



**STATE WATER BOARD**  
**BOARD MEETING/HEARING**  
**Wednesday, September 19, 2012 – 9:00 a.m.**  
Coastal Hearing Room – Second Floor  
Joe Serna Jr. - Cal/EPA Building  
1001 I Street, Sacramento

### **DECLARATION OF A QUORUM**

Charles R. Hoppin, Chairman; Frances Spivy-Weber, Vice Chair; Tam M. Doduc, Member; Steven Moore, Member; Felicia Marcus, Member

### **BOARD MEETING**

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

### **PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS**

### **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 July 17-18, 2012, August 7-8, 2012 and August 21-22, 2012 Board Meeting minutes.
2. Board Member Report.

### **UNCONTESTED ITEMS\* (Items 3-6)**

- \*3. Consideration of a proposed Resolution authorizing the Executive Director or designee to apply for, accept, and/or amend a [federal Clean Water Action Section 205\(i\) Grant](#).
- \*4. Consideration of a proposed Resolution authorizing the Executive Director to enter into interagency agreements with the [California Department of Justice for investigation and prosecution of criminal and/or civil activity associated with the Underground Storage Tank Cleanup Fund](#).
- \*5. Consideration of a proposed Resolution authorizing the Executive Director or designee to enter into contracts to continue to implement the [Groundwater Ambient Monitoring and Assessment Program](#).

- \*6. Consideration of a proposed Resolution directing the State Water Resources Control Board's Executive Director to apply to the [United States Environmental Protection Agency \(U.S. EPA\) to offer Extended Term Financing \(ETF\) for Distressed Municipalities as part of the Clean Water State Revolving Fund \(CWSRF\) Program.](#)

#### **INFORMATIONAL ITEM**

7. Presentation of [2011 Annual Performance Report.](#)

#### **DIVISION OF WATER QUALITY**

8. Consideration of a proposed Order granting a petition seeking [Underground Storage Tank Case Closure pursuant to Health and Safety Code Section 25296.40.](#) *(Written comments were due on January 20, 2012 by 12:00 noon for 76 Service Station #5994, in Sonoma, CA.)*

#### **PUBLIC HEARING – ITEM 9**

#### **DIVISION OF WATER QUALITY**

9. Consideration of a proposed Resolution to approve an Initial Study/Mitigated Negative Declaration and adopt proposed [General Waste Discharge Requirements for Aquifer Storage and Recovery Projects that Inject Drinking Water into Groundwater.](#) *(Written comments are due on September 13, 2012 by 12 noon.)*

#### **DIVISION OF WATER QUALITY**

10. Consideration of adoption of the second revised draft [Tentative Order for the California Department of Transportation Municipal Separate Storm Sewer System permit.](#) *(Written comments were due on June 26, 2012 by 12 noon.)*

**Items 11 through 15 will not be heard until after 1:00 p.m.**

#### **INFORMATIONAL ITEM**

11. Report by the [Office of the Delta Watermaster on Improving Water Right Enforcement Authority.](#)

#### **DIVISION OF ADMINISTRATIVE SERVICES**

12. Consideration of a proposed Resolution adopting [emergency regulations amending Water Rights fee schedules in Title 23, Division 3, Chapter 5, Sections 1062, 1064 and 1068 of the California Code of Regulations.](#)

## **OFFICE OF CHIEF COUNSEL**

13. Consideration of a proposed Order staying, in part, [Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, and Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, issued by the Central Coast Regional Water Quality Control Board, SWRCB/OCC Files A-2209 \(c\) and \(d\).](#) (*Written comments are due on September 14, 2012 by 12 noon.*)

## **INFORMATIONAL ITEMS**

14. Results of the U.S. Environmental Protection Agency's [Sustainable Communities Pilot Review of the Clean Water State Revolving Fund \(CWSRF\) and the Division of Financial Assistance's CWSRF Application Revamp.](#)
15. [Executive Director's Report](#)

## **CLOSED SESSION**

Closed Session are not open to the Public

## **DIVISION OF WATER RIGHTS**

(The following closed sessions are authorized under Government Code section 11126, subdivision (c)(3).)

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to a Draft Cease and Desist Order issued to Mark and Valla Dunkel for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water diversion - Middle River in San Joaquin County.
- The Board will meet in closed session to deliberate on a draft decision conditionally approving water right Applications 31487 and 31488 and conditionally approving petitions to change License 3723 (Application 5169), License 4196 (Application 9247) Permit 11605 (Application 15673), and License 10180 (Application 18006) within the Truckee River watershed.

## **OFFICE OF CHIEF COUNSEL**

- The Board will meet in closed session to discuss the status of and receive legal advice concerning GenOn Energy Inc., et al., v. State Water Resources Control Board, et al., Sacramento Superior Court, Case No. 34-2010-CV-80000701. (This closed session is authorized under Government Code section 11126, subdivision (e).)
- The Board will meet in closed session to discuss the status of and receive legal advice concerning Atlantic Richfield Company v. State of California, et al., Los Angeles Superior Court, Case No. BC380404. This closed session is authorized under Government Code section 11126, subdivision (e).)

## **CLOSED SESSION – Continued**

Closed Session are not open to the Public

- The Board will meet in closed session to deliberate on a decision to be reached following the August 30, 2012 hearing regarding requests filed by Ocean Mist Farms, RC Farms and Grower-Shipper Association et al. to stay certain provisions of Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, and Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, issued by the Central Coast Regional Water Quality Control Board. SWRCB/OCC Files A-2209 (c) and (d). (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 13, 2012, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on September 13, 2012, 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](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**9/19/12 BOARD MEETING/HEARING (fill in bolded subject from appropriate item)**." If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](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: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.