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/.

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, 2nd 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 Tryvocich, 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 Ochenduszko, 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
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


- 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
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)

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| 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)

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| 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. 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

* 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.