Copies of the resolutions and water quality order can be obtained by calling (916) 341-5602 or downloading from our website.

CALL TO ORDER
Tam M. Doduc, Chair called the meeting to order on December 9, 2005 at 10:07 a.m. in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT
Tam M. Doduc, Arthur G. Baggett, Jr., Richard Katz, and Gerald D. Secundy

BOARD MEMBERS ABSENT
None

STAFF PRESENT
Celeste Cantú, Executive Director
Tom Howard, Deputy Director
Beth Jines, Acting Deputy Director
Bill Rukeyser, Office of Public Affairs
Liz Kanter, Office of Public Affairs
Chris Davis, Office of Public Affairs
James Giannopoulos, Division of Water Quality
Stan Martinson, Division of Water Quality
John Ladd, Division of Water Quality
Ken Harris, Division of Water Quality
Val Connor, Division of Water Quality
Mary Tappel, Division of Water Quality
Walt Shannon, Division of Water Quality
Todd Thompson, Division of Water Quality
Danny Merkeley, Division of Water Quality
Michael Lauffer, Chief Counsel
Selica Potter, Acting Clerk to the Board
Carmencita Sannebeck, Asst. Clerk to the Board
Lori Okun, Office of Chief Counsel
Michael Levy, Office of Chief Counsel
Ann Hartridge, Office of Chief Counsel
Tedd Cobb, Office of Chief Counsel
Marleigh Wood, Office of Chief Counsel
Vicky Whitney, Office of Chief Counsel
Darrin Polhemus, Division of Financial Assistance
Sharon Norton, Division of Water Rights
Rob Egel, Office of Legislative Affairs
Janis Lee, Office of Legislative Affairs

PUBLIC FORUM
Richard Margetson, resident of Los Osos: Alleged a conflict of interest with Staff Counsel, Lori Okun.

Board Chair Doduc stated that this matter is before the Central Coast Regional Board.

State Water Board Chief Counsel, Michael A.M. Lauffer said that if the matter is pending before the regional board, then this is something that cannot be heard in the Public Forum. Mr. Lauffer continued saying if this type of allegation is being made, then it is not something that would concern the propriety of the proceeding before the State Water Board and Mr. Margetson can raise the concern during the regional board hearing or file a letter with the State Water Board Chief Counsel. Mr. Lauffer followed-up saying that, as described, the conflict being alleged is not inappropriate. He continued by noting that the Regional Board staff is in the process of

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executing with Ms. Okun as the prosecutor creating a uniformity of interest that would made it appropriate for her to be present and make comments.

Lisa Schicker, President, Los Osos Community Services District: Central Coast Regional Board Member Jeff Young instructed Ms. Schicker to register her complaint to the State Water Board. On December 1-2, 2005, Ms. Schicker attended as a subpoenaed witness at the hearing.

**Commenters**
Rick Rempel, Rempel Consulting Incorporated
Curtis Quinones
Lisa Schicker, Los Osos Community Services District

**EXECUTIVE REPORT**
Chief Deputy Director, Tom Howard, gave a presentation of report titled *Role of Science and Engineering in Decision-Making within California's State and Regional Water Boards* - September 2005.

**BOARD MEETING**

**FINANCIAL ASSISTANCE**
1. Withdrawal of funding for the Los Osos Community Services District Wastewater, Collection, Treatment, and Disposal Project State Revolving Fund Loan Project No. C-06-4014-110

Before hearing the staff presentation, Board Chair Doduc had commenters and staff that wish to comment on substance or factual basis on this matter take an oath. Ms. Doduc also reminded the audience that this item is not an adjudicative proceeding and the Board is not considering the rights, duties or obligations of the Los Osos Community Services District. The Board, as a lender, is considering whether to reallocate loan funds it has made available to the District.

Darrin Polhemus, Division of Financial Assistance, presented a summary on the item to the Board. The staff recommended the Board withdrawal the loan commitment for Los Osos and noted that by the Board taking that action, this does not terminate the loan contract, but will withdrawal the funding available to it by the reasons below:

- November 16, 2005 the State Water Board adopted a resolution 2005-0083 that specified conditions on which the Board would reconsider the loan for Los Osos
- November 23, 2005 the District notified the State Water Board by letter that the Los Osos Community Services Districts resolution 2005-49 has declined the loan.

**Commenters**
Richard Margetson
Al Barrow
Jack Hunter
Alon Perlman

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Dr. G. Fred Lee
Lisa Schicker, Los Osos CSD
Dan Bleskey, Los Osos CSD
Lori Okun, Central Coast Regional Board

Motion: Member Katz moved to adopt the proposed resolution.
Seconded by: Vice-Chair Secundy
MOTION CARRIED (Resolution No. 2005-0088)

Aye: Board Chair Doduc
     Vice Chair Secundy
     Member Katz
     Member Baggett

No: None

WATER RIGHTS
2. Consideration of a draft order for revocation of water right permit 20247
   (application 28669) of Michael L. and Knox P. Miller, Powerhouse Canal, Mendocino County

Motion: Vice Chair Secundy moved to adopt the draft order.
Seconded by: Member Baggett
MOTION CARRIED (Water Rights Order 2005-0026)

Aye: Board Chair Doduc
     Vice Chair Secundy
     Member Katz
     Member Baggett

No: None

WORKSHOP

INFORMATIONAL ITEMS
1. Discussion of the preliminary recommendations from the external Scientific Planning and Review Committee (SPARC) regarding the Surface Water Ambient Monitoring Program (SWAMP)

Valerie Conner, Senior Environmental Scientist, Division of Water Quality, presented the item to the Board. (Ms. Connor is the Coordinator of the Surface Water Ambient Monitoring Program, known as SWAMP.) Ms. Connor stated that the purpose of this item is to brief the Board on the preliminary findings from our ongoing external scientific review. Staff has been working with an external panel, the Scientific Planning and Review Committee (SPARC).

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Ms. Connor said SWAMP was initiated in F.Y. 2000-2001 in response to AB 982, which directed the Water Boards to design and implement a comprehensive water quality-monitoring program. The legislature asked that the program be comprehensive—addressing all waterbodies and all beneficial uses—and the ambient water quality data collected by the Water Boards be coordinated, of high quality, comparable, and easily accessible to the public.

Ms. Connor continued saying in a Report to the Legislature, the staff proposed a comprehensive monitoring program and requested $59 to $115 million annually, and 87 to 132 additional staff positions. Currently the program has received $3.4 million in contract funds and has 17 positions.

Ms. Connor stated that the existing goals in the Legislative Reports do not match the fiscal reality or the current program. SWAMP is developing realistic short-term objectives, or priorities, and a longer-term implementation strategy. They developed and are implementing, the 10-year Strategy consistent with new federal guidance on states monitoring and assessment programs. EPA has accepted the strategy that includes the 10 elements necessary for a science-based monitoring and assessment program. One of the elements is programmatic evaluation.

Ms. Connor said the SWAMP Program, in consultation with the SPARC (Dr. Steve Weisberg, the executive director of SCCWRP, is coordinating the SPARC process.), is conducting the second external review. This involves evaluating both the state and regional monitoring programs to determine how well each element is being addressed. A critical part of the review is determining how to incorporate recommended changes into the Program.

Ms. Connor concluded her presentation and introduced Dr. Brock Bernstein, the spokesperson for the SPARC, to present SPARC’s preliminary findings and recommendations.

After the presentation, Board Chair Doduc thanked Dr. Bernstein for providing the information and said the Board is looking forward to getting more details from the SPARC and staff recommendations and responses from the staff with milestones in terms of implementing and responding to the SPARC recommendation. Ms. Doduc also took notice that this will be brought back to the Board in April and said she preferred the item be brought back before the report and the staff’s response to that report is finalized.

**Commenters**

Harold Singer, Lahontan Regional Board  
John Turner, Department of Fish & Game  
Rich Breuer, DWR – IEP & EMP Programs  
Sam Harader, California Bay-Delta Program  
Maria Rea, USEPA Region 9  
Linda Sheehan, California Coastkeeper Alliance  
Mark Gold, Health the Bay  
Dave Paradies, The Bay Foundation  
Chris Coburn, Monterey Bay Natural Marine Sanctuary

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2. Discussion of the development of statewide regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS)

Board Chair Doduc is eager to hear from staff on the status on this effort especially after the scoping sessions that were conducted earlier this year, during which three Board members participated in those meetings.

James Giannopoulos, Division of Water Quality presented the item to the Board with an electronic presentation on Onsite Wastewater Treatment Systems.

Commenters
Justin Malan, CCDEH
Jim Pedri, Central Valley Regional Board
Terry Schmidt Bauer, California Conference of Directors of Environmental Health
Mark Gold, Heal the Bay
Susan Cloke, Los Angeles Regional Board
Hillary Hanser, Heal the Ocean
Carrie McNeil, Deltakeeper Chapter 7 Baykeeper
Linda Sheehan, California Coastkeeper Alliance
Karen Keene, California State Association of Counties
Brent Harrington, Regional Council of Rural Counties
Richard Wagner, Los Angeles County
Ernest Perry, County of Del Norte
Darrell Siegrist, CCDEH/VCEHD
Robert Gallagher, Ventura County Environmental Health Division/CCDEH
Jim Smith, Shasta County EHD
Ted Walke, California Environmental Health Association
John Ricker, County of Santa Cruz
Doug Ames, Lassen, Modoc, Sierra Counties
Vicki Ramsey, Placer County Environmental Health
Paul Donoho, Yuba County
Don Holm, Glenn County Environmental Health
David Conway, Mariposa County Health Department
David Dauwalder, COWA/Private Design Firm
Steven Braband, COWA
Norm Hantzsch, COWA
Greg Stanton, El Dorado County Environmental Management

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STATE WATER BOARD
BOARD MEETING MINUTES
December 9, 2005

Vance Severin, Butte County Public Health Department
Armando Alegria, Marin County EH
Colleen Fernald, IWS, Granton Community Projects
Robert Rawson, IWS Corp.
Corrine Gray, Geology Board
Bob Feinbaur, Hydro Nova
Elizabeth Brode, California Association of Realtors
Alisha Deen, Env. Justice Coalition for Water
Sharon Schifferns, Sutter County
Tom Lambert, County of San Diego Environmental Health
Jan Hill, Sutter County
Richard LeWarne, Monterey County

ADJOURNED
Tam M. Doduc, Board Chair, adjourned the meeting at 3:52 pm.

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