

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
March 18, 2008

Copies of the resolutions and water quality order can be obtained by calling (916) 341-5600 or downloading from our [Website](#)

CALL TO ORDER

Chair Tam Doduc called the meeting to order on March 18, 2008 at 10:00 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Tam Doduc, Chair; Gary Wolff, P.E., Ph.D., Vice Chair; Member; Arthur G. Baggett, Jr., Member; Charlie Hoppin, Member; Frances Spivy-Weber, Member

STAFF PRESENT

Tom Howard, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Michael Lauffer, Chief Counsel
Sheila Vassey, Office of Chief Counsel
James Herink, Office of Chief Counsel
Ted Cobb, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Alex Mayer, Office of Chief Counsel
Anne Hartridge, Office of Chief Counsel
Lori Brock, Office of Chief Counsel
Marianna Aue, Office of Chief Counsel
Bill Rukeyser, Office of Public Affairs
Kathie Smith, Office of Public Affairs
Judie Panneton, Office of Public Affairs
Dave Clegern, Office of Public Affairs

Jeanine Townsend, Clerk of the Board
Deborah Bourgeois, Executive Office
Claudia Villacorta, Division of Financial Assistance
Allan Patton, Division of Financial Assistance
Ken Harris, Division of Water Quality
Mitchell Goode, Division of Water Quality
Chris Beegan, Division of Water Quality
Gordon Innes, Division of Water Quality
Darrin Polhemus, Division of Water Quality
Liz Haven, Division of Water Quality
Joanna Jensen, Division of Water Quality
Les Grober, Division of Water Rights
Jean McCue, Division of Water Rights
Ernie Mona, Division of Water Rights
Reed Sato, Office of Enforcement
Gita Kapahi, Office of Public Participation

ANNOUNCEMENT

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

PUBLIC FORUM

None

BOARD BUSINESS

1. The Board will consider adoption of the February 5 & 19, 2008 board meeting minutes.

Motion: Member Spivy-Weber moved to adopt the February 5 & 19, 2008 board meeting minutes.

Seconded by: Chair Doduc

MOTION CARRIED ([2/05/08](#) & [2/19/08](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

2. Board Member Report

- ❖ *Vice Chair Wolff spoke about his visit to the Region 2 Meeting on Municipal Regional Storm Water Permit. He felt the focus of the meeting was on cost.*

UNCONTESTED ITEM (Items 3-6)*

- *3. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) to determine that certain beneficial uses are not applicable and establish water quality objectives for mercury in [Sulphur Creek](#), Colusa County. (Written comments were due on February 29, 2008 by 12 p.m.)

Motion: Vice Chair Wolff moved to adopt the proposed resolution.

Seconded by: Member Hoppin

MOTION CARRIED ([Resolution 2008-0015](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *4. Consideration of a Resolution for Clean Water State Revolving Fund (SRF); State Fiscal year (SFY) 2007/2008 [Intended Use Plan \(IUP\)](#) and Federal Fiscal Year (FFY) 2008 federal capitalization grant acceptance.

Motion: Vice Chair Wolff moved to adopt the proposed resolution.

Seconded by: Member Hoppin

MOTION CARRIED ([Resolution 2008-0016](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *5. Consideration of a Resolution approving a State Revolving Fund (SRF) Financing and Adopting a Statement of Overriding Considerations for the SRF Financing Program and the Integrated Regional Water Management (IRWM) Program for the [City Of Soledad](#) (City) Wastewater Treatment Plant (WWTP) Expansion Project (Project); SRF Project No. C-06-4743-110 and IRWM Agreement No. 07 506-550-0.

Motion: Vice Chair Wolff moved to adopt the proposed resolution.

Seconded by: Member Hoppin

MOTION CARRIED ([Resolution 2008-0017](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

- *6. Consideration of a Resolution to approve \$3 million in Cleanup and Abatement Funds (CAA) to the Santa Ana Regional Water Quality Control Board for a Long-term Remediation Plan and Regional Groundwater Study in the [Rialto Area](#).

Motion: Vice Chair Wolff moved to adopt the proposed resolution.

Seconded by: Member Hoppin

MOTION CARRIED ([Resolution 2008-0018](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

WATER RIGHTS

7. Consideration of a proposed Order to modify three water right permits and approve a long-term water transfer agreement for Yuba County Water Agency. These actions are related to operations under the [Yuba Accord](#) and were the subject of a Water Right Hearing on December 5, 2007. (Written comments are due on March 13, 2008 by 12 p.m.)

After receiving comments, the board met in closed session on this item as authorized by Government Code section 11126, subdivision (c)(3). Upon returning from closed session, this item was deferred until the completion of Item #8 in order to allow staff to circulate an updated errata sheet addressing public comments and board member direction. Upon completion of Item #8, the board continued consideration of this item.

Motion: Member Spivy-Weber moved to adopt the proposed order with errata sheet changes.

Seconded by: Chair Doduc

MOTION CARRIED ([Water Rights Order 2008-0014](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Alan Lilly, Yuba County Water Agency

Chuck Bonham, Trout Unlimited

Clifford Schulz, State Water Contractors

Linus Masouredis, Metropolitan Water District of SoCal

Michael Hoover, U.S. Fish & Wildlife Service

Michael Warburton, Public Trust Alliance

Paul Mivasian, Cordua Irrigation District

Teresa Geimer, Department of Water Resources

Valerie Kincaid, Westlands Water District and San Luis & Delta Mendota Water Authority

8. Consideration of a proposed Order in which the State Water Board issues a Cease and Desist Order and assesses an Administrative Civil Liability against the [Vineyard Club, Inc.](#), for the unauthorized diversion of water in Sonoma County. (Written comments were due on March 11, 2008 by 12 p.m.)

Motion: Member Hoppin moved to adopt the proposed order with errata sheet changes.

Seconded by: Chair Doduc

MOTION CARRIED ([Water Rights Order 2008-0015](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Bert Sandell, Vineyard Club

Jon Schutz, Vineyard Club

Matthew Bullock, State Water Resources Control Board

9. Consideration of a proposed Order in which the State Water Board partially sets aside Order WR 2006-0018-DWR and conditionally approves the [North San Joaquin Water Conservation District's petition to extend the time](#) to complete construction and put water to full beneficial use under Permit 10477 to December 31, 2010. **(Revised: Written comments were due on March 13, 2008 by 5 p.m.)**

Motion: Vice Chair Wolff moved to adopt the proposed order with errata sheet changes.

Seconded by: Chair Doduc

MOTION CARRIED ([Water Rights Order 2008-0016](#))

Aye: Board Chair Doduc
Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: None

Commenters

Bryan Pilkington, General Public

DeeAnne Gillick, North San Joaquin County

John Herrick, South Delta Water Agency

Karna Harrigfeld, North San Joaquin Water Conservation District

Stephen Siproth, Stockton East Water District

10. Consideration of a proposed Order in which the State Water Board issues a [Cease and Desist Order and assesses an Administrative Civil Liability against North San Joaquin Water Conservation District](#), for the unauthorized diversion of water in San Joaquin County.
(Revised: Written comments were due on March 13, 2008 by 5 p.m.)

Motion: Member Baggett moved to adopt the proposed order as amended with Department of Fish & Game, North San Joaquin Water Conservation District, and errata sheet changes.

Seconded by: Member Hoppin

MOTION CARRIED ([Water Rights Order 2008-0017](#))

Aye: Vice Chair Wolff
Member Baggett
Member Spivy-Weber
Member Hoppin

Nay: None

Absent: None

Abstain: Board Chair Doduc

Commenters

*DeeAnne Gillick, North San Joaquin County
John Herrick, South Delta Water Agency
Karna Harrigfeld, North San Joaquin Water Conservation District
Matthew Bullock, State Water Resources Control Board
Nancee Murray, Department of Fish and Game
Stephen Siproth, Stockton East Water District*

The following item and hearings will not occur before 1:00 p.m.

WATER QUALITY

- 11. Consideration of a Resolution supporting development of a policy to protect [wetlands and riparian areas](#) to restore and maintain the water quality and beneficial uses of waters of the state.
(Written comments were due on March 5, 2008 by 12 p.m.)

No Action Taken - Deferred to the April 15, 2008 Board Meeting

BOARD HEARINGS

WATER QUALITY

- 12. Consideration of a Resolution adopting a Policy for [compliance schedules](#) in National Pollutant Discharge Elimination System (NPDES) permits and an associated Certified Regulatory Program Environmental Analysis.
(Written comments were due on February 20, 2008 by 12 p.m.)

No Action Taken - Deferred to the April 15, 2008 Board Meeting

Commenters

*Arleen Navarret, Bay Area Clean Water Agencies/San Francisco PUC
Art O'Brien, City of Roseville
Beverly James, Novato Sanitary District
Christopher Sproul, California Coastkeeper Alliance/S.F. Baykeeper/Humboldt Baykeeper
Craig Johns, Partnership for Sound Science in Environmental Policy
Dan Carlson, City of Santa Rosa
Debbie Webster, Central Valley Clean Water Association
Doug Eberhardt, U.S. EPA
Jim Colston, Tri-TAC
John Pastore, Southern California Alliance of So. Cal POTWS
Keith Smith, City of Davis
Kevin Buchan, Western States Petroleum Association
Kirsten James, Heal the Bay
Linda Sheehan, California Coastkeeper Alliance
Michael Abramson, Napa Sanitation District
Monica Oakley, Oakley Water Strategies
Nichole Baker, California Water Environment Association
Nicole Granquist, General Public
Peter McGaw, Mirant California, Inc.
Roberta Larson, California Association of Sanitation Agencies
Rodney Andersen, City of Burbank Public Works
Sharon Green, Sanitation Districts of Los Angeles County
Terrie Mitchell, Sacramento Regional County Sanitation District*

13. Consideration of a Resolution adopting a proposed [Recycled Water Policy](#) and an associated Certified Regulatory Program Environmental Analysis. (Written comments were due on March 10, 2008 by 12 p.m.)

No Action Taken - Deferred to a future Board Meeting

Commenters

Linda Sheehan, ACWA/CASA/WateReuse/Coastkeeper/Heal the Bay/PCL

Martha Davis, ACWA/CASA/WateReuse/Coastkeeper/Heal the Bay/PCL

David Aladjem, ACWA/CASA/WateReuse/Coastkeeper/Heal the Bay/PCL

Roberta Larson, ACWA/CASA/WateReuse/Coastkeeper/Heal the Bay/PCL

Gus Dembegiotes, City of Los Angeles

To be held in Conference Room 230

14. Consideration of State Water Board priorities and member assignments for upcoming year.
(No Action will be taken on this item)

This item was continued to a future board meeting.

CLOSED SESSION ITEMS

Closed Sessions are not open to the public

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, subd. (a)(1).)

WATER RIGHTS (These are authorized under Government Code section 11126(c)(3). These items will be considered separately during either the open session of this meeting or at a future meeting. Interested parties will be notified of the exact times, dates and locations.)

- The Board will meet in closed session to deliberate on a proposed order following a hearing on Yuba County Water Agency's petition to modify flow-related conditions imposed on its water right permits in Decision 1644 and petition for long-term transfer of water, both related to the lower Yuba River Accord.
- The Board will meet in closed session to deliberate on a proposed order following a hearing regarding a draft Cease and Desist Order and Administrative Civil Liability Complaint against the Vineyard Club, Inc., for an alleged unauthorized diversion from Oak Flat Creek, tributary to Gill Creek thence Russian River in Sonoma County.
- The Board will meet in closed session to deliberate on a proposed order following a hearing regarding a draft Cease and Desist Order and Administrative Civil Liability Complaint against North San Joaquin Water Conservation District regarding alleged violation of the District's water right permit authorizing diversion of water from the Mokelumne River in San Joaquin County.
- The Board will meet in closed session to deliberate on a proposed order following a hearing regarding North San Joaquin Water Conservation District's petition to extend the time schedule to develop the project, which is set forth as permit conditions in the District's water right permit that authorizes diversion of water from the Mokelumne River in San Joaquin County.
- The Board will meet in closed session to deliberate on a proposed order following a hearing on the City of Riverside's Waste Water Change Petition WW-0045 and water right Application 031372 on the Santa Ana River in Riverside County.

ADJOURNED

The Board Meeting adjourned at 5:35 p.m.

ⁱ The adopted resolution authorizes the expenditure of \$ 3,000,000 from the Cleanup and Abatement Account to the Santa Ana Regional Water Quality Control Board to develop a long-term remediation plan and complete a regional groundwater study of perchlorate contamination in the area of Rialto, California.

On February 7, 2007, the State Water Board notified the public and interested persons of its intention to hold a public hearing regarding the perchlorate investigation and remediation in Rialto and to consider adopting an order that might require potentially responsible parties to take actions, including investigation and cleanup. (State Water Board File A-1824.) That hearing has been stayed by the Los Angeles Superior Court. The resolution does not address the roles or responsibilities of any potential dischargers of perchlorate in the Rialto area. It is limited to the use of monies from the Cleanup and Abatement Account for the purposes of developing a long-term remediation plan and completing a regional groundwater study. Under the terms of the resolution, no money may be expended until the State Water Board Deputy Director for the Division of Financial Assistance—who is not and has not advised the State Water Board on File A-1824 since July of 2007—approves a detailed scope of work for these activities.

Because the State Water Board intends to conduct a hearing when the Superior Court lifts the stay, it is imperative that the prohibition against ex parte communications regarding the matters addressed in File A-1824 remain in place. Comments on the draft resolution were only accepted in writing, consistent with the State Water Board agenda for the meeting, or orally during the public meeting. No comments, oral or written, were received on this item.