

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
**OCTOBER 5, 2010**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chair Hoppin called the meeting to order on October 5, 2010 at 9:04 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT\***

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

**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
Emel Wadhvani, Office of Chief Counsel	Bill Rukeyser, Office of Public Affairs
Marianna Aue, Office of Chief Counsel	Liz Haven, Division of Water Quality
Andy Sawyer, Office of Chief Counsel	Rik Rasmusen, Division of Water Quality
Darrin Polhemus, Division of Administrative Services	Vicky Whitney, Division of Water Quality
Barbara Evoy, Division of Water Rights	Peter Martin, Division of Water Quality
Les Grober, Division of Water Rights	Michael Napolitano, San Francisco Bay Regional Water Board
Russ Kanz, Division of Water Rights	Dyan Whyte, San Francisco Bay Regional Water Board
Jennifer Watts, Division of Water Rights	Joe Karkoski, Central Valley Regional Water Board
Jim Kassel, Division of Water Rights	Craig Wilson, Delta Watermaster

**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 August 3 & 4, September 7, & September 21, 2010 Board Meeting minutes.

**Motion:** Vice Chair Spivy-Weber moved to adopt the minutes.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([August 3-4, 2010](#)) ([September 7, 2010](#)) ([September 21, 2010](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

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\*Former Board Member Walter G. Pettit was present until Item 5

2. Board Member Report.

❖ **Vice Chair Frances Spivy-Weber attended the dedication of the Malibu Legacy Park on October 2<sup>nd</sup>.**

### **DIVISION OF ADMINISTRATIVE SERVICES**

**Please note that Items 3 & 4 will be moved to a subsequent Board Meeting if the 2010-2011 State budget is not signed by the Governor by 9:00 a.m. on Monday, October 4, 2010.**

3. Consideration of a proposed Resolution adopting emergency regulations revising the [core regulatory water quality fee schedules](#) contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200 and 2200.6 of the California Code of Regulations.
4. Consideration of a proposed Resolution adopting emergency regulations amending [water right and water quality certification fee schedules](#) in Title 23, Division 3, Chapter 5, Sections 1062, 1064, and 1066 and Chapter 28, Article 1, Section 3833.1 of the California Code of Regulations.

**No Action Taken - Items 3 & 4 were moved to the October 19, 2010 Board Meeting**

### **DIVISION OF WATER QUALITY**

5. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins for the [Control of Selenium in the Lower San Joaquin River](#). (Written comments were due on September 22, 2010 by 12 noon.) ([Staff Presentation](#))

- [Change Sheet #1](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution with changes proposed by Staff in Change Sheet #1.

**Seconded by:** Member Baggett

**MOTION CARRIED:** ([Resolution 2010-0046](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

#### **Commenters**

Aaron Barcello, General Public  
Bill Jennings, California Sportfishing Protection Alliance  
Dan Nelson, San Luis & Delta Mendota Water Authority  
David Cory, DesJardins Ranch  
David Widell, Grassland Water District  
Dennis Falaschi, Panoche Drainage District  
DeeDee D'Adamo, Congressman Cardoza's Office  
Diane Fleck, U.S. EPA  
George Delgado, Delgado Farming  
Jim Metropulos, Sierra Club California  
John Herrick, South Delta Water Agency  
Joseph McGahan, Grasslands Basin Drainers ([Presentation](#))  
Lawrence Wise, Grasslands Basin Drainers  
Melosa Granda, Institute for Fish Resources  
Osha Meserve, Reclamation District 999  
Patrick Porgans, General Public  
Patricia Schifferle, General Public  
Tom Stokely, California Water Impact Network  
Zeke Grader, Pacific Coast Federation of Fisherman's Association

6. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region to establish a Total Maximum Daily Load (TMDL) for sediment in the [Napa River](#) and an Implementation Plan to achieve the TMDL and related Habitat Enhancement Plan. (*Written comments were due on August 19, 2010 by 12 noon.*) ([Staff Presentation](#))

**Motion:** Member Doduc moved to adopt the proposed Resolution.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Resolution 2010-0047](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*Diane Fleck, U.S. EPA*

*Ed Schulz, General Public*

*Joseph Dillon, National Marine Fisheries Service SW Region*

*Tom Lippe, Living Rivers Council*

**DIVISION OF WATER RIGHTS**

7. Consideration of issuance of a water quality certification for the relicensing of the [Oroville Facilities](#) in Butte County. (*Written comments are due on September 24, 2010 by 12 noon.*) ([Staff Presentation](#))

**No Action Taken – Continued to the December Board Meeting**

**Commenters**

*Bill Jennings, California Sportfishing Protection Alliance*

*Chris Shutes, California Sportfishing Protection Alliance*

*Dave Steindorf, American Whitewater*

*David Moller, Pacific Gas & Electric*

*Jason Kindopp, Department of Water Resources*

*Kent Smith, Department of Fish & Game*

*Laurence Kerckhoff, Department of Water Resources*

*Mark Cowin, Department of Water Resources ([Presentation](#))*

*Patrick Porgans, General Public*

*Rick Ramirez, Department of Water Resources*

*Roger Moore, Butte County*

*Steve Arakawa, State Water Contractors*

*Steve Rothert, American Rivers*

*Terry Erlewine, State Water Contractors*

*Tim Quinn, Association of California Water Agencies*

*Tom Berliner, State Water Contractors*

*Tracy Pettit, Department of Water Resources*

*Vince Wong, Zone 7*

8. Consideration of a proposed Resolution delegating authority to the [Delta Watermaster](#). ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed Resolution.

**Seconded by:** Vice-Chair Spivy-Weber

**MOTION CARRIED:** ([Resolution 2010-0048](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*Ken Petruzzelli, San Joaquin River Group Authority*

*Patrick Porgans, General Public*

9. Consideration of a proposed Resolution to extend abeyance of the [Klamath Hydroelectric Project](#) 401 Water Quality Certification application.

**Motion:** Vice Chair Spivy Weber

**Seconded by:** Chair Hoppin

**MOTION CARRIED:** ([Resolution 2010-0049](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc

**Nay:** None

**Abstain:** Member Baggett (Recused)

**Absent:** None

**Commenters**

*Daniel Jordan, Hoopa Valley Tribe*

**ADJOURNED**

The Board Meeting adjourned at 5:10 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 met in Closed Session on these Items.**