon.*) ([Staff Presentation](#))

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

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2009-0076](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

*Andria Ventura, Clean Water Action
Ben Horenstein, East Bay Municipal Utility District
Diane Fleck, U.S. EPA Region 9
Doug Craig, Bay Area Clean Water Agencies ([Presentation](#))
Jen Kovecses, San Francisco Baykeeper*

5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to adopt conditional Site Specific Objectives for chloride and revise the [Upper Santa Clara River chloride Total Maximum Daily Load \(TMDL\)](#). (*Written comments were due on September 3, 2009 by 12 noon.*) ([Staff Presentation](#))

Motion: Member Baggett moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0077](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

*Dennis Cota, Attorney for Rancho Carnulos
Diane Fleck, U.S EPA Region 9
Mike Solomon, United Water Conservation District
Phillip Friess, Santa Clarita Valley Sanitation District
Rob Roy, Ventura County Agricultural Water Quality Coalition
Dr. Steven Bachman, United Water Conservation District
Travis Lange, City of Santa Clarita*

DIVISION OF WATER RIGHTS

6. Consideration of a proposed decision to conditionally approve two water right applications for [San Bernardino Valley Municipal Water District and Western Municipal Water District](#) to divert and use water from the Santa Ana River, and from Bear Creek, Breakneck Creek, Keller Creek and Alder Creek, tributaries to the Santa Ana River, in San Bernardino County. (*Written comments were due on September 30, 2009 by 12 noon.*)

Motion: Member Baggett moved to adopt the proposed Decision.

Seconded by: Member Doduc

MOTION CARRIED: ([Water Rights Decision 1649](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

David Aladjem, Downey Brand

7. Consideration of a proposed cease and desist order requiring [California American Water Company](#) to cease its unauthorized diversion and use of water from the Carmel River in Monterey County. (*Written comment letters were due on September 30, 2009 by 12 noon.*)

Motion: Member Baggett moved to adopt the proposed Cease & Desist Order with changes proposed by Staff and Board Members.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Water Rights Order 2009-0060](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett

Nay: Member Doduc

Abstain: Member Pettit

Absent: None

Commenters

Senator Abel Maldonado, California State Senate

Aengus Jeffers, Pebble Beach Water Entitlement Owners

Andrew Clarke, General Public

Ben Beesley, Monterey County Association of Realtors & Commercial Property Owner

Bob McKenzie, Monterey County Hospitality Association & Monterey Peninsula Chamber of Commerce

Brian Leneve, Carmel River Steelhead Association

Carmelita Garcia, City of Pacific Grove

Carolina Bayne, General Public

Christina Carpenter, General Public

Chris Leonoff, Portola Hotel & Spa

Chuck Della Sala, City of Monterey

Cynthia Truelove, Public Utilities Commission

Darby Fuerst, Monterey Peninsula Water Management District

Dave Potter, Monterey County Water Management District

David Caneer, General Public

Don Eastman, General Public

Douglas Wiele, General Public

Eric Miller, General Public

George Merchant, Union 605

George Riley, General Public

Hunter Harvath, Monterey County Hospitality Association

Jack Hawks, California Water Association

Janine Chicourat, Portal Hotel & Spa

Jim Heitzman, Marina Coast Water District

John Williams, General Public

Jonas Minton, Planning & Conservation League

Jonathan Sapp, General Public

Kathie Ritter, General Public

Ken Cuneo, City of Pacific Grove

Kevin O'Brien, Attorney for Pebble Beach Co.

L.H. Silver, Sierra Club

Lawson Little, Quail Lodge Resort & Golf Club

Lorin Letendre, Carmel River Watershed Conservancy

Michael Albov, General Public

Michael Bekker, Cannery Row

Michael Heller, General Public

Michael Warburton, Public Trust Alliance

Mike Niccum, Pebble Beach Community Service District

Mor Ammar, Pebble Beach Chamber of Commerce

Paul Bruno, CRWC/Watermaster

Richard Stillwell, General Public

Rick Heller, General Public

Commenters (cont'd)

- Robert Constant, General Public*
- Robert Maxwell, Union 605*
- Ron Chesshire, Monterey/Santa Cruz Building Trades Council*
- Sam McLeod, General Public*
- Sheryl McKenzie, AIA Monterey Bay*
- Steve Kasowet, The Water for Monterey County Coalition*
- Todd Bennett, City of Monterey*
- Tomi Williams, General Public*
- Tom Bunowsky, California American Water*
- Yvonne West, State Water Resources Control Board*

INFORMATIONAL ITEM

- 8. [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

- 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](#))

**Hearing Closed
No Action Taken – Deferred to a future Board Meeting**

Commenters

- Debbie Webster, Central Valley Clean Water Association*
- Kathy Mannion, Regional Council of Rural Counties*
- Ken Greenberg, U.S. EPA*
- Kevin Buchan, Western States Petroleum Association*
- Linda Sheehan, California Coastkeeper Alliance*
- Mark Rentz, Association of California Water Agencies*
- Nicole Granquist, Tri-Tac*
- Robert Larson, California Association of Sanitation Agencies*

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 San Bernardino Valley Municipal Water District and Western Municipal Water District (Muni/Western) water right Applications 31165 and 31370 for diversion from the Santa Ana River in San Bernardino County. This closed session is authorized under Government Code section 11126, subdivision (e).

No Closed Session occurred on this item.

- The Board will meet in closed session to deliberate on a proposed order pertaining to the California American Water Company. A proposed cease and desist order, issued to California American Water on January 15, 2008, was the subject of a seven-day evidentiary hearing that ended August 8, 2008. The Board held a public workshop to receive comments on the draft CDO on September 2, 2009. This closed session is authorized under Government Code section 11126, subdivision (e).

The Board met in Closed Session.

ADJOURNED

The Board Meeting adjourned at 6:15 p.m.