

**STATE WATER BOARD
BOARD MEETING MINUTES**

January 20, 2005

Copies of the resolutions and water quality orders can be obtained from Debbie Irvin at (916) 341-5600; or downloading from our [website](#).

CALL TO ORDER

Arthur G. Baggett, Jr., called the meeting to order, January 20, 2005, at 10:05 am, in the Coastal Hearing Room, 1001 I Street, Sacramento, California

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chair; Peter S. Silva, Vice Chair; Richard Katz, Member; Gary M. Carlton, Member; and Nancy H. Sutley, Member

BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Jim Kassel, Staff, Division of Water Rights; Darrin Polhemus, Division of Financial Assistance; Sheila Vassey, Office of Chief Counsel

OTHERS PRESENT

John Dunlop, Dairy Action Network; Andrew Tauriainen, Westlands Water District; Howard Gest, County of Los Angeles; Leslie Mintz, Heal the Bay; Tracy Egoscue, Executive Director, Santa Monica Baykeeper; Paul Herzog, Ballona Wetlands Land Trust; Lisa Schicker, Director, Los Osos Community Services District; Stan Gustafson, President, Los Osos Community Services District; Gail McPherson, Los Osos Technical Task Force; Julie Tacker, Director, Los Osos Community Services District; Steve Sawyer, Keith Swanson, Richard Margeteson and Hank Watterworth, Residents, Los Osos; Steve Hyland, MWH; and Bruce Buel, General Manager, Los Osos Community Services District

THE BOARD IMMEDIATELY ADJOURNED TO CLOSED SESSION. CHAIRMAN BAGGETT ANNOUNCED THAT PUBLIC FORUM AND AGENDA ITEMS 1-18 WOULD NOT BE HEARD BEFORE 10:30 A.M.

Chairman Baggett resumed the Board meeting at 10:30 a.m.

PUBLIC FORUM

No one addressed the Board.

CONSENT AGENDA (Items 1-15)

The Board unanimously adopted Items 1-15.

ADMINISTRATION

1. Consideration of a resolution delegating authority to the Department of General Services to execute contracts on behalf of the State Water Board for the architectural and engineering services associated with the remediation and cleanup at Leviathan Mine

Motion: The Board unanimously adopted the proposed resolution. Resolution **2005-0001**

FINANCIAL ASSISTANCE

2. Consideration of a resolution adopting the Water Recycling Funding Program Competitive Project List

Motion: The Board unanimously adopted the proposed resolution. Resolution **2005-0002**

3. Consideration of a resolution approving a Clean Beaches Initiative grant, Project No. 137, for the City of San Clemente to fund the Segunda Deshecha Urban Runoff Treatment Facility

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0003**

4. Consideration of a resolution waiving the Seawater Intrusion Control Program (Project No. 3021-110) Guidelines for the Orange County Water District Groundwater Replenishment System

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0004**

5. Consideration of a resolution authorizing a \$125,000 increase amending Resolution No. 2002-0089 to \$400,000 for developing zoning ordinance revisions and a programmatic environmental impact report for continued permitting of dairies for Kern County

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0005**

6. Consideration of a resolution adopting the concept of sustainability as a core value for State Water Board programs and directing its incorporation into future Board actions

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0006**

7. Consideration of a resolution adopting the proposed change to Agua Hedionda Lagoon Foundation for Proposition 13, Phase III Project Priority Lists (PIN #319)

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0007**

8. Consideration of a resolution adopting the proposed change to University of the Pacific for Proposition 50 Project (PIN #531)

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0008**

9. Consideration of a resolution authorizing a preliminary funding commitment of \$30,000 for the Planning and Conservation League Foundation, Carmel River Watershed Action Plan from the Watershed Protection Program Subaccount established in the Costa-Machado Water Act of 2000

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0009**

WATER QUALITY

10. Consideration of a resolution authorizing the Executive Director to apply for and accept a 2004 Clean Water Act section 104(b)(3) grant to support the Sacramento River Toxic Pollutant Control Program; and to negotiate, approve, and/or amend the grant and workplan

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0010**

11. Consideration of a resolution authorizing the Executive Director to apply for and accept a 2005-06 Clean Water Act section 106 water pollution control program grant, plus any carry-over FY 2004-05 grant funds; and to negotiate, approve, and/or amend the grants and the workplans

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0011**

12. Consideration of a resolution authorizing the Executive Director to apply for and accept an augmentation to the Fiscal Years (FYs) 2002-2006 Clean Water Act section 104(b)(3) Water Pollution Control Program grant, plus any carry-over grant funds; and to negotiate, approve, and/or amend the grants and workplans

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0012**

13. Consideration of adoption of the proposed amendment to the California Ocean Plan water contact bacterial standards

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0013**

14. Petition of Lois Green and Patricia Kelly for review of denial of petroleum underground storage tank site closure at 1010 Broadway Avenue, Eureka, California

Motion: The Board unanimously adopted the proposed order. **WQ Order 2005-0002-UST**

15. Petition of the City of Galt for review of Waste Discharge Requirements Order No. R5-2004-0001[NPDES No. CA 008134] and Cease and Desist Order No. R5-2004-0002 for Galt Wastewater Treatment Plant and Reclamation Facility, issued by the Central Valley Water Board, SWRCB/OCC File A-1627

Motion: The Board unanimously adopted the proposed order. **WQ Order 2005-0003**

REGULAR AGENDA (Items 16-18)

WATER RIGHTS

16. Consideration of a resolution authorizing the Executive Director to execute a contract with the United States Bureau Of Reclamation (USBR) under which the Division of Water Rights will be reimbursed for administering the water rights of the USBR.

Jim Kassel addressed the Board saying this item is a request for authorization to enter into a contract with the USBR under which the Bureau will reimburse the State Water Board for the Divisions' work in administering its water rights. The existing contract will expire at the end of March of this year. This item was discussed at the January 4th workshop. There is one correction to the way the fact sheet was presented at the workshop, under the section of *Fiscal Impact* where the fact sheet stated that the reimbursement funds would be placed in the water right funds. This money is actually placed in the account for federal trust fund cost recoveries. Staff recommends adoption of the resolution authorizing the Executive Director to execute a contract with the USBR for the administration of this water right.

Andrew Tauriainen says that Westlands Water District feels it would be appropriate to adopt a resolution like the one presently before the Board but in its currently drafted state, the resolution provides an inadequate basis for executing the contract. Mr. Tauriainen indicated the District's preferred solution would be that the Board authorized the execution of a 1-year contract that covers annual fees, as well as the filing fees.

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0014**

WATER QUALITY

17. In the matter of SWRCB/OCC File A-1622, on its Own Motion, the State Water Board will consider an order to review the Los Angeles Water Board's action concerning recreational use standards for Ballona Creek

Sheila Vassey presented the item to the Board saying no changes were made to this item after the January 4, 2005 Workshop.

Paul Herzog addressed the Board reading a letter from Senators Debra Bowen, Sheila Kuehl, and Alan Lowenthal; Assembly Members, Lonni Hancock, Ira Ruskin, and Paul Karretts rejecting LA county petition asking the Board to overturn the decision the Los Angeles Water Board.

Tracy Egoscue urged the Board to send this back to the Los Angeles Water Board for a better scientific analysis and a more complete UAA (use attainability analysis).

Motion: The Board unanimously adopted the proposed resolution and order.

Resolution 2005-0015

WQ Order 2005-0004

FINANCIAL ASSISTANCE

18. Consideration of a resolution amending a loan commitment to \$93,000,000 for the Los Osos Community Services District; wastewater collection, treatment, and disposal project; State Revolving Fund Loan Project No. C-06-4014-110

Darrin Polhemus presented the item to the Board clarifying that the draft resolution wording was slightly changed making a clarifying point of failure to meet the deadline as set will result in this project going to the end of the line for the competing of funds.

Chairman Baggett let the speakers know that comments should be limited to the change.

Lisa Schicker, Stan Gustafson, Gail McPherson, Julie Tacker, Steve Sawyer, Keith Swanson, Richard Margeteson, and Hank Watterworth addressed the Board.

Chairman Baggett clarified the scope of the Board's role in this project.

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0016**

ADJOURNMENT

The Chairman adjourned the meeting at 11:02 a.m.