

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
SEPTEMBER 1 & 2, 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.

Tuesday, September 1, 2009 – 9:00 a.m.

CALL TO ORDER

Chairman Charlie Hoppin called the meeting to order on September 1, 2009 at 9:04 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd 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
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
Reed Sato, Office of Enforcement
Judie Panneton, Office of Public Affairs
Jon Marshack, Office of Information Management & Analysis

Jeff Kapellas, Office of Information Management & Analysis
Val Connor, Office of Information Management & Analysis

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
Esteban Almanza, Division of Administrative Services
Miles Burnett, Division of Administrative Services
David Ceccarelli, Division of Administrative Services
Caren Trgovcich, Office of Research, Planning & Performance
Gail Linck, Office of Research, Planning & Performance
Rafael Maestu, Office of Research, Planning & Performance

ANNOUNCEMENT

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

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 August 4, 2009 Board Meeting minutes.

Motion: Vice-Chair Spivy-Weber moved to adopt the August 4, 2009 Board meeting minutes.

Seconded by: Member Doduc

MOTION CARRIED: ([08/04/09](#))

Aye
Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: Member Baggett

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEM (Item 3)

- *3. Consideration of a proposed Resolution to extend timeframes for implementation of federal economic recovery legislation and authorize one percent interest/service rate for [Disadvantaged Community \(DAC\) Wastewater Projects for the Clean Water State Revolving Fund \(CWSRF\) Program](#).

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

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2009-0066](#))

Aye
Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: Member Baggett

INFORMATIONAL ITEMS

4. Memorandum of Understanding between the State Water Board and the Federal Energy Regulatory Commission for preparation of environmental documents.

No Action Taken

Commenters

Dave Steindorf, California Hydropower Reform Coalition American Whitewaters

Ronald Stork, Friends of the River

5. Initial Release of Water Boards' [Annual Performance Report](#) (Fiscal Year 2008-09). ([Staff Presentation](#))

No Action Taken

- [Annual Performance Report website](#)

6. California Water Quality Monitoring Council's release of initial [internet portals](#) to connect decision makers and the public with water quality information. ([Staff Presentation](#))

No Action Taken

Commenters

Linda Sheehan, California Coastkeeper Alliance

BOARD WORKSHOP

No final Board action will be taken at the workshop on Items 7-9.

DIVISION OF ADMINISTRATIVE SERVICES

7. The State Water Board will hold a workshop to discuss revising the [core water quality regulatory fee schedules](#) contained in Title 23, Division 3, Chapter 9, Article 1, Section 2200 of the California Code of Regulations.

No Action Taken

Commenters

Bobbi Larson, California Association of Sanitation Agencies

John Prill, Dynegy

Linda Sheehan, California Coastkeeper Alliance

Rick Rothman, AES Southland, LLC

Robert Lawhn, RRI Energy

Michael Abramson, Napa Sanitation District

Sean Beatty, Mirant

Sharon Green, Sanitation Districts of Los Angeles County

Shirley Batchman, California Citrus Mutual

8. The State Water Board will hold a workshop to discuss revising [Water Rights fee schedules](#) in Title 23, Division 3, Chapter 5 (commencing with section 1061) of the California Code of Regulations.

No Action Taken

Commenters

Valerie Kincaid, Westlands Water District

OFFICE OF CHIEF COUNSEL

9. The State Water Board will hold a workshop session to solicit public comments on a proposed Order vacating and remanding 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.** *(Written comments were due on August 6, 2009 by 12 noon.)*

No Action Taken

Commenters

Bruce Wolfe, San Francisco Bay Regional Water Board

Gordon Hart, City of Richmond

Marvin Norman, Department of Navy

ADJOURNED

The Board Meeting adjourned at 12:17 p.m.

Wednesday, September 2, 2009 – 9:00 a.m.

CALL TO ORDER

Chairman Charlie Hoppin called the meeting to order on September 2, 2009 at 9:10 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chairman Charlie Hoppin; Vice Chair Frances Spivy-Weber; Member Tam M. Doduc;
Member Arthur G. Baggett, Jr.

STAFF PRESENT

Dorothy Rice, Executive Director
Jeanine Townsend, Clerk to the Board
Andy Sawyer, Office of Chief Counsel
Betsy Jennings, Office of Chief Counsel
Sarah Olinger, Office of Chief Counsel
Buck Taylor, Office of Chief Counsel
Vicky Whitney, Division of Water Rights
Paul Murphey, Division of Water Rights

Jonathan Bishop, Chief Deputy Director
Tom Howard, Chief Deputy Director
Darrin Polhemus, Division of Water Quality
Liz Haven, Division of Water Quality
Bruce Fujimoto, Division of Water Quality
Annalisa Kihara, Division of Water Quality
Greg Gearhart, Division of Water Quality

BOARD MEETING

DIVISION OF WATER QUALITY

10. Consideration of the adoption of the [General NPDES Permit for Discharges of Storm Water Associated with Construction Activities \(CGP\)](#). *Written comments were due on June 17, 2009 (extended to June 24, 2009 by 5:00 p.m.) on the previous version of the proposed General Permit. Change Sheet #1 and the revised Attachment A were posted on the website on August 17, 2009.*

- [Draft NPDES Construction General Permit \(dated April 22, 2009\)](#)
- [Change Sheet #1](#)
- [Revised Attachment A](#)

Motion: Vice-Chair Spivy-Weber moved to adopt the Order and General Permit with amendments by staff.

Seconded by: Member Doduc

MOTION CARRIED: ([Water Quality Order 2009-0009-DWQ](#))

Aye Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: Chairman Hoppin

Absent: None

Commenters

Adam Harper, California Construction & Industrial Materials Association

Amy Tsai-Shen, Cemetery & Mortuary Association of California

Anthony Garuin, University of California

Becky Wood, Teichert

Bob Lucas, California Council on Environmental & Economic Balance

Chris Campbell, Lawrence Livermore National Laboratory

Cliff Moriyama, California Building Industry Association

Cory LaNeave, Industrial Environmental Association

Commenters (cont'd)

Doug Eberhardt, U.S. EPA
Eric Bakke, Los Angeles Unified School District
Fred Jacobsen, San Diego Gas & Electric & Southern California Gas
Grant Sharp, County of Orange & Orange County Flood Control District
Ian Padilla, Coalition for Adequate School Housing
Jay Maille, AT & T
Jeff Enzlinger, Pacific Gas & Electric Company
Jeff Desmond, Jr., Cemetery & Mortuary Association of California
Kadi Whiteside, Pacific Gas & Electric
Katharine Wagner, General Public
Keith Garner, Resource Landowners Association
Kevin Buchan, U.S. EPA
Kirsten James, Heal the Bay
Larry Forester, City of Signal Hill & Coalition for Practical Regulation
Linda Sheehan, California Coastkeeper Alliance
Mark Corey, California Building Industry Association
Mary Lynn Coffee, City of Irvine Orange County Great Park & California Independent Producers Association
Michael Lewis, Engineering Contractors Association
Michael Lozcav, Northern California Carpenters Regional Council
Michael Quigley, California Alliance for Jobs
Ned McKinley, U.S. Marine Corps
Pat Callahan, Construction Employers Association
Paul Ahn, Southern California Edison
Randy Friedman, U.S. Navy
Roger Chang, Los Angeles County Office of Education
Sam Loforti, Granite Rock & Pavex
Sandra Mathews, California Stormwater Quality Association
Shanda Beltran, Allen Matkins for CBIA
Susan Paulsen, Flow Science for CBIA
Tina Lau, Granite Rock & Pavex
Tom Walbom, Granite Construction Company
William Davis, Southern California Contractors Association

BOARD WORKSHOP

***The following Board Workshop will not occur before 1:00 p.m.
No final Board action will be taken at the workshop on the draft order.***

DIVISION OF WATER RIGHTS

11. Consideration of a [draft Cease and Desist Order against California American Water](#). The draft order concerns unauthorized diversion and use of water from the Carmel River in Monterey County and is the result of a hearing conducted by the State Water Board that ended on August 8, 2008. (*Written comments are due August 26, 2009 by 12 noon.*)

No Action Taken

Commenters

Anthony Lombardo, Carmel Valley Ranch Resort/Quail Lodge Resort
Bob McKenzie, Monterey County Hospitality Association
Brian Leneue, Carmel River Steelhead Association
Clive R. Sanders, Carmel River Watershed Conservancy
Conner Everts, Desal Response Group
Dan Limesand, Community Hospital of the Monterey Peninsula
David Potter, General Public
David Laredo, Monterey Peninsula Water Management District

Commenters (cont'd)

David Pendergrass, City of Sand City
Don Freeman, Seaside, Carmel & Monterey County Mayors' Association
Ed Ghandour, Security National Guaranty, Inc.
Ed Shagen, General Public
Evon Chambers, Planning & Conservation League
Jim Heitzman, Marina Coast Water District
John Jakubowski, Army – Presidio of Monterey
Jon Rubin, Diepenbrock & Harrison on behalf of California American Water Company
Keith Israel, Monterey Regional Water Pollution Control Agency
Kevin O'Brien, Pebble Beach Company
Kevin Stone, Monterey County Association of Realtors
Larry Silver, Sierra Club
Michael Warburton, Public Truck Alliance
Moe Ammar, Chamber of Commerce
Paul Bruno, Seaside Basin Watermaster
Rami Kahlon, California Public Utilities Commission
Russell McGlothlin, City of Seaside
Yvonne West, State Water Resources Control Board

CLOSED SESSION

Closed Sessions are not open to the Public

WATER RIGHTS

- The Board will meet in closed session to deliberate on a proposed Order following a hearing concerning San Bernardino Valley Municipal Water District and Western Municipal Water District (Muni/Western) water right Applications 31165 and 31370 for diversion from the Santa Ana River in San Bernardino County. (This closed session is authorized under Government Code section 11126, subdivision (e). This item will be scheduled for consideration during the open session of a future meeting. Interested parties will be notified of the exact time, date, and location.)
- The Board will meet in closed session to deliberate on a proposed order pertaining to the California American Water Company. A proposed Cease and Desist Order, issued to California American Water on January 15, 2008, was the subject of a seven-day evidentiary hearing that ended August 8, 2008. (This closed session is authorized under Government Code section 11126, subdivision (e).)

No closed session was held.

ADJOURNED

The Board Meeting adjourned at 5:40 p.m.