

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
SEPTEMBER 19-20, 2011**

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/.

CALL TO ORDER

Chairman Hoppin called the meeting to order on September 19, 2011 at 9:02 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

STAFF PRESENT

Tom Howard, Executive Director	Jonathan Bishop, Chief Deputy Director
Caren Trgovcich, Chief Deputy Director	Jeanine Townsend, Clerk to the Board
Michael Lauffer, Chief Counsel	Kevin Graves, Division of Water Quality
Erin Mahaney, Office of Chief Counsel	Shahla Farahnak, Division of Water Quality
Lori Brock, Office of Chief Counsel	Barbara Evoy, Division of Water Rights
Nathan Jacobsen, Office of Chief Counsel	John O'Hagan, Division of Water Rights
Anne Hartridge, Office of Chief Counsel	Les Grober, Division of Water Rights
Andy Sawyer, Office of Chief Counsel	Karen Niiya, Division of Water Rights
Bethany Pane, Office of Chief Counsel	Rafael Maestu, Office of Research, Planning & Performance
Phil Wyels, Office of Chief Counsel	Eric Oppenheimer, Office of Research, Planning & Performance
Emel Wadhvani, Office of Chief Counsel	Mark Bradley, Office of Enforcement
James Herink, Office of Chief Counsel	Karen Larsen, Office of Information Management and Analysis
Christopher Stevens, Division of Financial Assistance	Angela Wilson, Central Valley Regional Water Board
Ahmad Kashkoli, Division of Financial Assistance	Robert Crandall, Central Valley Regional Water Board
Pat Leary, Division of Financial Assistance	George Kostyrko, Office of Public Affairs
Meghan Brown, Division of Financial Assistance	Dave Clegren, Office of Public Affairs
Jim Maughan, Division of Financial Assistance	Miles Burnett, Division of Administrative Services
Darrin Polhemus, Division of Administrative Services	David Ceccarelli, Division of Administrative Services
Sarah Fong, Division of Administrative Services	

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 Chairman

PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS

- ❖ *Reed Sato, Director of the Office of Enforcement, presented the Gold Superior Accomplishment Award to Mayumni Okamoto.*
- ❖ *Barbara Evoy, Deputy Director of the Division of Water Rights, presented the Sustained Superior Accomplishment Award to Katherine Mrokwa.*

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 July 19, 2011 Board Meeting minutes.

No Action Taken – Deferred to future Board Meeting

2. Board Member Report.
 - ❖ **Board Member Doduc attended the San Francisco Bay Regional Board Meeting and Executive Officer Bruce Wolfe stated that they have eliminated their NPDES backlog.**

UNCONTESTED ITEMS* (Items 3-7)

- *3. Consideration of a proposed Resolution authorizing acceptance of a federal grant to continue contaminant source investigation activities in the [San Fernando Valley](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0039](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

- *4. Consideration of a proposed Order regarding the Petitions of Sacramento Regional County Sanitation District and California Sportfishing Protection Alliance for review of Waste Discharge Requirements Order No. R5-2010-0114 [NPDES No. CA0077682] for the Sacramento Regional Wastewater Treatment Plant, issued by the Central Valley Regional Water Quality Control Board ([SWRCB/OCC Files A-2144\(a\) and A-2144\(b\)](#)).
(Written comments are due on September 9, 2011 by 12 noon.)

This Item was removed from Uncontested Items.

Motion: Member Doduc moved to adopt the proposed Order with additional language read into the record by Staff Counsel James Herink.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Water Quality Order 2011-0013](#))

Aye: Chairman Hoppin
Member Doduc

Nay: None

Abstain: Vice Chair Spivy-Weber

Absent: None

Commenters

Bill Jennings, California Sportfishing Protection Alliance

Charles Waters, Water for All

Debbie Webster, Central Valley Clean Water Association

Eric Robinson, Kronick, Moskovitz, Tiedemann, & Girard on behalf of State Water Contractors; Alameda County

Water District; Zone 7 of Alameda County; Flood Control and Water Conservation District; Metropolitan Water District of Southern California; Kern County Water Agency & Santa Clara Valley Water District

Jim Vergoon, American Hispanic Focus Group

Jon Rubin, San Luis & Delta Mendota Water Agency

Ken Landau, Central Valley Regional Water Board

Paul Simmons, Somach, Simmons & Dunn on behalf of Sacramento Regional County Sanitation District

- *5. Consideration of a proposed Resolution to approve an amendment to the Water Quality Control Plan for the Central Coast Region (Basin Plan) to 1) Adopt Total Maximum Daily Loads for Fecal Coliform in the [Lower Salinas River Watershed](#), 2) Add the Lower Salinas River Watershed to the Domestic Animal Waste Discharge Prohibition; and 3) Add the Lower Salinas River Watershed to the Human Fecal Material Discharge Prohibition. *(Written comments were due on August 4, 2011 by 12 noon.)*

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0040](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

- *6. Consideration of a proposed Order modifying Order R5-2010-0022, Conditional Waiver of Waste Discharge Requirements for Discharges Related to [Timber Harvest Activities in the Central Valley Region](#).

This Item was removed from Uncontested Items.

- [Comment Letters](#)

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

Seconded by: Member Doduc

MOTION CARRIED: ([Water Quality Order 2011-0014-DWQ](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

Commenters

Bill Jennings, California Sportfishing Protection Alliance

David Levy, Registered Professional Forester

Ed Struffenegger, California Forestry Association

Frank Mulhair, California Licensed Foresters Association

Theresa Warshawer, Roseburg Forest Products

Tom Amesbury, Forester's Co-Op

- *7. Consideration of a proposed Resolution authorizing designated staff to enter into agreements for [outside legal services](#) when the Attorney General authorizes the State Water Resources Control Board or a Regional Water Quality Control Board to hire outside Counsel.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0041](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

INFORMATIONAL ITEM

8. Presentation of [2010 Annual Performance Report](#).

- ❖ ***Eric Oppenheimer and Rafael Maestu with the Office of Research, Planning & Performance made the [presentation to the Board](#).***

DIVISION OF ADMINSTRATIVE SERVICES

9. Consideration of a proposed Resolution adopting [emergency regulations revising the core regulatory fee schedules](#) contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200 and 2200.6, and adding Section 2200.7 of the California Code of Regulations.

- [Change Sheet #1](#)
- [Comment Letters](#)

Motion: Member Doduc moved to adopt the proposed Resolution with additional resolve read into the record by Chief Counsel Lauffer and Change Sheet #1

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2011-0042](#))

Aye: Chairman Hoppin
Member Doduc

Nay: None

Abstain: Vice Chair Spivy-Weber

Absent: None

Commenters

Andrew Antwih, City/County Association of Governments of San Mateo

Bill Thomas, South San Joaquin Water Quality Coalition

Bobbi Larson, California Association of Sanitation Agencies

Bruce Houdesheldt, Sacramento Valley Water Quality Coalition

Cliff Moriyama, California Building Industry Association

Danny Merkley, California Farm Bureau Federation

Debbie Webster, Central Valley Clean Water Association

Ed Struffenegger, California Forestry Association

Geoff Brosseau, California Stormwater Quality Association

Ian Caliendo, Pacific Gas & Electric Co.

James Scanlin, Bay Area Stormwater Management Agencies Association

J.P. Cativiela, Dairy Cares Coalition

Jesus Arredondo, Dynegy

John Brodie, San Joaquin County & Delta Water Quality Coalition

Julie Gill, AES

Justin Oldfield, California Cattlemen Association

Kevin Buchan, Western States Petroleum Association

Mike Wackman, San Joaquin County & Delta Water Quality Coalition

Molly Watkins, San Joaquin County & Delta Water Quality Coalition

Rob Neenan, California League of Food Processors

Roberta Firoved, California Rice Commission

Ron Dumas, State of California

Shirley Batchman, California Citrus Mutual

Valerie Nera, California Chamber of Commerce

10. Consideration of a proposed Resolution adopting [emergency regulations amending water rights fee schedules](#) in Title 23, Division 3, Chapter 5 (commencing with Section 1061) of the California Code of Regulations.

Motion: Chair Hoppin moved to adopt the proposed Resolution.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0043](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

Commenters

Adam Link, Somach, Simmons & Dunn

Carl Borden, California Farm Bureau Federation

Jon Rubin, Westlands Water District

The following items (11-15) will commence after 1:00 p.m.

DIVISION OF WATER QUALITY

11. Consideration of a draft Order granting petitions seeking [underground storage tank case closure](#). (*Written comments were due on September 2, 2011 by 12 noon.*)

Motion: Member Doduc moved to adopt the proposed Order.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order 2011-0015-UST](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

DIVISION OF FINANCIAL ASSISTANCE

12. Consideration of a proposed Resolution adopting a Clean Water State Revolving Fund (CWSRF) Program Preliminary Funding Commitment (PFC) for the [City Of Colfax, Collection System Infiltration and Inflow \(I&I\) Repair/Replacement and Wastewater Treatment Plant \(WWTP\) Reservoir Pond Lining Project \(Project\)](#), CWSRF Project No. C-06-7806-110, and Restructure and Refinance Existing CWSRF and USDA Wastewater Debt Obligations.

- [Comment Letters](#)

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0044](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

Commenters

*Cris Carrigan, State & Central Valley Regional Water Board
Michael Garabedian, Friends of the North Fork
Nicole Granquist, City of Colfax*

- 13. Consideration of a proposed Resolution approving projects and authorizing grants for the [Santa Monica Bay Restoration Commission](#) through the Proposition 50 Coastal Non Point Source Grant Program.

- [Comment Letters](#)
- [Change Sheet #1](#)

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

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0045](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

- 14. Consideration of a proposed Resolution clarifying the future senior debt requirements in the Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities as related to [Principal Forgiveness financing](#).

- [Comment Letter](#)

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

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0046](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

INFORMATIONAL ITEM

- 15. [Executive Director's Report](#)

ADJOURNMENT

The Board recessed at 4:00 p.m.

Tuesday, September 20, 2011

CALL TO ORDER

Chairman Hoppin called the meeting to order on September 20, 2011 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 HEARING

16. Consideration of a proposed Resolution to adopt a proposed [Russian River Frost Protection Regulation](#) and to certify the associated Environmental Impact Report. (*Written comments are due on September 16, 2011 by 12 noon.*) (*John O'Hagan/David Rose*)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution with minor clarifying changes.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0047](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Abstain: None

Absent: None

Commenters

Al Cadd, Russian River Properties Owners Association
Alan Levine, Coast Action Group
Alfred White, La Rivera Vineyards
Allan Nelson, General Public
Bob Anderson, United Winegrowers
Brian Cluer, National Marine Fisheries Services
Brian Johnson, Trout Unlimited
David Hines, National Marine Fisheries Services
David Keller, Friends of the Eel River
David Koball, Mendocino County Farm Bureau
Derek Roy, National Marine Fisheries Services
Doug McIlroy, General Public
Ed Sheffield, Senator Noreen Evans Office
Jesse Barton, Gallery & Barton Law
John Aguirre, California Association of Winegrape Growers
Kimberly Burr, General Public
Larry Hanson, Northern California River Watch
Maria Potter, North Coast Stream Flow Coalition
Nick Frey, Sonoma Winegrape Commission
Patrick Porgans, General Public
Pete Opatz, Sonoma County
Sean White, Russian River Flood Control

Commenters (cont'd)

Scott Greacen, Friend of the Eel River
Stephen Fuller-Rowell, Sonoma County Water Coalition
Stephen Passalacque, General Public
Steve Dunicliff, County of Mendocino Board & Executive Office
Steve Edmondson, National Marine Fisheries Services
Terry Gross, Mendocino County Board of Supervisors
Tim Schmelzer, Wine Institute

The following Public Workshop will not commence before 1:00 p.m.

BOARD WORKSHOP

17. The State Water Board will hold a Public Workshop to receive public comments concerning: (1) a proposed statewide Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on [National Forest System Lands in California](#), and (2) a supporting Mitigated Negative Declaration. *(Written comments were due on August 24, 2011 by 12 noon.) (Gaylon Lee/Emel Wadhvani) ([USDA Forest Service Presentation](#))*

No Action Taken

Commenters

Amy Granat, California Trail Users Coalition
Bill Thomas, Dave Wood Ranches
Craig Thomas, Sierra Forest Legacy
Danny Merkley, California Farm Bureau
Devon Jones, Mendocino County Farm Bureau
Don Rivenes, Forest Issues Group
Eric Carleson, Associated Loggers
Jesse Barton, California Off-Road Vehicle Association
John Buckley, Central Sierra Environmental Resource Center
John Stewart, California Association of 4-Wheel Drive Clubs
Justin Oldfield, California Cattlemen Association
Karen Schambach, Public Employees for Environmental Responsibility
Kevin Eastman, Senator Doug LaMalfa Office
Laurel Ames, California Watershed Network
Lisa Belenky, Center for Biological Diversity
Melissa Skyer, Southern California Gas Co.
Mik Skvarla, California Council for Environmental and Economic Balance
Rex Bell, Pacific Gas & Electric
Sherri Brennan, General Public
Stan VanVelsor, The Wilderness Society

ADJOURNMENT

The Board adjourned at 3:40 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 Petitions for Reconsideration of State Water Board Order WR 2011-0005 regarding a Cease and Desist Order issued to Woods Irrigation Company for diversion from Middle River in San Joaquin County.

The Board did not meet in Closed Session on this Item.

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to the matter of the threat of an unauthorized diversion of water pursuant to a claim of pre-1914 appropriative rights by Thomas Hill, Steven Gomes, and Millview County Water District. A proposed cease and desist order, issued to Thomas Hill, Steven Gomes, and Millview County Water District on April 10, 2009, is the subject of an evidentiary hearing before hearing officers of the Board.

The Board met in Closed Session on this Item.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on September 15, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on September 15, 2011, 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. Please indicate in the subject line, "**9/19-20/2011 BOARD MEETING (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

* 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.