



STATE WATER RESOURCES CONTROL BOARD BOARD MEETING

Tuesday, October 5, 2021 – 9:00 a.m.
Via-Video and Teleconference Only

No Physical Meeting Location

(Authorized by Government Code section 11133)

Video and Teleconference Meeting During COVID-19 Emergency: As a result of the COVID-19 emergency and as authorized by Government Code section 11133, this meeting will occur solely via remote presence.

- *For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.*
- *For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting platform is available here: https://www.waterboards.ca.gov/board_info/remote_meeting/*

DECLARATION OF A QUORUM

E. Joaquin Esquivel, Chair; Dorene D’Adamo, Vice Chair; Sean Maguire, Member; Laurel Firestone, Member; Nichole Morgan, 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 SUPERIOR ACCOMPLISHMENT AWARDS

PUBLIC FORUM

(Approximately 30 minutes at the beginning of Board Meeting and any remaining speakers at the call of the Chair)

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Resources Control Board’s jurisdiction provided the matter is not on the agenda or pending before the State Water Board or any California Regional Water Quality Control Board.

BOARD BUSINESS

1. The Board will consider adoption of the September 21-22, 2021 Board Meeting minutes.

UNCONTESTED ITEMS* (ITEMS 2-3)

- *2. Consideration of a proposed Resolution authorizing the Executive Director or designee to enter into or amend contracts within Bay-Delta contract allocations.
 - [Agenda Item](#)
 - [Draft Resolution](#)
- *3. Consideration of a Proposed Order imposing Administrative Civil Liability on E W Merritt Farms Gp for failure to timely file annual licensee report for water-right License 4995 (Application 12288) for 2019 diversions and use.
 - [Agenda Item](#)
 - [Proposed Order](#)

INFORMATIONAL ITEMS

4. Drought Update.
5. Update on Current Hydrologic Conditions.

ADMINISTRATIVE HEARINGS OFFICE

6. Consideration of proposed Order prepared by the Administrative Hearings Office on the draft cease-and-desist order and administrative civil liability complaint issued by the Division of Water Rights Enforcement Section against Respondent Kevin Gonzalves for unauthorized diversions of water from Canal Creek in Merced County.
 - [Agenda Item](#)
 - [Proposed Order](#)
 - [Change Sheet #1](#)
 - [Change Sheet #2](#)
 - [Change Sheet #3](#)
 - [Change Sheet #4](#)

DIVISION OF WATER QUALITY

7. Consideration of a proposed Resolution rescinding the December 1, 2020, establishment of Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California and confirming that the “Toxicity Provisions” were adopted as State Policy for Water Quality Control for all waters of the State.
 - [Agenda Item](#)
 - [Draft Resolution](#)
 - Written Comments (due by 12 noon on July 27, 2021)
 - [Response to Comments – Revised \(9/30/21\)](#)

INFORMATIONAL ITEMS

8. Central Valley Water Board Irrigated Lands Regulatory Program Update on Implementation of Order WQ 2018-0002.
 - [Agenda Item](#)
9. Office of the Delta Watermaster: Periodic Report.
 - [Agenda Item](#)

CLOSED SESSION

Closed Sessions are not open to the Public

ADMINISTRATIVE HEARINGS OFFICE

- The Board may meet in closed session to deliberate on a proposed Administrative Civil Liability Order against E W Merritt Farms Gp concerning failure to file timely its annual diversion and use statement for 2019 under water-right License 4995 (Application 12288). This closed session is authorized under Government Code section 11126, subdivision (c)(3).
- The Board may meet in closed session to deliberate on the proposed order prepared by the Administrative Hearings Office on the draft cease-and-desist order and administrative civil liability complaint issued by the Division of Water Rights Enforcement Section against Kevin Gonzalves for unauthorized diversions of water from Canal Creek in Merced County. This closed session is authorized under Government Code section 11126, subdivision (c)(3)

OFFICE OF CHIEF COUNSEL

The Board may meet in closed session to confer with or receive advice from its legal counsel regarding *Banta-Carbona Irrigation District et al. v. State Water Resources Control Board et al.* (Super. Ct. Sacramento County, No. 34-2021-80003718-CU-WM-GDS), *Central Delta Water Agency et al. v. State Water Resources Control Board et al.* (Super. Ct. Sacramento County, No. 34-2021-80003720-CU-WM-GDS), *San Joaquin Tributaries Authority v. State Water Resources Control Board* (Super. Ct. Fresno County, No. 21CECGO2632), and *Merced Irrigation District v. State Water Resources Control Board et al.* (Super. Ct. Fresno County, No. 21CECGO2632)). This closed session is authorized under Government Code section 11126, subdivision (e)(1).

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments **must be received by 12:00 p.m. on September 30, 2021 and will not be accepted after that time.**

Submittal of electronic Powerpoint presentations **must be received by 12:00 p.m. on September 30, 2021 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, **10/05/2021 BOARD MEETING– ITEM # (fill in bolded subject from appropriate item)**. If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

If you would like to request a copy of public comments submitted on an agenda item, please send a request to commentletters@waterboards.ca.gov, identifying the Board meeting date, and agenda item by name and number.

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: <https://video.calepa.ca.gov/>. An alternate live-stream broadcast will also be available at: <https://www.youtube.com/user/BoardWebSupport/>

Individuals who require special accommodations are requested to contact the Clerk to the Board, (916) 341-5600.