

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
**SEPTEMBER 15, 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/index.shtml).

**CALL TO ORDER**

Chairman Charlie Hoppin called the meeting to order on September 15, 2009 at 9:06 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

**BOARD MEMBERS ABSENT**

Member Arthur G. Baggett, Jr.

**STAFF PRESENT**

Dorothy Rice, Executive Director  
Michael Lauffer, Chief Counsel  
Andy Sawyer, Office of Chief Counsel  
Betsy Jennings, Office of Chief Counsel  
Anne Hartridge, Office of Chief Counsel  
Ted Cobb, Office of Chief Counsel  
James Herink, Office of Chief Counsel  
Erin Mahaney, Office of Chief Counsel  
Sheila Vassey, Office of Chief Counsel  
Marianna Aue, Office of Chief Counsel  
Sarah Olinger, Office of Chief Counsel  
Bill Rukeyser, Office of Public Affairs  
Kathy Mrowka, Division of Water Rights

Jonathan Bishop, Chief Deputy Director  
Tom Howard, Chief Deputy Director  
Jeanine Townsend, Clerk to the Board  
Darrin Polhemus, Division of Water Quality  
Liz Haven, Division of Water Quality  
Dominic Gregorio, Division of Water Quality  
Renan Jauregui, Division of Water Quality  
Phil Isorena, Division of Water Quality  
Bruce Fujimoto, Division of Water Quality  
Esteban Almanza, Division of Administrative Services  
Miles Burnett, Division of Administrative Services  
David Ceccarelli, 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.*

**PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARDS**

- ❖ *Ms. Vicky Whitney, Deputy Director with the Division of Water Rights presented the Superior Accomplishment Award to the Division of Water Rights Pine Gulch Permitting Team: **Angela Nguyen-Tan; Darren T. Tran; Jennifer Dick-McFadden; Phillip Crader and Steven Herrera.***

**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.

## **BOARD BUSINESS**

1. The Board will consider adoption of the September 1 & 2, 2009 Board Meeting minutes.

### **No Action Taken – Deferred to the October 6, 2009 Board Meeting**

2. Board Member Report.

### **Nothing to Report**

### **UNCONTESTED ITEMS (Item 3-8\*)**

- \*3. Consideration of a proposed Resolution adopting a Statement of Overriding Considerations (SOC) regarding the 2005–2006 Consolidated Grant Program - Proposition 40 Integrated Watershed Management Program (IWMP) Implementation Grant for the Santa Clara Valley Water District (District) [South Bay Salt Pond \(SBSP\) – Pond A8 Applied Study \(Project\)](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0067](#))

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

**Nay:** None

**Absent:** Member Baggett

- \*4. Consideration of a proposed Resolution adopting a Statement of Overriding Considerations (SOC), and approval of a Clean Water State Revolving Fund (CWSRF) Program Preliminary Funding Commitment (PFC) for the [Fresno Metropolitan Flood Control District \(District\), Fresno Stormwater Collection, Treatment and Surface Water Recycling Project \(Project\)](#), CWSRF Project No. C-06-6350-110.

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

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

**MOTION CARRIED:** ([Resolution 2009-0068](#))

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

**Nay:** None

**Absent:** Member Baggett

- \*5. Consideration of a proposed Resolution for the adoption of the [Clean Water State Revolving Fund \(CWSRF\) Project Priority List \(PPL\) for State Fiscal Year \(SFY\) 2009/2010](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0069](#))

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

**Nay:** None

**Absent:** Member Baggett

- \*6. Consideration of a proposed Resolution approving projects and authorizing grants under the [American Recovery and Reinvestment Act Water Quality Management Planning Section 604\(b\) grant](#).

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

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

**MOTION CARRIED:** ([Resolution 2009-0070](#))

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

**Nay:** None

**Absent:** Member Baggett

- \*7. Consideration of a proposed Resolution adopting emergency regulations amending [Water Rights fee schedules](#) in Title 23, Division 3, of the California Code of Regulations.

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

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

**MOTION CARRIED:** ([Resolution 2009-0071](#))

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

**Nay:** None

**Absent:** Member Baggett

- \*8. Consideration of a proposed Order in the Matter of the Petition of Mr. Ken Berry and California Citizens for Environmental Justice for review of Cleanup and Abatement Order No. R2-2008-0095 to the San Francisco Bay Regional Water Quality Control Board for the City of Richmond, United States Department of Defense, Department of the Navy, [Former Point Molate Naval Fuel Depot](#), Richmond, Contra Costa County. (SWRCB/OCC File A-1972.) The State Water Board will consider issuing an order vacating the order and remanding the matter. (*Written comments limited solely to changes made at the September 1 workshop are due on September 8, 2009 by 12 noon.*)

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

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

**MOTION CARRIED:** ([Water Quality Order 2009-0010](#))

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

**Nay:** None

**Absent:** Member Baggett

#### **DIVISION OF ADMINISTRATIVE SERVICES & DIVISION OF WATER QUALITY**

9. Consideration of a proposed Resolution adopting emergency regulations revising the [core regulatory fee schedules](#) contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200.

#### **No Action Taken – Held over to the October 6, 2009 Board Meeting**

##### **Commenters**

*Audra Hartmann, Dynegy*

*Dan Kim, Pacific Gas & Electric*

*Eric Pendergraft, AES Southland*

*Michael Abramson, Napa Sanitation District*

*Roberta Larson, California Association of Sanitation Agencies*

*Sharon Green, Sanitation Districts of LA County*

## 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

### DIVISION OF WATER QUALITY

10. Consideration of adoption of proposed amendments to the [California Ocean Plan](#) (Ocean Plan).  
(Written comments were due on August 31, 2009 by 12 noon.) ([Staff Presentation](#))
- [Change Sheet #1](#)
  - [Revised draft Final Staff Report – September 2009](#)
  - [Revised Appendix A – California Ocean Plan with proposed Amendments – September 2009](#)

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

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2009-0072](#))

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

**Nay:** None

**Absent:** Member Baggett

## BOARD MEETING

### DIVISION OF WATER RIGHTS

11. Consideration of a proposed Order on reconsideration of a Division of Water Rights order denying petitions for extension of time on permits held by U.S. Bureau of Reclamation on the [Santa Margarita River in San Diego County](#). (**Written comment deadline extended to September 14, 2009 by 9:00 a.m.**) ([Staff Handouts](#))

**Motion:** Chairman Hoppin moved to direct staff to revise the proposed order, and grant reconsideration.

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

**MOTION CARRIED:**

**Aye** Chairman Hoppin  
Vice Chair Spivy-Weber

**Nay:** Member Doduc

**Absent:** Member Baggett

#### Commenters

*Andrew Shedlock, Assemblymember Kevin Jeffries*

*Bill Steele, Bureau of Reclamation*

*Keith Lewinger, Fallbrook Public Utility District*

*Martha Lennihan, on behalf of Fallbrook Public Utility District*

*Patrick Sullivan, California Environmental Protection Agency*

*Ron Packard, Fallbrook Public Utility District*

## **BOARD WORKSHOP**

***No final Board action will be taken at the workshop on Items 12-14***

### **OFFICE OF CHIEF COUNSEL**

12. Consideration of a proposed Order regarding the Petition of California Sportfishing Protection Alliance, Waste Discharge Requirements Order No. R5-2008-0162 [NPDES No. CA0084727] for the [Tuolumne Utilities District, Sonora Regional Wastewater Treatment Plant, and Jamestown Sanitary District Jamestown Wastewater Treatment Plant](#), Tuolumne County, issued by the California Regional Water Quality Control Board, Central Valley Region. (SWRCB/OCC File A-1967.) The State Water Board will hear comments and consider issuing an order remanding the waste discharge requirements. (*Written comments were due on September 3, 2009 by 12 noon.*)

- [Change Sheet #1](#)

### **No Action Taken**

#### **Commenters**

*Debbie Webster, Central Valley Clean Water Association*

*Ken Landau, Central Valley Regional Water Board*

*Pamela Creedon, Central Valley Regional Water Board*

*Richard McHenry, California Sportfishing Protection Alliance*

*Tom Scesa, Tuolumne Utilities District*

13. 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 are due on September 8, 2009 by 12 noon.*) *NOTE: Prior notice indicated a September 7, 2009 deadline, but because of the Labor Day Holiday, comments will be due September 8, 2009 by 12 noon.* )

### **No Action Taken**

#### **Commenters**

*Debbie Webster, Central Valley Clean Water Association*

*John Andrews, Vestra Resources*

*Pamela Creedon, Central Valley Regional Water Board*

*Paul Violett, Soper Company*

*Philip Woodward, Central Valley Regional Water Board*

*Richard McHenry, California Sportfishing Protection Alliance*

*Wendy Johnston, Soper Company*

14. Consideration of a proposed Order regarding the Petitions of City of Stockton, California Sportfishing Protection Alliance, San Luis & Delta-Mendota Water Authority and Westlands Water District, Waste Discharge Requirements Order No. R5-2008-0154 [NPDES No. CA0079138] for the [City of Stockton Regional Wastewater Control Facility](#), San Joaquin County, issued by the California Regional Water Quality Control Board, Central Valley Region. (SWRCB/OCC Files A-1971, A-1971(a) & A-1971(b).) The State Water Board will hear comments and consider issuing an order remanding the waste discharge requirements. (*Written comments were due on September 3, 2009 by 12 noon.*)

- [Change Sheet #1](#)

### **No Action Taken**

**Commenters**

*Debbie Webster, Central Valley Clean Water Association*

*Jonathan Marz, Diepenbrock\*Harrison on behalf of San Luis & Delta-Mendota Water Authority & Westlands Water District*

*Ken Landau, Central Valley Regional Water Board*

*Richard McHenry, California Sportfishing Protection Alliance*

*Tess Dunham, Sommach, Simmons & Dunn on behalf of City of Stockton*

**INFORMATIONAL ITEM**

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

**No Action Taken**

**ADJOURNED**

The Board Meeting adjourned at 4:10 p.m.