

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
SEPTEMBER 21, 2010

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

Chair Hoppin called the meeting to order on September 21, 2010 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 Arthur G. Baggett, Jr.; Member Tam M. Doduc; Member Walter G. Pettit

STAFF PRESENT

Tom Howard, Executive Director	Caren Trgovcich, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jonathan Bishop, Chief Deputy Director
Steven H. Blum, Office of Chief Counsel	Jeanine Townsend, Clerk to the Board
Sarah Olinger, Office of Chief Counsel	Liz Haven, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Dominic Gregorio, Division of Water Quality
Lori Brock, Office of Chief Counsel	Darrin Polhemus, Division of Water Quality
Jim Maughan, Division of Financial Assistance	Rik Rasmusen, Division of Water Quality
Barbara Evoy, Division of Financial Assistance	Michael Buckman, Division of Water Quality
Leslie Laudon, Division of Financial Assistance	Nicholas Martorano, Division of Water Quality
Vicky Whitney, Division of Water Rights	Kevin Graves, Division of Water Quality
Jim Fisher, Office of Enforcement	Greg Gearhart, Division of Water Quality
Loti Calliga, Office of Legislative Affairs	Russell Norman, Division of Water Quality
Sam Unger, Los Angeles Regional Water Board	Emily Siegel, Division of Water Quality
Elizabeth Erickson, Los Angeles Regional Water Board	Gita Kapahi, Office of Public Participation
Bill Rukeyser, Office of Public Affairs	Judie Panneton, Office of Public Affairs

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.

Commenters

Marla Jo Bruton, Ocean Outfall Group
Richard Sadowski, General Public

BOARD BUSINESS

1. The Board will consider adoption of the August 3 & 4 and September 7, 2010 Board Meeting minutes.

No Action Taken – Deferred to subsequent Board Meeting

2. Board Member Report.

None

UNCONTESTED ITEM* (Item 3)

- *3. Consideration of a proposed Resolution to allocate \$535,000 from the Cleanup and Abatement Account to complete the California Environmental Quality Act review for the [San Diego Bay Shipyard Sediment Site Cleanup and Abatement Order](#).

This Item was removed from the agenda at the request of the applicant.

DIVISION OF WATER QUALITY

4. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to prohibit on-site wastewater disposal systems in the [Malibu Civic Center Area](#). (*Written comments were due on July 12, 2010 by 12 noon.*) ([Staff Presentation](#))

- [Change Sheet #1](#)

Motion: Member Pettit moved to adopt the proposed Resolution with modifications to Change Sheet #1 requested by Board Members.

Seconded by: Vice-Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2010-0045](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Barbara Cameon, Our Lady of Malibu
Bill Rhodes, Malibu Road Association
Brent Thorell, HRL Laboratories
Cassie Aw-Yang, Malibu Colony Plaza & Web Way
Christi Hogin, City of Malibu
Christine Mork, Trancas Homeowners Offsite Sanitation Association
David Reznick, Malibu Bay Company
Dean Isaacson, Trancas & PCH, LLC.
Don Schmitz, Malibu LaPaz
Elizabeth Erickson, Los Angeles Regional Water Board
Jeremy Smith, State Building & Construction Trades Council
Jim Thorsen, City of Malibu ([Presentation](#))
John Heintz, Latham & Watkins
Joan Lavine, General Public
Ken Seino, Malibu Surfing Association
Laura Rosenthal, City of Malibu
Linda Sheehan, California Coastkeeper Association
Liz Crosson, Santa Monica Baykeeper ([Presentation](#))
Lou LaMonte, City of Malibu
Marcus Beck, Malibu Association of Realtors
Marla Jo Bruton, Ocean Outfall Group
Mark Gold, Heal the Bay ([Presentation](#))
Mary Ann Lutz, Los Angeles Regional Water Board
Mike Barsocchni, Malibu Knolls Homeowners Association
Michael Blum, Malibu Surfing Association
Nancy Hastings, Surfrider Foundation
Pamela Conley Ulich, City of Malibu

Commenters (cont'd)

Paul Grisanti, General Public
Rebekah Evans, Malibu Chamber of Commerce
Robert Gold, AZ Winter Mesa, LLC
Roger Gronwald, HRL Laboratories, LLC.
Sally McCraven, Trancas Malibu PCH, LLC.
Sam Unger, Los Angeles Regional Water Board
Scott Wachenseller, Malibu Chamber of Commerce
Sean Henschel, State Senator Jenny Oropeza Office
Sharon Barorsky, General Public
Steve Soboroff, General Public

5. Consideration of a proposed Order granting petition for underground storage tank case closure pursuant to Health and Safety Code Section 25296.40. *(Written comments were due on August 20, 2010 by 12 noon.)*

- [American Auto Wreckers](#); Mr. Freeberg and Mr. Feroz (Petitioner)
3744 Depot Road, Hayward.

Motion: Member Doduc moved to adopt the proposed Order.

Seconded by: Vice-Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2010-0010](#))

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

Nay: None

Abstain: None

Absent: None

6. Consideration of a proposed Order granting petition for underground storage tank case closure. pursuant to Health and Safety Code Section 25296.40. *(Written comments are due on September 10, 2010 by 12 noon.)*

- [Former Desert Petroleum \(Gasco\) Station # 758](#); Mr. Marvin Shulman (Petitioner)
505 30th Street, Sacramento.

Motion: Member Baggett moved to adopt the proposed Order with changes proposed by Staff.

Seconded by: Member Doduc

MOTION CARRIED: ([Water Quality Order 2010-0011](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Barry Marcus, Sacramento County
Marv Shulman, Agent for Shulman/Sayre Trusts
Santokh Mann, General Public

INFORMATIONAL ITEMS

7. Report on [Areas of Special Biological Significance \(ASBS\) monitoring](#) and the status of the ASBS Natural Water Quality Committee of Scientists.

➤ ***Dominic Gregorio with the Division of Water Quality and Ken Schiff with Southern California Coastal Water Research Project made the [presentation](#) to the Board.***

Commenters

Barbara Cameron, City of Malibu

Richard Sadowski, General Public

8. Update on the Division of Water Quality's "[Pre-Production Plastic Pellet](#)" program.

➤ ***Greg Gearhart and Emily Siegel with the Division of Water Quality made the [presentation](#) to the Board.***

9. Review and update of the General Waste Discharge Requirements for [Sanitary Sewer Systems](#) (Water Quality Order No. 2006-0003-DWQ).

➤ ***Russell Norman & Darrin Polhemus with the Division of Water Quality made the [presentation](#) to the Board.***

Commenters

Bobbi Larson, California Association of Sanitation Agencies

Debbie Webster, Central Valley Clean Water Program

Linda Sheehan, California Coastkeeper Alliance

Patrick Hassey, General Public

Richard Sadowski, General Public

Simon Watson, General Public

Terrie Mitchell, Sacramento Area Sewer District & Sacramento Regional County Sanitation District

10. [Executive Director's Report](#).

ADJOURNED

The Board Meeting adjourned at 4:10 p.m.

CLOSED SESSION
Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

(These 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 Woods Irrigation Company. A draft cease and desist order, issued to Woods Irrigation Company on December 28, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Yong Pak and Sun Young. A proposed cease and desist order, issued to Yong Pak and Sun Young on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Mark and Valla Dunkel. A proposed cease and desist order, issued to Mark and Valla Dunkel on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Rudy Mussi, Toni Mussi and Lori C. Mussi Investment LP (Mussi et al.). A proposed cease and desist order, issued to Mussi et al. on December 14, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.
- The Board will meet in closed session to deliberate on a proposed order pertaining to a petition for reconsideration of Order WR 2010-0026-EXEC: Order Approving Settlement Agreement - In the Matter of the Diversion and Use of Water by Gallo Vineyards, Inc.

The Board did not meet in Closed Session on the above Items.

OFFICE OF CHIEF COUNSEL

- The Board will meet in closed session to discuss the status of and receive legal advice concerning *Monterey Peninsula Water Management District v. State Water Resources Control Board, et al.*, Santa Clara County Superior Court Case No. 110CV163328 and *California-American Water Company v. State Water Resources Control Board*, Monterey Superior Court Case No. M102097. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board met in Closed Session on this Item.