

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
OCTOBER 16, 2012**

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 October 16, 2012 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 Steven Moore; Member Felicia Marcus

STAFF PRESENT

Tom Howard, Executive Director
Michael Lauffer, Chief Counsel
Jonathan Bishop, Chief Deputy Director
Phil Wyels, Office of Chief Counsel
Andy Sawyer, Office of Chief Counsel
Marianna Aue, Office of Chief Counsel
Dana Heinrich, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
Marleigh Wood, Office of Chief Counsel
Frances McChesney, Office of Chief Counsel
Jim Maughan, Division of Financial Assistance
Scott Couch, Division of Financial Assistance
Liz Haven, Division of Financial Assistance
Cris Carrigan, Office of Enforcement
George Kostyrko, Office of Public Information
Craig Wilson, Office of Delta Watermaster

Caren Trgovcich, Chief Deputy Director
Jeanine Townsend, Clerk to the Board
Gordon Innes, Division of Water Quality
Johanna Weston, Division of Water Quality
Emily Siegel, Division of Water Quality
Rik Rasmussen, Division of Water Quality
Vicky Whitney, Division of Water Quality
Dominic Gregorio, Division of Water Quality
Phil Crader, Division of Water Rights
Ernie Mona, Division of Water Rights
Michael Buckman, Division of Water Rights
Jean McCue, Division of Water Rights
Barbara Evoy, Division of Water Rights
Diane Riddle, Division of Water Rights
Steve Marquez, Division of Water Rights
Shanta Keeling, Central Coast Regional Water Board
Chris Rose, Central Coast Regional Water Board

ANNOUNCEMENT

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

PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS

- ❖ *Cris Carrigan, Director of Office of Enforcement presented the Sustained Superior Accomplishment Award to the UST Fraud Prevention Team consisting of Kim Sellards, Lola Mello and Karen Stripling*

BOARD MEETING

Public comments on agenda items will be limited to 5 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.

None

BOARD BUSINESS

1. The Board will consider adoption of the September 19, 2012 & October 3, 2012 Board Meeting minutes.

Motion: Chairman Hoppin moved to adopt the proposed minutes.

Seconded by: Member Marcus

MOTION CARRIED: ([September 19, 2012](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

MOTION CARRIED: ([October 3, 2012](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: Member Doduc

2. Board Member Report.

None

UNCONTESTED ITEMS* (Items 3-6)

- *3. Consideration of a proposed Resolution to amend the Water Quality Control Plan for the [Santa Ana Region to incorporate organochlorine compounds total maximum daily loads \(TMDLs\) for San Diego Creek, Upper and Lower Newport Bay, Orange County, California](#). *(Written comments were due on August 2, 2012 by 12 noon.)*

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0051](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

- *4. Consideration of a proposed Resolution to allocate \$750,620 from the Cleanup and Abatement Account to Placer County Department of Public Works for the [Snow Creek Restoration Project](#).

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0052](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

- *5. Consideration of a proposed Resolution to allocate \$2,000,000 from the Cleanup and Abatement Account to the [California Department of Public Health to provide interim replacement drinking water to severely disadvantaged communities.](#)

- [Change Sheet #1](#)

Motion: Member Doduc moved to adopt the proposed Resolution with changes from Change Sheet #1.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0053](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

- *6. Consideration of a proposed Resolution authorizing the [Executive Director or designee to enter into and amend interagency agreements and contracts to develop and conduct training at various locations within the state.](#)

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0054](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

CENTRAL COAST REGIONAL WATER BOARD

7. Consideration of a proposed Resolution to approve amendments to the Water Quality Control Plan for the Central Coast Region to: [\(1\) Adopt Total Maximum Daily Loads for Fecal Indicator Bacteria in the Santa Maria River Watershed and \(2\) Add the Santa Maria River Watershed \(including the Oso Flaco subwatershed\) to the Domestic Animal Waste Discharge Prohibition.](#) ([Written comments](#) were due on August 20, 2012 by 12 noon.) ([Staff Presentation](#))

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

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0055](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Member Doduc did not participate in this item.

Commenters

Shawn Hagerty, City of Santa Maria

INFORMATIONAL ITEM

8. [Science Advisory Panel Report on Monitoring Constituents of Emerging Concern in Aquatic Ecosystems.](#)

❖ *Gordon Innes with the Division of Water Quality and Keith Maruya with the Southern California Coastal Water Research Project made the [presentation](#) to the Board.*

Commenters

*Phil Friess, California Association of Sanitation Agencies /Tri-TAC
Brenda Adelman, Russian River Watershed Protection Committee
Michael Garabedian, Friends of the North Fork*

DIVISION OF WATER QUALITY

PUBLIC HEARING – ITEM 9 ONLY

9. Consideration of a proposed Resolution adopting an amendment to the [Recycled Water Policy Concerning Monitoring Requirements for Constituents of Emerging Concern](#). (*Written comments were due on October 9, 2012 by 12 noon.*)

No Action Taken – Deferred to a future Board Meeting.

Commenters

*Sara Arce, Assemblymember Das Williams
Sara Amiazadeh, California Coastkeeper Alliance
Sarah Sikich, Heal the Bay
Brenda Adelman, Russian River Watershed Protection Committee
Beth Olhasso, Santa Ana Watershed Project Authority
Michael Garabedian, Friends of the North Fork
Martha Davis, WateReuse Association*

10. Consideration of a proposed Resolution to amend the California Ocean Plan addressing the implementation of State Water Board Resolutions 2010-0057 and 2011-0013 for [State Water Quality Protection Areas and Marine Protected Areas](#). (*Written comments were due on August 31, 2012 by 12 noon.*) ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Resolution with changes proposed at Board Meeting.

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0056](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

*Grace Chan, Sanitation Districts of Los Angeles County
Sara Amiazadeh, California Coastkeeper Alliance
Sarah Sikich, Heal the Bay
Joe Geever, Surfrider Foundation
Phil Friess, Sanitation Districts of Los Angeles County
Robert Lucas, California Council of Environmental and Economic Balance*

11. Consideration of a proposed Resolution adopting the amendments to the [California Ocean Plan, related to model monitoring, vessel discharges, and non-substantive changes](#). (*Written comments were due on August 31, 2012 by 12 noon.*) ([Staff Presentation](#))

Motion: Chairman Hoppin moved to adopt the proposed Resolution with changes proposed by staff.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0057](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Phil Friess, Sanitation Districts of Los Angeles County

Sarah Sikich, Heal the Bay

Items 12 through 15 will not be heard until after 1:00 p.m.

DIVISION OF WATER RIGHTS

12. Consideration of a draft Decision pertaining to the United States Bureau of Reclamation's water right Applications 31487 and 31488 and petitions to change License 3723 (Application 5169) of Washoe County Water Conservation District, License 4196 (Application 9247) of Truckee Meadows Water Authority, and Permit 11605 (Application 15673) and License 10180 (Application 18006) of the United States Bureau of Reclamation in the [Truckee River Watershed in Sierra and Nevada Counties](#). (*Written comments on the July 18, 2012 draft decision were due on [August 30, 2012](#) by 12 noon. Written comments on the strikeout/underline changes in the September 25, 2012 revised draft decision were due on [October 8, 2012](#) by 12 noon.*)

- [Change Sheet #1](#)

Motion: Chairman Hoppin moved to adopt the proposed Decision with changes proposed in Change Sheet #1.

Seconded by: Member Doduc

MOTION CARRIED: ([Water Rights Decision No. 1651](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

Gordon Depaoli, Truckee Meadows Water Authority

13. Consideration of a proposed order declining to issue a cease and desist order to [Mark and Valla Dunkel](#) regarding the diversion or use of water from the Middle River in San Joaquin County. ([Written comments were due on October 4, 2012 by 12 noon.](#))

- [Change Sheet #1](#)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Order with changes proposed in Change Sheet #1.

Seconded by: Member Doduc

MOTION CARRIED: ([Water Rights Order No. 2012-0016](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

Commenters

John Herrick, Representing Mark & Valla Dunkel

Dean Ruiz, Central Delta Water Agency & South Delta Water Agency

Valerie Kincaid, Modesto Irrigation District

Jon Rubin, San Luis & Delta Mendota Water Authority

OFFICE OF CHIEF COUNSEL

14. Consideration of a proposed Resolution to [set aside Resolution No. 2010-0021, which adopted a Policy for Maintaining Instream Flows in Northern California Coast Streams and certified compliance with the California Environmental Quality Act, in order to comply with a writ of mandate issued in Living Rivers Council v. State Water Resources Control Board](#) (Super. Ct. Alameda County, 2012, No. RG10-543923).

- [Change Sheet #1](#)

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

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2012-0058](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member Marcus

Nay: None

Absent: None

Abstain: None

INFORMATIONAL ITEM

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

No Action Taken

ADJOURNMENT

The Board adjourned at 3:30 p.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 decision pertaining to a Draft Cease and Desist Order issued to Mark and Valla Dunkel for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water - Middle River in San Joaquin County. This closed session is 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 the July 2010 hearing concerning the United States Bureau of Reclamation's water right Applications 31487 and 31488 and petitions to change License 3723 (Application 5169) of Washoe County Water Conservation District, License 4196 (Application 9247) of Truckee Meadows Water Authority, and Permit 11605 (Application 15673) and License 10180 (Application 18006) of the United States Bureau of Reclamation in the Truckee River Watershed in Sierra and Nevada Counties. This closed session is authorized under Government Code section 11126, subdivision (c)(3).

OFFICE OF CHIEF COUNSEL

The Board will meet in closed session to discuss the status of and receive legal advice concerning GenOn Energy Inc., et al., v. State Water Resources Control Board, et al., Sacramento Superior Court, Case No. 34-2010-CV-8000701. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board did not meet in Closed Session on any of the above Items.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on October 11, 2012, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on October 11, 2012, 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, "**10/16/12 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.