

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
APRIL 20, 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

Chairman Charlie Hoppin called the meeting to order on April 20, 2010 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 Arthur G. Baggett, Jr.; Member Tam M. Doduc; Member Walter G. Pettit

STAFF PRESENT

Dorothy Rice, Executive Director	Tom Howard, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jonathan Bishop, Chief Deputy Director
Andy Sawyer, Office of Chief Counsel	Jeanine Townsend, Clerk to the Board
Nathan Jacobsen, Office of Chief Counsel	Darrin Polhemus, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Kevin Graves, Division of Water Quality
Steven Blum, Office of Chief Counsel	Nicolas Martorano, Division of Water Quality
Barbara Evoy, Division of Financial Assistance	Michael Buckman, Division of Water Quality
Jim Maughan, Division of Financial Assistance	James Giannopoulos, Division of Water Quality
Scott Couch, Division of Financial Assistance	Liz Haven, Division of Water Quality
Allan Patton, Division of Financial Assistance	Bill Rukeyser, Office of Public Affairs
Christopher Stevens, Division of Financial Assistance	Les Grober, Division of Water Rights
Robert Pontureri, Division of Financial Assistance	Vicky Whitney, Division of Water Rights

ANNOUNCEMENT

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

PRESENTATION OF SUPERIOR AND SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS

- *Esteban Almanza, Deputy Director of the Division of Administrative Services presented the following awards to:*
 - *Sustained Superior Accomplishment: The Division of Administrative Services Team: Dina Perrone, Estela Gonzales, Terri Shaffer, Jeanne Wright, Yolanda Anderson, Nubia Santos, Denise Perry, Rachel Celebrado, Ellen Harrison, Juan De La Fuente, Nicolle Caughman, Betty Miles-Carter, Lucy Martinez, Cyntia Mayo, Kathy Ralph, JoAnne Moore, Carmen Harris, Sandra Scroggins, Diane West, Sylvia Kempton, Lori Harner, Melissa Harpster & Robert Whipkey.*
- *Barbara Evoy, Deputy Director of the Division of Financial Assistance presented the following awards to:*
 - *Sustained Superior Accomplishment: Richard Mills*
 - *Superior Accomplishment: Meghan Brown & Kirk Larson*
- *Michael Lauffer, Chief Counsel presented the following awards to:*
 - *Sustained Superior Accomplishment: Gabrielle Kolitsos*
 - *Superior Accomplishment: Anne Hartridge*
- *Valerie Connor, Director of the Office of Information Management and Analysis presented the following award to:*
 - *Sustained Superior Accomplishment: Jarma Bennett*

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

Dennis Barkley, General Public

Robert Funk, General Public

BOARD BUSINESS

- 1. The Board will consider adoption of the March 16, 2010 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the proposed minutes of the March 16, 2010 Board Meeting.

Seconded by: Member Doduc

MOTION CARRIED: ([March 16, 2010](#))

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

Nay: None

Abstain: None

Absent: None

- 2. Board Member Report

None

UNCONTESTED ITEMS* (Items 3-8)

- *3. Consideration of a proposed Resolution authorizing continued funding for regulatory oversight of cleanup activities at [Department of Navy](#) facilities.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0009](#))

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

Nay: None

Abstain: None

Absent: None

- *4. Consideration of a proposed Resolution authorizing continued funding for regulatory oversight of cleanup activities at [Department of Defense](#) facilities.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0010](#))

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

Nay: None

Abstain: None

Absent: None

- *5. Consideration of a proposed Resolution for the Adoption of a Statement of Overriding Considerations, correction to the Clean Water State Revolving Fund (CWSRF) 2009/2010 Program Project Priority List, and execution of a CWSRF Preliminary Funding Commitment for the [City of San Diego, Point Loma Grit Processing Improvement Project](#), CWSRF Project No. C-06-4395-110.

Motion: Member Doduc moved to adopt the proposed Resolution with direction to staff to ensure that contract documents reflect that funding the Grit Processing Improvement will not be used as a basis to support a continued Clean Water Act section 301(h) waiver.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0011](#))

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

Nay: None

Abstain: None

Absent: None

- *6. Consideration of a proposed Resolution to allocate the remaining \$1,086,387 from the [Proposition 13, Southern California Integrated Watershed Program Subaccount to Fund](#) (1) the Riverside County Flood Control and Water Conservation District, Low Impact Development Integrated Management Practices Testing and Demonstration Facility Project, and (2) the Santa Ana Watershed Project Authority, Brineline Sediment Trap Project.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0012](#))

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

Nay: None

Abstain: None

Absent: None

- *7. Consideration of a proposed Resolution to adopt a revised appendix to the State Water Resources Control Board's [Conflict of Interest Code](#) and authorizing the Executive Director to transmit the Appendix with the required declaration to the Fair Political Practices Commission for approval.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0013](#))

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

Nay: None

Abstain: None

Absent: None

- *8. Consideration of a proposed Resolution authorizing the Executive Director to amend an existing contract with the [Regents of the University of California, Davis](#) that provides research on emerging Bay-Delta issues.

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution 2010-0014](#))

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

Nay: None

Abstain: None

Absent: None

DIVISION OF WATER QUALITY

9. Consideration of a proposed Order granting petitions for [Underground Storage Tank Case Closure](#) pursuant to Health and Safety Code Section 25296.40: various locations in California. (*Written comments were due on March 26, 2010 by 12 noon.*)

- [UST Case Closure Summary, Bethel Island Municipal Improvement District \(District\), 3085 Stone Road, Bethel Island](#)
- [UST Case Closure Summary, Al Negri, 3692 Bohemian Highway, Occidental](#)
- [UST Case Closure Revised Summary, Former Rocco's Freestone Corners \(Jed Wallach Trust\) 12750 Bodega Highway, Sebastopol - Comments](#)

Motion: Member Baggett moved to adopt the proposed Order.

Seconded by: Member Pettit

MOTION CARRIED: ([Water Quality Order 2010-0006](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Jed Wallach, General Public

10. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region to (1) add Total Maximum Daily Loads for fecal coliform in the [Pajaro River Watershed](#); (2) add a domestic animal waste discharge prohibition; and (3) add a human fecal material discharge prohibition. *(Written comments were due on February 18, 2010 by 12 noon.)*

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2010-0015](#))

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

Nay: None

Abstain: None

Absent: None

11. 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 [Sonoma Creek](#), and an Implementation Plan to achieve the TMDL and Related Habitat Enhancement Plan. *(Written comments were due on March 22, 2010 by 12 noon.)*

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

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2010-0016](#))

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

Nay: None

Abstain: None

Absent: None

Commenters

Laurel Marcus, California Land Stewardship Trust

DIVISION OF FINANCIAL ASSISTANCE

12. Consideration of a proposed Resolution to allocate \$400,000 from the Cleanup and Abatement Account to fund the [New River Improvement Project](#).

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

Seconded by: Member Baggett

MOTION CARRIED: ([Resolution 2010-0017](#))

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

Nay: None

Abstain: Member Doduc

Absent: None

INFORMATIONAL ITEMS

13. [Contaminants of Emerging Concern Advisory Panel Report](#) status.

➤ *Rick Moss with the Division of Water Quality and Keith Maruya with Southern California Coastal Water Research Project (SCCWRP) made the [presentation](#) to the Board.*

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

ADJOURNED

The Board Meeting adjourned at 10:30a.m.

CLOSED SESSION

Closed Session are not open to the Public

DIVISION OF WATER RIGHTS

The Board will meet in closed session to deliberate on a draft order responding to a petition for reconsideration, jointly filed on behalf of North Kern Water Storage District, City of Shafter, Buena Vista Water Storage District, Kern Water Bank Authority and Kern County Water Agency. Their petition requests reconsideration of the Board's order removing the fully appropriated stream status of the Kern River, in Kern and Tulare Counties. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board met in Closed Session on this Item.

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.

PERSONNEL

The Board will meet in closed session to discuss the appointment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing. (This closed session is authorized under Government Code section 11126, subdivision (a)(1).)

The Board met in Closed Session on this Item.