



**STATE WATER BOARD**  
**BOARD MEETING/HEARING**  
Tuesday, October 16, 2012 – 9:00 a.m.  
Coastal Hearing Room – Second Floor  
Joe Serna Jr. - Cal/EPA Building  
1001 I Street, Sacramento

### **DECLARATION OF A QUORUM**

Charles R. Hoppin, Chairman; Frances Spivy-Weber, Vice Chair; Tam M. Doduc, Member; Steven Moore, Member; Felicia Marcus, Member

### **BOARD MEETING**

*Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chair*

### **PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS**

### **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.

### **BOARD BUSINESS**

1. The Board will consider adoption of the September 19, 2012 and October 3, 2012 Board Meeting minutes.
2. Board Member Report.

### **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.)
- \*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.](#)
- \*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](#)

- \*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.](#)

### **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.)

### **INFORMATIONAL ITEM**

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

### **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](#) are due on October 9, 2012 by 12 noon.)
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.)
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.)

**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 are due on October 8, 2012 by 12 noon.](#))
- [Change Sheet #1](#)

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](#)

#### **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](#)

#### **INFORMATIONAL ITEM**

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

## **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-80000701. (This closed session is authorized under Government Code section 11126, subdivision (e).)

#### **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](mailto: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](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.