

STATE WATER RESOURCES CONTROL BOARD BOARD MEETING



Tuesday, September 21, 2021 – 9:00 a.m.
Wednesday, September 22, 2021 – 9:00 a.m.

Via-Video and Teleconference Only

No Physical Meeting Location

(Authorized by and in furtherance of
Executive Order [N-08-21](#).)

Video and Teleconference Meeting During COVID-19 Emergency: As a result of the COVID-19 emergency and the Governor's Executive Order allowing a transition to customary open meeting requirements, this meeting will occur solely via remote presence.

- *For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.*
- *For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available here: https://www.waterboards.ca.gov/board_info/remote_meeting/*

DECLARATION OF A QUORUM

E. Joaquin Esquivel, Chair; Dorene D'Adamo, Vice Chair; Sean Maguire, Member; Laurel Firestone, Member; Nichole Morgan, Member

BOARD MEETING

***Public comments on agenda items will be limited to 5 minutes
or otherwise at the discretion of the Board Chair***

PUBLIC FORUM

(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Resources Control Board's jurisdiction provided the matter is not on the agenda or pending before the State Water Board or any California Regional Water Quality Control Board.

BOARD BUSINESS

1. The Board will consider adoption of the August 17-18, 2021 Board Meeting minutes.

ADMINISTRATIVE HEARINGS OFFICE

2. Consideration of proposed Order prepared by the Administrative Hearings Office on the draft cease-and-desist order and administrative civil liability complaint issued by the Division of Water Rights Enforcement Section against Respondent Kevin Gonzalves for unauthorized diversions of water from Canal Creek in Merced County.
 - [Agenda Item](#)
 - [Proposed Order](#)
 - [Change Sheet #1](#)
 - [Change Sheet #2](#)

INFORMATIONAL ITEMS

3. Drought Update.
4. Update on Current Hydrologic Conditions.
5. Update on monthly water production and conservation data reported by urban retail water suppliers.

UNCONTESTED ITEMS (ITEMS 6-9)

- *6. Consideration of a proposed Resolution to adopt the 2022 Nonpoint Source Grant Program Guidelines, to authorize staff to solicit and recommend projects, and to authorize the Executive Director or designee to award and execute finance agreements for the 2022 Nonpoint Source Grant Program.
 - [Agenda Item](#)
 - [Draft Resolution](#)
 - [Draft Guidelines](#)
- *7. Consideration of a proposed Resolution to withdraw from the Joint Powers Agreement that created the California Stormwater Authority.
 - [Agenda Item](#)
 - [Draft Resolution](#)
- *8. Consideration of a proposed Resolution to Delegate Authority to the Deputy Director of the Division of Financial Assistance and the Deputy Director of the Division of Administrative Services to Execute Contracts and Amendments to Request Record Searches of the California Historical Resources Information System.
 - [Agenda Item](#)
 - [Draft Resolution](#)
- *9. Consideration of a proposed Resolution Authorizing the Executive Director or Designee to Apply for, Accept, and/or Amend a Federal Safe Drinking Water Act Section 1443(a) Grant; and Authorizing Execution and Amendment of Contracts for Support of the Public Water System Supervision Program.
 - [Agenda Item](#)
 - [Draft Resolution](#)

DIVISION OF DRINKING WATER

10. Consideration of a proposed Resolution approving the 2020 Safe Drinking Water Plan for California and authorizing the Executive Director or designee to submit the plan to the California Legislature.
- [Agenda Item](#)
 - [Draft Resolution](#)
 - [2020 Safe Drinking Water Plan](#)
 - Written Comments (due by 12 noon on April 23, 2021)

DIVISIONS OF DRINKING WATER AND FINANCIAL ASSISTANCE

11. Consideration of a proposed Resolution adopting Guidelines for the California Water and Wastewater Arrearage Payment Program (Program) and Delegating Authority to the Deputy Directors of the Division of Drinking Water and the Division of Financial Assistance to administer the Program.
- [Agenda Item](#)
 - [Draft Resolution](#)
 - [Draft Guidelines](#)
 - [Change Sheet #1](#)
 - [Revised Draft Guidelines \(Clean Version\)](#)
 - [Change Sheet #2](#)
 - Written Comments (due by 12 noon on September 10, 2021)

Items 12, 13, & 14 will not begin before 1:00 p.m.

LOS ANGELES REGIONAL WATER BOARD

12. Consideration of a proposed Resolution approving amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the Implementation Schedules for Municipal Separate Storm Sewer System (MS4) Dischargers, including Caltrans, subject to Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL); the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Malibu Creek Nutrients TMDL; the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL.
- [Agenda Item](#)
 - [Draft Resolution](#)
 - Written Comments (due by 12 noon on June 21, 2021)
 - [Response to Comments](#)
 - [Attachment A to Resolution No. R21-001 - R21001 Amendment to the Water Quality Control Plan – Los Angeles Region to Revise the Santa Monica Bay Beaches Bacteria TMDL](#)
 - [Attachment B to Resolution No. R21-001 - Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Marina del Rey Harbors' Mother Beach and Back Basins Bacteria TMDL](#)

- [Attachment C to Resolution No. R21-001 - Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Maximum Daily Load for Bacteria in the Malibu Creek Watershed](#)
- [Attachment D to Resolution No. R21-001 - Amendment to the Water Quality Control Plan – Los Angeles Region to Revise the Ballona Creek Estuary Toxic Pollutants TMDL](#)
- [Attachment E to Resolution No. R21-001 - Amendment to the Water Quality Control Plan – Los Angeles Region to incorporate the Marina del Rey Harbor Toxic Pollutants TMDL](#)
- [Attachment F to Resolution No. R21-001 - Amendment to the Water Quality Control Plan – Los Angeles Region to Revise the Total Maximum Daily Load for Bacterial Indicator Densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel](#)
- [Attachment G to Resolution No. R21-001 - Amendment to the Water Quality Control Plan – Los Angeles Region to Revised the Ballona Creek Metals TMDL](#)
- [Attachment H to Resolution R21-001 - Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate an Implementation Plan for the U.S. EPA-Established Malibu Creek Nutrients TMDL and the U.S. EPA-Established Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments](#)

INFORMATIONAL ITEMS

13. Board Member Report.

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

WEDNESDAY, SEPTEMBER 22, 2021

BOARD MEETING

***Public comments on agenda items will be limited to 5 minutes
or otherwise at the discretion of the Board Chair***

DIVISION OF WATER RIGHTS

15. Consideration of a proposed Resolution to adopt a drought-related emergency regulation for curtailment of diversions on Mill and Deer creeks due to insufficient flow for specific fisheries.

- [Agenda Item](#)
- [Draft Resolution](#)
- [Draft Regulations](#)
- Written Comments (due by 12 noon on September 16, 2021)

DIVISION OF ADMINISTRATIVE SERVICES

16. Consideration of a proposed Resolution adopting emergency regulations revising the Core Water Quality Regulatory Fee Schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.4, 2200.5, 2200.6 and 2200.7 of the California Code of Regulations.

- [Agenda Item](#)
 - [Attachment 1 - WDPF Program Budget Detail](#)
- [Draft Resolution](#)
- [Draft Regulation Text](#)

17. Consideration of a proposed Resolution adopting emergency regulations amending Drinking Water Fee Schedules in Title 22, Section 64305 of the California Code of Regulations.

- [Agenda Item](#)
 - [Attachment 1 - Safe Drinking Water Account Budget Cost Drivers](#)
 - [Attachment 2 - Public Water System Fee Schedule Changes](#)
- [Draft Resolution](#)
- [Draft Regulation Text](#)

18. Consideration of a proposed Resolution adopting emergency regulations amending the Environmental Laboratory Accreditation Program (ELAP) fee schedules in Title 22, California Code of Regulations Section 64802.25.

- [Agenda Item](#)
 - [Attachment 1 - Environmental Laboratory Improvement Fund Budget Cost Drivers](#)
- [Draft Resolution](#)
- [Draft Regulation Text](#)

19. Consideration of a proposed Resolution adopting an Emergency Regulation amending Water Rights Fee Schedules in Title 23, Sections 1062, 1063, 1064, 1066, 1068, 1071 and 3833.1 of the California Code of Regulations.

- [Agenda Item](#)
- [Draft Resolution](#)
- [Draft Regulation Text](#)

CLOSED SESSION

Closed Sessions are not open to the Public

ADMINISTRATIVE HEARINGS OFFICE

The Board may meet in closed session to deliberate on the proposed order prepared by the Administrative Hearings Office on the draft cease-and-desist order and administrative civil liability complaint issued by the Division of Water Rights Enforcement Section against Kevin Gonzalves for unauthorized diversions of water from Canal Creek in Merced County. This closed session is authorized under Government Code section 11126, subdivision (c)(3).

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments **must be received by 12:00 p.m. on September 16, 2021 and will not be accepted after that time.**

Submittal of electronic Powerpoint presentations **must be received by 12:00 p.m. on September 16, 2021 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. Please indicate in the subject line, **9/21-22/2021 BOARD MEETING– ITEM # (fill in bolded subject from appropriate item)**. If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

If you would like to request a copy of public comments submitted on an agenda item, please send a request to commentletters@waterboards.ca.gov, identifying the Board meeting date, and agenda item by name and number.

Agenda and items will be available electronically at:

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: <https://video.calepa.ca.gov/>. An alternate live-stream broadcast will also available at: <https://www.youtube.com/user/BoardWebSupport/>

Individuals who require special accommodations are requested to contact the Clerk to the Board, (916) 341-5600.