

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
DECEMBER 14-15, 2010

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

CALL TO ORDER

Chair Hoppin called the meeting to order on December 14, 2010 at 9:00 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 Dwight P. Russell

STAFF PRESENT

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| Tom Howard, Executive Director | Vicky Whitney, Division of Water Quality |
| Michael Lauffer, Chief Counsel | Rik Rasmussen, Division of Water Quality |
| Jeanine Townsend, Clerk to the Board | Liz Haven, Division of Water Quality |
| James Herink, Office of Chief Counsel | Nirmal Sandhar, Division of Water Quality |
| Phil Wyels, Office of Chief Counsel | Lisa Babcock, Division of Water Quality |
| Steven Blum, Office of Chief Counsel | Nick Martorano, Division of Water Quality |
| Nathan Jacobsen, Office of Chief Counsel | Dominic Gregorio, Division of Water Quality |
| Anne Hartridge, Office of Chief Counsel | Paul Hann, Division of Water Quality |
| Marleigh Woods, Office of Chief Counsel | Peter Martin, Division of Water Quality |
| Andy Sawyer, Office of Chief Counsel | Bob Solecki, Division of Water Quality |
| Sarah Olinger, Office of Chief Counsel | Gordon Innes, Division of Water Quality |
| David Rose, Office of Chief Counsel | Gary Dickinson, Division of Water Quality |
| Jim Kassel, Division of Water Rights | Jule Rizzardo, Division of Financial Assistance |
| Bob Rinker, Division of Water Rights | Esteban Almanza, Division of Financial Assistance |
| Barbara Evoy, Division of Water Rights | Leslie Laudon, Division of Financial Assistance |
| Les Grober, Division of Water Rights | Judie Panneton, Office of Public Affairs |
| Reed Sato, Office of Enforcement | Darrin Polhemus, Division of Administrative Services |
| Jenny Newman, Los Angeles Regional Board | Rick Moss, Central Valley Regional Board |

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 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 November 2 & 16, 2010 Board Meeting minutes.

No Action Taken – Deferred to future Board Meeting.

2. Board Member Report.

Board Chair Hoppin welcomed the newest member of the Board, Dwight Russell.

UNCONTESTED ITEMS* (Items 3 & 4)

- *3. Consideration of a proposed Resolution authorizing acceptance of a federal grant to continue regulatory oversight at the [Lawrence Livermore National Laboratory and the Sandia National Laboratory](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0059](#))

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

Nay: None

Abstain: None

Absent: None

- *4. Consideration of a proposed Resolution adopting a Statement of Overriding Consideration, and a CWSRF Program Preliminary Funding Commitment for the [Sunnyslope County Water District, Ridgemark Wastewater Treatment and Recycled Water Improvements Project](#), CWSRF Project No. C-06-5160-110.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0060](#))

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

Nay: None

Abstain: None

Absent: None

- *5. Consideration of a proposed Resolution for [Operator Certification and Training Advisory Committee Appointment](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0061](#))

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

Nay: None

Abstain: None

Absent: None

DIVISION OF FINANCIAL ASSISTANCE

6. Consideration of a proposed Resolution authorizing funding from the Clean Water State Revolving Fund (CWSRF) to the [Yurok Tribe Sustainable Forestry and Protection of the Weitchpec, Ke'pel, and Pecwan Creek Tributaries to the Klamath River \(Project\)](#), CWSRF Project No. C-06-5348-110.

Motion: Member Baggett moved to adopt the proposed Resolution with changes proposed by Staff in [Change Sheet #1](#).

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0062](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Gary Rynearson, Green Diamond Resource Company

Troy Fletcher, Yurok Tribe ([Presentation](#))

DIVISION OF WATER QUALITY

7. Consideration of a proposed Resolution approving amendments to the Water Quality Control Plan for the [Sacramento River and the San Joaquin River Basins incorporating non-regulatory revisions](#). (*Written comments were due on November 30, 2010 by 12 noon.*) ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2010-0063](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Debbie Webster, Central Valley Clean Water Association

Melissa Thorne, Downey Brand (City of Tracy)

8. Consideration of a proposed Resolution of an amendment to the Water Quality Control Plan for the San Diego Region to incorporate the revised Total Maximum Daily Loads for [Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region](#) (including Tecolote Creek.) *(Written comments were due on November 30, 2010 by 12 noon.) (Staff Presentation)*

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

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Resolution 2010-0064](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Kalen Clapper, County of Orange

Kris McFadden, City of San Diego Storm Water Department

9. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a Total Maximum Daily Load for Polychlorinated Biphenyls, Organochlorine Pesticides and Sediment Toxicity in [McGrath Lake](#). *(Written comments were due on November 30, 2010 by 12 noon.) (Staff Presentation)*

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

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2010-0065](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Doug Gravelle, Attorney at Law

Mark Gold, Heal the Bay

- ~~10. Consideration of a proposed Order denying closure of a petition seeking underground storage tank case closure. *(Written comments were due on November 19, 2010 by 12 noon.)*~~

- [RCH Corporation](#) (Dhami Truck Stop) 7891 Stockton Boulevard, Sacramento

PULLED – DEFERRED TO A FUTURE BOARD MEETING

OFFICE OF CHIEF COUNSEL

11. Consideration of a proposed Order upholding Administrative Civil Liability Order No. R6V-2010-0016 for [Hot Creek Fish Hatchery, Mammoth Lakes, Mono County](#), issued by the Lahontan Water Board to the California Department of Fish and Game on April 15, 2010. *(Written comments were due on December 1, 2010 by 12 noon.)*

Motion: Member Doduc moved to adopt the staff proposal.

Seconded by: Vice Chair Spivy-Weber

MOTION FAILED: 2-2-1

Aye: Vice Chair Spivy-Weber

Member Doduc

Nay: Member Baggett

Chairman Hoppin

Abstain: Member Russell

Absent: None

No Action Taken – After discussion among the Board Members, staff indicated they would review the matter further and the item was deferred to a future Board Meeting.

Commenters

Harold Singer, Lahontan Regional Water Board

John McCamman, Department of Fish & Game

ADOPTION HEARING

DIVISION OF WATER QUALITY

12. Consideration of a proposed Resolution to adopt a proposed amendment to the [“Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling”](#). *(Written comments were due on November 19, 2010 by 12 noon.) (Staff Presentation)*

Motion: Member Doduc moved to table the staff proposal until after the Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) has an opportunity to review compliance plans submitted by the facilities and make recommendations to the Board. As part of the motion, staff were directed to request that the SACCWIS prioritize review of the Los Angeles Department of Water and Power’s compliance plan.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: 3-2

Aye: Vice Chair Spivy-Weber

Member Baggett

Member Doduc

Nay: Chairman Hoppin

Member Russell

Abstain: None

Absent: None

Item tabled until the SACCWIS recommendations are submitted to the Board.

Commenters

Alex Esparza, City of Los Angeles – Mayor’s Office

Awet Kidane, Assembly Utilities & Commerce Committee

Cindy Montanez, Los Angeles Department of Water & Power

Dan Reeves, Senator Kevin de Leon

David Modisette, California Municipal Utilities Association

David Nelson, Coastal Alliance of Plant Expansion

George Piantka, NRG Energy West Region

Commenters (cont'd)

Jim Metropulos, Sierra Club California
Joe Dillon, NOAA National Marine Fisheries Service
Joe Geever, Surfrider Foundation
John Dennis, Los Angeles Department of Water & Power
Jon Costantino, Los Angeles Chamber of Commerce
Julie Gill, AES Southland
Julie Riley, City of Los Angeles
Katherine Rubin, Los Angeles Department of Water & Power
Katie Timney, Anheuser Busch
Linda Sheehan, California Coastkeeper Alliance
Liz Crosson, Santa Monica Baykeeper
Mark Gold, Heal the Bay
Michael Jarred, Senator Corbett
Noah Long, Natural Resource Defense Council
Peter Brandt, California Coastal Conservancy
Randy Hickok, Dynegy
Robb Kapla, Stanford Environmental Law Clinic
Rory Cox, Pacific Environment
Scott Sadler, Gen On Energy
Timothy Yaryan, Los Angeles Policy Protective League
Tracey Chavira, Central City Association of Los Angeles

ADJOURNED

The Board Meeting adjourned at 5:30 p.m.

Items 13-17 will not be considered until Wednesday, December 15.

BOARD MEETING
Wednesday, December 15, 2010

DIVISION OF WATER QUALITY

13. Consideration of adoption of new Waste Discharge Requirements for [Southern California Edison's Tehachapi Renewable Transmission Project Segments 4, 5, and 10](#). *(Written comments are due on December 15, 2010 by 8:00 a.m.)*

- [Change Sheet #1](#)

Motion: Member Doduc moved to adopt the proposed Waste Discharge Requirement with changes proposed by staff in Change Sheet #1.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2010-0015-DWQ](#))

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

Nay: None

Abstain: None

Absent: None

- ~~14. Consideration of adoption of the General National Pollutant Discharge Elimination System Permit for Residual Pesticide Discharges from [Aquatic Animal Invasive Species Control Applications](#). *(Written comments were due on November 16, 2010 by 12 noon.)*~~

PULLED – DEFERRED TO A FUTURE BOARD MEETING

DIVISION OF WATER RIGHTS

15. Consideration of Issuance of a Water Quality Certification for the relicensing of the [Oroville Hydroelectric Project](#) in Butte County. *(Written comments were due on July 23, 2010, by 12 noon and later extended to September 24, 2010 by 12 noon. Additional written comments **only on changes** reflected in the draft order dated December 3, 2010 are due on December 10, 2010 by 12 noon.)*

Motion: Member Doduc moved to adopt the proposed Water Quality Certification with changes proposed by staff and requested by Members.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Water Quality Order 2010-0016](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: Member Baggett (Recused)
Member Russell

Commenters

Cathy Crothers, Department of Water Resources
Chris Shutes, California Sportfishing Protection Alliance ([Presentation](#))
Chuck Hanson, State Water Contractors ([Presentation](#))
Curtis Creel, State Water Contractors
David Steindorf, American Whitewater
Janet Walther, Pacific Gas & Electric
Rick Ramirez, Department of Water Resources
Richard Roos-Collins
Roger Moore, Butte County
Tom Berliner, State Water Contractors

BOARD HEARING

16. [Constituents of Emerging Concern \(CEC\) monitoring for recycled water](#). (Written comments were due on December 27, 2010 by 12 noon.) ([Staff Presentation](#))

➤ **Keith Maruya from Southern California Coastal Water Research Project & Dr. Shane Snyder (on behalf of the CEC Advisory Panel) made the presentation to the Board.**

No Action Taken

❖ **Comment Deadline was extended to January 10, 2011.**

Commenters

Art O'Brien, City of Roseville
Bobbi Larson, WaterReuse California
Dan Carlson, City of Santa Rosa
Dave Smith WaterReuse California
David Aladjem, Downey Brand
David Bolland, Association of California Water Agencies
Debbie Webster, Central Valley Clean Water Association
Eric Rosenblum, Bay Area Clean Water Agencies
Jason Dadakis, Orange County Water District
Jim Yannotta, City of Los Angeles Department of Water & Power
Martha Davis, Inland Empire Utilities Agency
Michael Garabedian, Friends of the North Fork
Ted Johnson, Water Replenishment District of Southern California
Toby Roy, San Diego County Water Authority
Uzi Daniel, West Basin Municipal Water District

INFORMATIONAL ITEM

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

No Action Taken

ADJOURNED

The Board Meeting adjourned at 4:30 p.m.

CLOSED SESSION
Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

(These are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Woods Irrigation Company. A draft cease and desist order, issued to Woods Irrigation Company on December 28, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Yong Pak and Sun Young. A proposed cease and desist order, issued to Yong Pak and Sun Young on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Mark and Valla Dunkel. A proposed cease and desist order, issued to Mark and Valla Dunkel on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Rudy Mussi, Toni Mussi and Lori C. Mussi Investment LP (Mussi et al.). A proposed cease and desist order, issued to Mussi et al. on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a proposed order taking action on petitions for reconsideration of Board Order WR 2010-0002. Order WR 2010-0002 was issued on January 5, 2010 and modified a cease and desist order issued in 2006 that involved salinity objectives in the Sacramento-San Joaquin Delta Estuary.

The Board did not meet in Closed Session on these Items.