

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
December 9, 2005

Copies of the resolutions and water quality order can be obtained by calling (916) 341-5602 or downloading from our [website](#).

**CALL TO ORDER**

Tam M. Doduc, Chair called the meeting to order on December 9, 2005 at 10:07 a.m. in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

**BOARD MEMBERS PRESENT**

Tam M. Doduc, Arthur G. Baggett, Jr., Richard Katz, and Gerald D. Secundy

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Celeste Cantú, Executive Director  
Tom Howard, Deputy Director  
Beth Jines, Acting Deputy Director  
Bill Rukeyser, Office of Public Affairs  
Liz Kanter, Office of Public Affairs  
Chris Davis, Office of Public Affairs  
James Giannopoulos, Division of Water Quality  
Stan Martinson, Division of Water Quality  
John Ladd, Division of Water Quality  
Ken Harris, Division of Water Quality  
  
Val Connor, Division of Water Quality  
Mary Tappel, Division of Water Quality  
Walt Shannon, Division of Water Quality  
Todd Thompson, Division of Water Quality  
Danny Merkeley, Division of Water Quality

Michael Lauffer, Chief Counsel  
Selica Potter, Acting Clerk to the Board  
Carmencita Sannebeck, Asst. Clerk to the Board  
Lori Okun, Office of Chief Counsel  
Michael Levy, Office of Chief Counsel  
Ann Hartridge, Office of Chief Counsel  
Tedd Cobb, Office of Chief Counsel  
  
Marleigh Wood, Office of Chief Counsel  
Vicky Whitney, Office of Chief Counsel  
Darrin Polhemus, Division of Financial Assistance  
Sharon Norton, Division of Water Rights  
Rob Egel, Office of Legislative Affairs  
Janis Lee, Office of Legislative Affairs

**PUBLIC FORUM**

Richard Margetson, resident of Los Osos: Alleged a conflict of interest with Staff Counsel, Lori Okun.

Board Chair Doduc stated that this matter is before the Central Coast Regional Board.

State Water Board Chief Counsel, Michael A.M. Lauffer said that if the matter is pending before the regional board, then this is something that cannot be heard in the Public Forum. Mr. Lauffer continued saying if this type of allegation is being made, then it is not something that would concern the propriety of the proceeding before the State Water Board and Mr. Margetson can raise the concern during the regional board hearing or file a letter with the State Water Board Chief Counsel. Mr. Lauffer followed-up saying that, as described, the conflict being alleged is not inappropriate. He continued by noting that the Regional Board staff is in the process of

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prosecuting with Ms. Okun as the prosecutor creating a uniformity of interest that would made it appropriate for her to be present and make comments.

Lisa Schicker, President, Los Osos Community Services District: Central Coast Regional Board Member Jeff Young instructed Ms. Schicker to register her complaint to the State Water Board. On December 1-2, 2005, Ms. Schicker attended as a subpoenaed witness at the hearing.

**Commenters**

Rick Rempel, Rempel Consulting Incorporated

Curtis Quinones

Lisa Schicker, Los Osos Community Services District

**EXECUTIVE REPORT**

Chief Deputy Director, Tom Howard, gave a presentation of report titled *Role of Science and Engineering in Decision-Making within California's State and Regional Water Boards-* September 2005.

**BOARD MEETING**

**FINANCIAL ASSISTANCE**

**1. Withdrawal of funding for the Los Osos Community Services District Wastewater, Collection, Treatment, and Disposal Project State Revolving Fund Loan Project No. C-06-4014-110**

Before hearing the staff presentation, Board Chair Doduc had commenters and staff that wish to comment on substance or factual basis on this matter take an oath. Ms. Doduc also reminded the audience that this item is not an adjudicative proceeding and the Board is not considering the rights, duties or obligations of the Los Osos Community Services District. The Board, as a lender, is considering whether to reallocate loan funds it has made available to the District.

Darrin Polhemus, Division of Financial Assistance, presented a summary on the item to the Board. The staff recommended the Board withdrawal the loan commitment for Los Osos and noted that by the Board taking that action, this does not terminate the loan contract, but will withdrawal the funding available to it by the reasons below:

- November 16, 2005 the State Water Board adopted a resolution 2005-0083 that specified conditions on which the Board would reconsider the loan for Los Osos
- November 23, 2005 the District notified the State Water Board by letter that the Los Osos Community Services Districts resolution 2005-49 has declined the loan.

**Commenters**

Richard Margetson

Al Barrow

Jack Hunter

Alon Perlman

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Dr. G. Fred Lee  
Lisa Schicker, Los Osos CSD  
Dan Bleskey, Los Osos CSD  
Lori Okun, Central Coast Regional Board

**Motion:** Member Katz moved to adopt the proposed resolution.

**Seconded by:** Vice-Chair Secundy

**MOTION CARRIED ([Resolution No. 2005-0088](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Katz  
Member Baggett

**No:** None

**WATER RIGHTS**

- 2. Consideration of a draft order for revocation of water right permit 20247 (application 28669) of Michael L. and Knox P. Miller, Powerhouse Canal, Mendocino County**

**Motion:** Vice Chair Secundy moved to adopt the draft order.

**Seconded by:** Member Baggett

**MOTION CARRIED ([Water Rights Order 2005-0026](#))**

**Aye:** Board Chair Doduc  
Vice Chair Secundy  
Member Katz  
Member Baggett

**No:** None

**WORKSHOP**

**INFORMATIONAL ITEMS**

- 1. Discussion of the preliminary recommendations from the external Scientific Planning and Review Committee (SPARC) regarding the Surface Water Ambient Monitoring Program (SWAMP)**

Valerie Conner, Senior Environmental Scientist, Division of Water Quality, presented the item to the Board. (Ms. Connor is the Coordinator of the Surface Water Ambient Monitoring Program, known as SWAMP.) Ms. Connor stated that the purpose of this item is to brief the Board on the preliminary findings from our ongoing external scientific review. Staff has been working with an external panel, the Scientific Planning and Review Committee (SPARC).

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Ms. Connor said SWAMP was initiated in F.Y. 2000-2001 in response to AB 982, which directed the Water Boards to design and implement a comprehensive water quality-monitoring program. The legislature asked that the program be comprehensive—addressing all waterbodies and all beneficial uses – and the ambient water quality data collected by the Water Boards be coordinated, of high quality, comparable, and easily accessible to the public.

Ms. Connor continued saying in a Report to the Legislature, the staff proposed a comprehensive monitoring program and requested \$59 to \$115 million annually, and 87 to 132 additional staff positions. Currently the program has received \$3.4 million in contract funds and has 17 positions.

Ms. Connor stated that the existing goals in the Legislative Reports do not match the fiscal reality or the current program. SWAMP is developing realistic short-term objectives, or priorities, and a longer-term implementation strategy. They developed and are implementing, the 10-year Strategy consistent with new federal guidance on states monitoring and assessment programs. EPA has accepted the strategy that includes the 10 elements necessary for a science-based monitoring and assessment program. One of the elements is programmatic evaluation.

Ms. Connor said the SWAMP Program, in consultation with the SPARC (Dr. Steve Weisberg, the executive director of SCCWRP, is coordinating the SPARC process.), is conducting the second external review. This involves evaluating both the state and regional monitoring programs to determine how well each element is being addressed. A critical part of the review is determining how to incorporate recommended changes into the Program.

Ms. Connor concluded her presentation and introduced Dr. Brock Bernstein, the spokesperson for the SPARC, to present SPARC's preliminary findings and recommendations.

After the presentation, Board Chair Doduc thanked Dr. Bernstein for providing the information and said the Board is looking forward to getting more details from the SPARC and staff recommendations and responses from the staff with milestones in terms of implementing and responding to the SPARC recommendation. Ms. Doduc also took notice that this will be brought back to the Board in April and said she preferred the item be brought back before the report and the staff's response to that report is finalized.

**Commenters**

Harold Singer, Lahontan Regional Board

John Turner, Department of Fish & Game

Rich Breuer, DWR – IEP & EMP Programs

Sam Harader, California Bay-Delta Program

Maria Rea, USEPA Region 9

Linda Sheehan, California Coastkeeper Alliance

Mark Gold, Health the Bay

Dave Paradies, The Bay Foundation

Chris Coburn, Monterey Bay Natural Marine Sanctuary

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Carrie McNeil, Deltakeeper Chapter of BayKeeper  
Tacy Currey, California Association of Resource Conservation District

**2. Discussion of the development of statewide regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS)**

Board Chair Doduc is eager to hear from staff on the status on this effort especially after the scoping sessions that were conducted earlier this year, during which three Board members participated in those meetings.

James Giannopoulos, Division of Water Quality presented the item to the Board with an electronic presentation on Onsite Wastewater Treatment Systems.

**Commenters**

Justin Malan, CCDEH  
Jim Pedri, Central Valley Regional Board  
Terry Schmidtbauer, California Conference of Directors of Environmental Health  
Mark Gold, Heal the Bay  
Susan Cloke, Los Angeles Regional Board  
Hillary Hanser, Heal the Ocean  
Carrie McNeil, Deltakeeper Chapter 7 Baykeeper  
Linda Sheehan, California Coastkeeper Alliance  
Karen Keene, California State Association of Counties  
Brent Harrington, Regional Council of Rural Counties  
Richard Wagner, Los Angeles County  
Ernest Perry, County of Del Norte  
Darrell Siegrist, CCDEH/VCEHD  
Robert Gallagher, Ventura County Environmental Health Division/CCDEH  
Jim Smith, Shasta County EHD  
Ted Walke, California Environmental Health Association  
John Ricker, County of Santa Cruz  
Doug Ames, Lassen, Modoc, Sierra Counties  
Vicki Ramsey, Placer County Environmental Health  
Paul Donoho, Yuba County  
Don Holm, Glenn County Environmental Health  
David Conway, Mariposa County Health Department  
David Dauwalder, COWA/Private Design Firm  
Steven Braband, COWA  
Norm Hantzsche, COWA  
Greg Stanton, El Dorado County Environmental Management

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Vance Severin, Butte County Public Health Department  
Armando Alegria, Marin County EH  
Colleen Fernald, IWS, Granton Community Projects  
Robert Rawson, IWS Corp.  
Corrine Gray, Geology Board  
Bob Feinbaur, Hydro Nova  
Elizabeth Brode, California Association of Realtors  
Alisha Deen, Env. Justice Coalition for Water  
Sharon Schifferns, Sutter County  
Tom Lambert, County of San Diego Environmental Health  
Jan Hill, Sutter County  
Richard LeWarne, Monterey County

**ADJOURNED**

Tam M. Doduc, Board Chair, adjourned the meeting at 3:52 pm.