

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
March 17, 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 March 17, 2009 at 10:02 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 Arthur G. Baggett, Jr.; Member Tam M. Doduc

**STAFF PRESENT**

Dorothy Rice, Executive Director  
Jonathan Bishop, Chief Deputy Director  
Tom Howard, Chief Deputy Director  
Michael Lauffer, Chief Counsel  
James Herink, Office of Chief Counsel  
Sheila Vassy, Office of Chief Counsel  
Ted Cobb, Office of Chief Counsel  
Anne Hartridge, Office of Chief Counsel  
Betsy Jennings, Office of Chief Counsel  
Steven Blum, Office of Chief Counsel  
Barbara Evoy, Division of Financial Assistance  
Leslie Laudon, Division of Financial Assistance  
Jim Maughan, Division of Financial Assistance  
Shala Farahnak, Division of Financial Assistance  
Erin Ragazzi, Division of Financial Assistance  
Allan Patton, Division of Financial Assistance  
Christopher Stevens, Division of Financial Assistance

Jeanine Townsend, Clerk to the Board  
Rob Egel, Office of Legislative Affairs  
Ernie Mona, Division of Water Rights  
Nirmal Sandhar, Division of Water Quality  
Nick Martorano, Division of Water Quality  
Gordon Innes, Division of Water Quality  
Ed Wosika, Division of Water Quality  
Leslie Graves, Division of Water Quality  
Darrin Polhemus, Division of Water Quality  
Lisa Babcock, Division of Water Quality  
Ken Harris, Division of Water Quality  
James Giannopoulos, Division of Water Quality  
Bill Rukeyser, Office of Public Affairs  
Gita Kapahi, Office of Public Participation  
Esteban Almanza, Division of Administrative Services

**ANNOUNCEMENT**

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

**BOARD BUSINESS**

1. The Board will consider adoption of the January 6, 2009 & February 3 & 17, 2009 Board Meeting minutes.

**Motion:** Member Doduc moved to adopt the January 6, 2009 & February 3 & 17, 2009 Board Meeting minutes.

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

**MOTION CARRIED:** ([January 6, 2009](#)) ([February 3, 2009](#)) ([February 17, 2009](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

2. Board Member Report.

**Nothing to Report**

**UNCONTESTED ITEMS (Items 3-11\*)**

- \*3. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan) to revise standards for surface waters of the [Antelope Hydrologic Unit](#). *(Written comments were due on February 20, 2009 by 12 noon)*

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

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

**MOTION CARRIED:** ([Resolution 2009-0018](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*4. Consideration of a proposed Resolution to authorize the Executive Director to apply for and accept [federal economic recovery grants](#) and any amendments to the grants and execute cooperative agreements with the United States Environmental Protection Agency (U.S. EPA), Region 9 and/or the California Department of Toxic Substances Control (DTSC).

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

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

**MOTION CARRIED:** ([Resolution 2009-0019](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*5. Consideration of a proposed Resolution for the Adoption of a Statement of Overriding Considerations, Placement on the Water Recycling Funding Program (WRFPP) Competitive Projects List, and Execution of the Clean Water State Revolving Fund (CWSRF) and WRFPP Preliminary Funding Commitments (PFC) for the [Inland Empire Utilities Agency \(Agency\)](#), Northeast Project Area Package 1 (Project) – CWSRF Project No. 5176-110; WRFPP Project No. 3834-030.

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

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

**MOTION CARRIED:** ([Resolution 2009-0020](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*6. Consideration of a proposed Resolution Authorizing the Deputy Director of the Division of Financial Assistance (Division), or Designee, Authority to Grant Extensions of the [Notice-to-Proceed \(NTP\) with Construction Dates for Multiple Small Community Wastewater Grant \(SCWG\) Program Projects](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0021](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*7. Consideration of a proposed Resolution to allocate \$200,000 from the Cleanup and Abatement Account (CAA) to the San Diego Water Quality Control Board (San Diego Water Board) for the [removal of marine debris from A-8 Anchorage, San Diego Bay](#), San Diego.

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

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

**MOTION CARRIED:** ([Resolution 2009-0022](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*8. Consideration of a proposed Resolution to allocate \$1.2 million from the Cleanup and Abatement Account (CAA) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in support of the Development of a [Salinity and Nutrient Management Plan for the Central Valley](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0023](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*9. Consideration of a proposed Resolution adopting a [Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan](#) for approval of two Water Right Applications, Petitions for Change and Extension of Time for four Water Right Permits, and Petition to Change a Water Right License for McEvoy Ranch in the Petaluma River Watershed in Marin County.

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

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

**MOTION CARRIED:** ([Resolution 2009-0024](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*10. Consideration of four proposed Orders approving petitions for extension of time and change in purpose of use, place of use, and points of diversion and re-diversion for water right permits held by [McEvoy Ranch](#) in the Petaluma River watershed in Marin County.

**Motion:** Member Doduc moved to adopt the four proposed Orders.

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

**MOTION CARRIED:** ([Water Rights Order 2009-0015](#) (Permit 20549))

([Water Rights Order 2009-0016](#) (Permit 20550))

([Water Rights Order 2009-0017](#) (Permit 20551))

([Water Rights Order 2009-0018](#) (Permit 20812))

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

**Nay:** None

**Absent:** None

**Abstain:** None

- \*11. Consideration of a proposed Resolution authorizing the Executive Director or Designee to increase, negotiate, execute, and renew as necessary, the [Foundation for California Community Colleges \(FCCC\) Student Assistant Contract](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0025](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

## DIVISION OF FINANCIAL ASSISTANCE

12. Consideration of a proposed Resolution to amend the Policy for implementing the [Clean Water State Revolving Fund \(CWSRF\) for construction of wastewater treatment facilities \(Policy\)](#). (*Written comments were due on March 4, 2009 by 12 noon*)

- [Change Sheet #1 \(3/12/09\)](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution with revisions from Change Sheet #1.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2009-0026](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

### Commenters

*Dave Bruns, Los Angeles County Sanitation Districts*

*Diane Hodges, City of Live Oak*

*Paavo Ogren, County of San Luis Obispo*

13. Consideration of a proposed Resolution to implement [federal economic recovery legislation for the Clean Water State Revolving Fund \(CWSRF\) Program](#).

- [Change Sheet #1 \(3/11/09\)](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution with revisions from Change Sheet #1 and further changes read into the record.

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

**MOTION CARRIED:** ([Resolution 2009-0027](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

### Commenters

*Ariana Katovich, Earth Island Institute*

*Chris Brown, California Urban Water Conservation Council*

*Craig Johns, Sacramento Area Sewer District*

*Cruz Ramos, City of San Joaquin*

*Dave Bruns, Los Angeles County Sanitation Districts*

*David Simpson, Association of Conservation Contractors & Workers*

*Debbie Webster, Central Valley Clean Water Association*

*Desi Alvarez, City of Downey*

*Don Gilbert, San Francisco Public Utilities Commission*

*Enrique Zaldivar, City of Los Angeles Bureau of Sanitation*

*Fiona Ma, Assembly Member 12<sup>th</sup> District*

*Geoff Brosseau, California Stormwater Quality Association*

*Jennifer Clary, Clean Water Action*

*Jim Goodwin, City of Live Oak*

*Joan Faul, City of Atwater*

*Josh Tooker, Senator Alan Lowenthal 27<sup>th</sup> District Office*

Lysa Voight, Sacramento Regional County Sanitation District  
 Martha Guzman Aceves, California Rural Legal Assistance Foundation  
 Matt Thompson, Central Coast Regional Water Board  
 Michael Gold, Orange County Sanitation District  
 Paavo Ogren, County of San Luis Obispo  
 Pamela Creedon, Central Valley Regional Water Board  
 Paula Daniels, City of Los Angeles ([Presentation](#))  
 Richard Gienger, General Public  
 Roberta Larson, California Association of Sanitation Agencies  
 Sally Flowers, City of Artesia  
 Shelley Luce, Santa Monica Bay Restoration Commission  
 Timothy Lawrence, General Public  
 Yvonna Cazares, California Green Stimulus Coalition

**DIVISION OF FINANCIAL ASSISTANCE & DIVISION OF WATER RIGHTS**

14. Consideration of a proposed Resolution to allocate \$2 million from the Cleanup and Abatement Account (CAA) to the State Water Resources Control Board (State Water Board) in support of California Environmental Quality Act compliance for the [Klamath Hydroelectric Project Section 401 Water Quality Certification](#).

**Pulled from the Agenda**

**DIVISION OF WATER QUALITY**

15. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan) to establish a Total Maximum daily Load (TMDL) for sediment in the [Middle Truckee River Watershed](#). *(Written comments were due on February 13, 2009 by 12 noon)*

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2009-0028](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

16. 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 (TMDL) for trash in the [Malibu Creek Watershed](#). *(Written comments were due on February 13, 2009 by 12 noon)*

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2009-0029](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

17. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Diego Region to incorporate implementation provisions for [indicator bacteria water quality objectives](#) to account for loading from natural uncontrollable sources within the context of a total maximum daily load (TMDL). *(Written comments were due on February 13, 2009 by 12 noon)*

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2009-0030](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

## **DIVISION OF WATER RIGHTS**

18. Consideration of a proposed Decision approving a petition for partial assignment of a State filed application and petition for change submitted by [Lake Alpine Water Company](#) and County of Alpine for diversion from Bear Creek in Alpine County. *(Written comments were due on February 18, 2009 by 12 noon)*

- [Revised Draft Decision \(03/10/09\)](#)

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

**Seconded by:** Member Baggett

**MOTION CARRIED:** ([Decision 1648](#))

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

**Nay:** None

**Absent:** None

**Abstain:** None

### **Commenters**

*Jesse Barton, Lake Alpine Water Company*

## **OFFICE OF CHIEF COUNSEL**

19. Own Motion Review of Waste Discharge Requirements and Master Reclamation Permit (Order No. R5-2007-0113 [NPDES No. CA0079243]) for [City of Lodi](#), Central Valley Region. **(SWRCB/OCC File A-1886)**. The State Water Board will consider an Order remanding the permit to the Central Valley Water Board. *(Written comments were due on January 23, 2009 by 12 noon. Additional written comments on only the changes to the draft order were due on March 13, 2009 by 12 noon.)*

### **Continued to a future Board Meeting**

### **Commenters**

*Bill Jennings, California Sportfishing Protection Alliance*

*Charlie Swimley, City of Lodi ([Presentation](#))*

*Debbie Webster, Central Valley Clean Water Association*

*Ken Loy, City of Lodi*

*Pamela Creedon, Central Valley Regional Water Board*

*Roberta Larson, City of Lodi*

*Steve Bond, California Sportfishing Protection Alliance*

*Steve Schwabauer, General Public*

**INFORMATIONAL ITEM**

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

**ADJOURNED**

The Board Meeting adjourned at 3:10 p.m.