

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
**JANUARY 18-19, 2011**

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/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on January 18, 2011 at 9:04 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Dwight P. Russell

**STAFF PRESENT**

Tom Howard, Executive Director  
Michael Lauffer, Chief Counsel  
Jeanine Townsend, Clerk to the Board  
Phil Wyels, Office of Chief Counsel  
Nathan Jacobsen, Office of Chief Counsel  
Anne Hartridge, Office of Chief Counsel  
Dana Heinrich, Office of Chief Counsel  
David Rose, Office of Chief Counsel  
Andy Sawyer, Office of Chief Counsel  
Lori Brock, Office of Chief Counsel  
Liz Haven, Division of Water Quality  
Jennifer Taylor, Division of Water Quality  
Lisa Babcock, Division of Water Quality  
Dave Clegren, Office of Public Affairs

Jonathan Bishop, Chief Deputy Director  
Caren Trgvocich, Chief Deputy Director  
Jane Farwell, Division of Water Rights  
Ernie Mona, Division of Water Rights  
Barbara Evoy, Division of Water Rights  
Les Grober, Division of Water Rights  
Phil Crader, Division of Water Rights  
Matt McCarthy, Division of Water Rights  
Kathleen Groddy, Division of Water Rights  
Jean McCue, Division of Water Rights  
Jim Maughan, Division of Financial Assistance  
Erin Ragazzi, Division of Financial Assistance  
Esteban Almanza, Division of Financial Assistance

**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.

**Commenters**

*Sean White, General Public*

## **BOARD BUSINESS**

1. The Board will consider adoption of the November 2 & 16, 2010 & December 14-15, 2010 Board Meeting minutes.

**Motion:** Chairman Hoppin moved to adopt the minutes from the November 2, 2010 Board Meeting.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([November 2, 2010](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc

**Nay:** None

**Abstain:** Member Russell

**Absent:** None

**Motion:** Vice Chair Spivy-Weber moved to adopt the minutes from the November 16, 2010 Board Meeting.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([November 16, 2010](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc

**Nay:** None

**Abstain:** Member Russell

**Absent:** None

### **Minutes from the December 14-15, 2010 Board Meeting – Deferred to future Board Meeting**

2. Board Member Report.

**None**

### **UNCONTESTED ITEMS\* (Items 3-6)**

- \*3. Consideration of a proposed Resolution authorizing the Executive Director or designee to apply for, accept, and/or amend a grant from [U.S. EPA under Clean Water Act section 106 and authorizing execution and amendment of contracts using these funds.](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Resolution 2011-0001](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*4. Consideration of a proposed Resolution for the [City of La Mesa and City of Chico](#) extending the final disbursement deadline in the Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities.

**Motion:** Member Doduc moved to adopt the proposed Resolution.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Resolution 2011-0002](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*5. Consideration of a proposed Resolution authorizing the Executive Director to enter into a contract to [hire environmental consultants to complete work required by the California Environmental Quality Act for water rights actions](#).

**Removed from Consent Calendar - No Action Taken – Deferred to a future Board Meeting**

**Commenters**

*Peter Kiel, ES Law Firm*

- \*6. Consideration of a proposed Resolution authorizing acceptance of a federal grant to continue oversight at the [Department of Energy Laboratory for Energy-Related Health Research Facility](#).

**Motion:** Member Doduc moved to adopt the proposed Resolution.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Resolution 2011-0003](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**DIVISION OF WATER RIGHTS**

- ~~7. Consideration of a proposed Order denying Petition for Reconsideration of Water Quality Certification for the [Lake Elsinore Advanced Pumped Storage Project](#).~~

**PULLED – DEFERRED TO A FUTURE BOARD MEETING**

## BOARD WORKSHOP

No final action will be taken at the Workshop on Item 8

### DIVISION OF WATER RIGHTS

8. The State Water Board will hold a Workshop to receive public comments concerning a draft Cease and Desist Order against [Woods Irrigation Company](#) for threatened violation of the prohibition against the unauthorized diversion or use of water from the Middle River in San Joaquin County. (*Written comments are due on January 11, 2011 by 12:00 noon.*)

#### **No Action Taken**

##### Commenters

*David Guy, Northern California Water Association  
David Rose, State Water Board Division Prosecution Team  
Dean Ruiz, SDWA/CDWA  
DeeAnne Gillick, County of San Joaquin  
Jennifer Spaletta, Herum & Crabtree  
Stan Powell, State Water Contractors  
Tim O'Laughlin, O'Laughlin & Paris ([Presentation](#))*

## BOARD HEARING

This Board Hearing Item may be continued to January 19, 2011.

### DIVISION OF WATER RIGHTS

9. The State Water Board will hold a Hearing to consider [Water Right Application 30358A of the City of Davis and University of California, Davis and Application 30358B of the City of Woodland for diversion from the Sacramento River in Yolo County](#).

**No Action Taken – The Board conducted its evidentiary hearing and received comments from the following interested parties. Policy statements of parties, testimony, and examination, are reflected in the transcripts of the proceeding.**

##### Commenters

*David Guy, Northern California Water Association  
Don Saylor, Self/Yolo County  
Senator Lois Wolk, California State Senate  
Sid England, University of California, Davis  
Stephen Souza, Davis Councilmember*

### CONTINUED

The Hearing on Item 9 and the remainder of the Board Meeting was continued to January 19, 2011 commencing at 9:00 a.m.

**Wednesday, January 19, 2011**

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on January 19, 2011 at 9:07 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**INFORMATIONAL ITEMS**

10. California Department of Public Health Presentation on [Nitrate In Drinking Water](#) "Nitrate Effects on Public Water System Wells."

➤ *Leah Walker from California Department of Public Health made the presentation to the Board.*

**Commenters**

*Steve Shimiek, Monterey Coastkeeper*

**No Action Taken**

11. Six month Status Report on actions to improve administration of the [Underground Storage Tank \(UST\) Cleanup Fund and UST Cleanup Programs](#).

➤ *John Russell and Kevin Graves from the Division of Financial Assistance made the presentation to the Board.*

**No Action Taken**

12. Report on the [Reasonable Use Doctrine](#) and recommendations on the application of the doctrine to promote more efficient use of agricultural water.

- [Comment Letters](#)

➤ *Craig Wilson, Delta Watermaster made the presentation to the Board.*

**Commenters**

*Dan Kelly, Glenn Colusa Irrigation District*

*Danny Merkley, California Farm Bureau*

*Dean Ruiz, South Delta and Delta Water Agencies*

*Doug Obegi, Natural Resource Defense Council*

*Gail Delihant, Western Growers*

*George Soares, Nissi Farmers League, California Citrus Mutual*

*Jon Rubin, San Luis Delta Mendota Water Authority/WWD*

*Justin Olsson, Environmental Defense Fund*

*Kevin O'Brien, Northern California Water Association*

*Mark Rentz, Association Clean Water Agencies*

*Osha Meserve, Reclamation District 999*

*Steve Shimiek, Monterey Coastkeeper*

**No Action Taken**

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

**No Action Taken**

**ADJOURNED**

The Board Meeting adjourned at 3:56 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 water right applications submitted by the City of Davis, the City of Woodland, and the University of California at Davis. These applications are 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 met in Closed Session on only the Woods Irrigation Company item.**

#### **IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on January 13, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on January 13, 2011, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**1/18-19/2011 BOARD MEETING (fill in bolded subject from appropriate item)**." If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.