

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING MINUTES  
MARCH 1, 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/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on March 1, 2011 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 Tam M. Doduc; Member Dwight P. Russell

**STAFF PRESENT**

Tom Howard, Executive Director  
Michael Lauffer, Chief Counsel  
Jeanine Townsend, Clerk to the Board  
Marleigh Woods, Office of Chief Counsel  
Nathan Jacobsen, Office of Chief Counsel  
Anne Hartridge, Office of Chief Counsel  
Frances McChesney, Office of Chief Counsel  
Andy Sawyer, Office of Chief Counsel  
Paul Hann, Division of Water Quality  
Michael Buckman, Division of Water Quality  
Phil Isorena, Division of Water Quality  
Vicky Whitney, Division of Water Quality  
Liz Haven, Division of Water Quality  
Jenny Chen, Division of Water Quality  
Sarah Ong, Division of Water Quality  
George Kostyrko, Office of Public Affairs

Jonathan Bishop, Chief Deputy Director  
Caren Trgvocich, Chief Deputy Director  
Jane Farwell, Division of Water Rights  
Ernie Mona, Division of Water Rights  
Barbara Evoy, Division of Water Rights  
Les Grober, Division of Water Rights  
Russ Kanz, Division of Water Rights  
Kathleen Groody, Division of Water Rights  
Jim Maughan, Division of Financial Assistance  
Esteban Almanza, Division of Financial Assistance  
Leslie Laudon, Division of Financial Assistance  
Christopher Stevens, Division of Financial Assistance  
Kyle Ochendusko, Division of Financial Assistance  
Daniel Newton, Division of Financial Assistance  
Rob Egel, Office of Legislative 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 Chairman***

**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**

*Al Barrow, General Public*

*John Sanders, General Public*

## **BOARD BUSINESS**

1. The Board will consider adoption of the January 18-19, 2011 and February 1, 2011 Board Meeting minutes.

**Motion:** Member Russell moved to adopt the minutes from the January 18-19, 2011 Board Meeting.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([January 18-19, 2011](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

### **Minutes from the February 1, 2011 Board Meeting – Deferred to future Board Meeting**

2. Board Member Report.

➤ *Member Dwight Russell gave some leaving remarks as this Board Meeting was his last one serving as a Board Member. Members Hoppin, Spivy-Weber, and Doduc expressed their appreciation for Mr. Russell's service to the Board and the State.*

### **UNCONTESTED ITEMS (Items 3 & 4)**

- \*3. Consideration of a proposed Resolution to execute an amended interagency agreement with the [California Technology Agency](#) for an additional \$50,000 which would increase the original two year funding agreement to an amount of \$540,000.

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

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

**MOTION CARRIED:** ([Resolution 2011-0007](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

- \*4. Consideration of a proposed Resolution making adjustments to implement the [American Recovery and Reinvestment Act of 2009 \(ARRA\)](#).

- [Change Sheet #1](#)

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

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

**MOTION CARRIED:** ([Resolution 2011-0008](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

## DIVISION OF FINANCIAL ASSISTANCE

5. Consideration of a proposed Resolution authorizing funding from the Clean Water State Revolving Fund (CWSRF) to the [County of San Luis Obispo Los Osos Wastewater Project](#) (Project), CWSRF Project No. C-06-5230.

- [Comment Letters](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution with changes proposed by Staff and Board Member Doduc.

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

**MOTION CARRIED:** ([Resolution 2011-0009](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

### Commenters

*Al Barrow, Coalition for Low Income Housing*

*Bruce Gibson, County of San Luis Obispo*

*Dana Ripley, General Public*

*Elaine Watson, Citizen's for a Sustainable Community*

*Frank Angel, Citizen's for a Sustainable Community*

*Gweynn Taylor, General Public (Los Osos resident)*

*Jeff Edwards, General Public*

*Julie Tacker, General Public*

*Keith Wimer, General Public*

*Mark Hutchinson, County of San Luis Obispo*

*Paavo Ogren, County of San Luis Obispo*

*Patrick Sparks, General Public*

*Richard Margetson, General Public*

*Will Clemens, County of San Luis Obispo*

## DIVISION OF WATER QUALITY

6. Consideration of Adoption of the General National Pollutant Discharge Elimination System Permit for Biological and Residual Pesticide Discharges to Waters of the United States from [Vector Control Applications](#) (Vector Control Permit). (*Written comments were due on November 2, 2010 by 12 noon. Additional comments addressing only the changes from the version of the draft permit released on September 17, 2010 are due on February 18, 2011 by 12 noon.*) ([Staff Presentation](#))

- [Comment Letters](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Permit with changes proposed by Staff in [Change Sheet #1](#) and proposed by Board Members.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Water Quality Order 2011-0002-DWQ](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*Richard Shanahan, Mosquito & Vector Control Association of California  
Vicki Kramer, California Department of Public Health*

7. Consideration of Adoption of the General National Pollutant Discharge Elimination System Permit for Residual Pesticide Discharges to Waters of the United States from [Aquatic Animal Invasive Species Control Applications](#). (Written comments were due on November 16, 2010 by 12 noon. Additional comments addressing only the changes from the version of the draft permit released on October 1, 2010 are due on February 18, 2011 by 12 noon.) ([Staff Presentation](#))

- [Comment Letters](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Permit with changes proposed by Staff in [Change Sheet #1](#) and proposed by Board Members.

**Seconded by:** Member Russell

**MOTION CARRIED:** ([Water Quality Order 2011-0003-DWQ](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*David Bolland, Association of California Water Agencies  
Michael Blankinship, Association of California Water Agencies  
Mik Skvarla, California Council for Environmental and Economic Balance*

8. Consideration of Adoption of the General National Pollutant Discharge Elimination System Permit for Biological and Residual Discharges to Waters of the United States from [Pesticide Spray Applications](#) (Spray Applications Permit). (Written comments were due on December 16, 2010 by 12 noon. Additional comments addressing only the changes from the version of the draft permit released on September 30, 2010 are due on February 18, 2011 by 12 noon.) ([Staff Presentation](#))

- [Comment Letters](#)

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Permit with changes proposed by Staff in [Change Sheet #1](#) and proposed by Board Members.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Water Quality Order 2011-0004-DWQ](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*Michele Dias, California Department of Food & Agriculture  
Victoria Hornbaker, California Department of Food & Agriculture*

9. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region to: (1) remove the Shellfish Harvesting beneficial use for [San Lorenzo River Estuary](#); (2) add the San Lorenzo River Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition; and (3) establish Total Maximum Daily Loads for pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. *(Written comments were due on January 6, 2011 by 12 noon.)* ([Staff Presentation](#))

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

**Seconded by:** Chairman Hoppin

**MOTION CARRIED:** ([Resolution 2011-0010](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

## **DIVISION OF WATER RIGHTS**

10. Consideration of proposed Water Right Applications 30358A and 30358B of [Woodland-Davis Clean Water Agency](#) for Diversion from the Sacramento River in Yolo County. *(Written comments are due on February 22, 2011 by 12 noon.)*

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

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Water Right Application with changes proposed by Staff in Change Sheet #1 and recommendations proposed by Member Russell.

**Seconded by:** Member Russell.

**MOTION CARRIED:** ([Water Rights Decision 1650](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

### **Commenters**

*Alan Lily, Woodland-Davis Clean Water Agency*

*Chris Shutes, California Sportfishing Protection Alliance*

11. Consideration of a proposed Order denying Petition for Reconsideration of Water Quality Certification for the [Lake Elsinore Advanced Pumped Storage Project](#).

- [Comment Letters](#)

**Motion:** Member Russell moved to adopt the proposed Order.

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

**MOTION CARRIED:** ([Water Quality Order 2011-0005](#))

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Commenters**

*Chris Amantea, The Nevada Hydro Company ([Presentation](#))*

*David Kates, The Nevada Hydro Company*

*Rex Wait, The Nevada Hydro Company*

**INFORMATIONAL ITEM**

12. Discussion of Board Member priorities and next steps concerning Strategic Plan.

**Deferred to a future Board Meeting**

**ADJOURNED**

The Board Meeting adjourned at 5:30 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 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 decision to be reached pertaining to water right applications owned by the Woodland-Davis Clean Water Agency. These applications are the subject of an evidentiary hearing before hearing officers of the Board.

**The Board did not meet in Closed Session on these Items.**

**IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on February 22, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on February 22, 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](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**3/1/2011 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](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.