

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
OCTOBER 6, 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.

CALL TO ORDER

Chairman Charlie Hoppin called the meeting to order on October 6, 2009 at 9:05 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
Michael Lauffer, 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
Lori Okun, Office of Chief Counsel
Barbara Evoy, Division of Financial Assistance
James Maughan, Division of Financial Assistance
Christopher Stevens, Division of Financial Assistance

Tom Howard, Chief Deputy Director
Jeanine Townsend, Clerk to the Board
Ken Harris, Division of Water Quality
Liz Haven, Division of Water Quality
Bill Orme, Division of Water Quality
Esteban Almanza, Division of Administrative Services
Miles Burnett, Division of Administrative Services
David Ceccarelli, Division of Administrative Services
Dyan Whyte, San Francisco Bay Regional Water Board
Allan Patton, Division of Financial Assistance

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.

None

BOARD BUSINESS

1. The Board will consider adoption of the September 1 & 2, & September 15, 2009 Board Meeting minutes.

The September 15, 2009 minutes have been deferred to the October 20, 2009 Board Meeting.

Motion: Member Doduc moved to adopt the minutes of the September 1 & 2, 2009 Board Meeting.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([September 1 & 2, 2009](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

2. Board Member Report.

Nothing to Report

UNCONTESTED ITEM (Item 3*)

*3. Consideration of a proposed Resolution for the adoption of the [2009/2010 Intended Use Plan \(IUP\)](#) for the Clean Water State Revolving Fund.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0073](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

DIVISION OF ADMINISTRATIVE SERVICES & DIVISION OF WATER QUALITY

4. Consideration of a proposed Resolution revising the [Core Regulatory Water Quality Fee Schedules](#) Contained In Title 23, Division 3, Chapter 9, Article 1, Section 2200 of the California Code Of Regulations.

Staff presented three discrete issues for the Board’s consideration, and the Board voted separately on each issue.

Motion: Member Baggett moved to accept the proposed fee schedule for revising the NPDES Program Fee Schedule, which was identified as option 2 (Set a Cap on Flow).

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED:

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett

Nay: Member Doduc

Absent: None

Motion: Vice Chair Spivy-Weber moved to accept the proposed fee for the WDR Landscape Irrigation General Permit

Seconded by: Member Doduc

MOTION CARRIED:

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Motion: Chairman Hoppin moved to accept the staff's recommendation to not include a seasonal fee category, but to amend the fee regulations to specify duration, frequency, seasonality, and other factors as a consideration in establishing a threat to water quality rating.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED:

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Motion: Member Baggett moved to adopt the proposed Resolution establishing the water quality core regulatory fees based on the three preceding motions.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2009-0074](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Baggett

Nay: Member Doduc

Absent: None

Commenters

David Arrieta, Western States Petroleum Association
Jim Colston, California Association of Sanitation Agencies
Julie, Gill, AES
Michael Abramson, Napa Sanitation District
Sharon Green, Sanitation Districts of Los Angeles County

OFFICE OF CHIEF COUNSEL

5. Consideration of a proposed Order regarding the Petitions of City of Stockton, California Sportfishing Protection Alliance, San Luis & Delta-Mendota Water Authority and Westlands Water District (Waste Discharge Requirements Order No. R5-2008-0154 [NPDES No. CA0079138] for the [City of Stockton Regional Wastewater Control Facility](#), San Joaquin County) issued by the California Regional Water Quality Control Board, Central Valley Region. (SWRCB/OCC A-1971, A-1971(a) and A-1971(b).) The State Water Resources Control Board will consider issuing an order remanding the Waste Discharge Requirements. (*Written comments and electronic PowerPoint presentations will only be accepted if they are limited to the revisions shown in the draft order dated September 17, 2009.*)

Motion: Chairman Hoppin moved to adopt the proposed Order.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2009-0012](#))

Aye Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Baggett

Nay: None

Absent: None

Commenters

Bill Jennings, California Sportfishing Protection Alliance
*Jonathan Marz, Diepenbrock*Harrison on behalf of San Luis & Delta Mendota Water Authority & Westlands Water District*
Lori Okun, Central Valley Regional Water Board
Mark Madison, City of Stockton
Michael Locke, San Joaquin Partnership

INFORMATIONAL ITEMS

6. Discussion on the Technical Advisory Team's [wetland definition](#). ([Staff Presentation](#))

No Action Taken

Commenters

Arthur Feinstein, Sierra Club San Francisco Bay Chapter
David Arrieta, Western States Petroleum Association
Daivd Pegos, Department of Food and Agriculture
Joshua Basofin, Defenders of Wildlife
Robert Urum, California Building Industry Association

7. Report on status of [Underground Storage Tank Cleanup Fund](#) (Cleanup Fund) Task Force.

No Action Taken

Commenters

David Arrieta, Western States Petroleum Association
Jay McKeeman, California Independent Oil Marketers Association
Julie Thompson, Environmental Resource Network
Mark Magargee, VEIR Corp
Markus Niebanck, UST Cleanup Fund Task Force Chair

CLOSED SESSION

Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

- 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. The Board held a public workshop to receive comments on the draft CDO on September 2, 2009. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board met in closed session.

ADJOURNED

The Board Meeting adjourned at 2:05 p.m.