

**STATE WATER BOARD**  
**BOARD MEETING MINUTES**  
December 4, 2007

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 December 4, 2007 at 10:04 a.m. in the Sierra Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

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

**STAFF PRESENT**

Dorothy Rice, Executive Director  
Michael Lauffer, Chief Counsel  
Sheila Vassey, Office of Chief Counsel  
James Herink, Office of Chief Counsel  
Steve Blum, Office of Chief Counsel  
Erin Mahaney, Office of Chief Counsel  
Gita Kapahi, Division of Water Rights  
Vicky Whitney, Division of Water Rights  
Jim Kassel, Division of Water Rights  
Les Grober, Division of Water Rights  
Diane Riddle, Division of Water Rights

Tom Howard, Chief Deputy Director  
Jeanine Townsend, Acting Clerk of the Board  
Jim Maughan, Division of Financial Assistance  
Barbara Evoy, Division of Financial Assistance  
Claudia Villacorta, Division of Financial Assistance  
Leslie Laudon, Division of Financial Assistance  
Esteban Almanza, Division of Administrative Services  
Liz Kanter, Office of Public Affairs  
Darrin Polhemus, Division of Water Quality  
Nick Martorano, Division of Water Quality  
Nirmal Sandhar, Division of Water Quality

**ANNOUNCEMENT**

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

**CUSTOMER SERVICE AWARD**

- *Barbara Evoy, Deputy Director of the Division of Financial Assistance (DFA) presented a Customer Service Award to Ms. Kimberly Gossen*

**PUBLIC FORUM**

**Commenters**

Michael Warburton, Public Trust Alliance

Scott Sommer, City of Rialto

*The Chair did not allow Mr. Sommer to speak because the subject of his comment concerned a pending adjudicative proceeding.*

**BOARD BUSINESS**

1. The Board will consider adoption of the November 6, 2007 board meeting minutes.

**Motion:** Member Spivy-Weber moved to adopt the November 6, 2007 board meeting minutes.

**Seconded by:** Chair Doduc

**MOTION CARRIED** ([11/06/07](#))

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

2. Board Member Report

- *Vice Chair Wolff commented on the Compliance Schedule Audit by EPA. He stated “in terms of being a performance based organization”, we have failed. Twelve out of twelve randomly selected permits violated the code of federal regulations. He asked that at the Water Quality Coordinating Committee meeting next week we get as many people as possible on board with the organizational effectiveness effort that is extensively discussed in the document.*

**UNCONTESTED ITEMS (Items 3-10)\***

- \*3. Consideration of a Resolution approving a State Revolving Fund (SRF) Loan to [Chico Urban Area](#) Joint Powers Financing Authority for Construction of the Chico Urban Area Nitrate Compliance Project; SRF Loan Project No C-06-4111-220.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0064](#))

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

- \*4. Consideration of a Resolution approving a State Revolving Fund (SRF) Loan to the [City of Chico](#) for construction of the Water Pollution Control Plant (WPCP) 12-MGD Expansion Project – Phase 1; SRF Loan Project No. C-06-4997-110.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0065](#))

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

- \*5. Consideration of a Resolution delegating certain authorities to the Executive Director, the Chief Deputy Director, the Deputy Director of the Division of Financial Assistance, or designee for [Water Recycling Facilities Planning Study Grants](#).

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0066](#))

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

- \*6. Consideration of a Resolution for authorization to enter into an Agreement for water recycling research with the [WateReuse](#) Foundation.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0067](#))

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

❖ **Board Member Spivy-Weber asked staff if a final electronic version of the products paid for by our grant to WateReuse Research would be publicly available, and staffs response was yes.**

- \*7. Consideration of a Resolution authorizing an agreement with the [University of California Regents](#) to facilitate a task force, develop water recycling economic analysis guidance, and to conduct a cost share evaluation.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0068](#))

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

- \*8. Consideration of a Resolution approving [Proposition 50 CALFED Watershed Program](#) funding for the CALFED Interagency Watershed Advisory Team Subgroup recommended projects.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0069](#))

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

- \*9. Consideration of a Resolution authorizing the Executive Director to increase, negotiate and execute the [student assistant contract](#) with Foundation for California Community Colleges.

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0070](#))

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

- \*10. Consideration of a Resolution authorizing the Executive Director or designee to apply for, accept, and/or amend a grant from U.S. EPA under [Clean Water Act section 106](#).

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0071](#))

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

## WATER QUALITY

11. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) for trash in the [Ventura River Estuary](#). (Written comments were due on November 1, 2007 by 12 p.m.) ([City of Ventura Presentation](#)) ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0072](#))

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

### Commenters

Michael Levy, Los Angeles Regional Water Board (speaking for Items 11-15)

Paul Tantet, Ventura County Watershed Protection District

Ray Olson, City of Ventura

12. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) for trash in [Lake Elizabeth, Munz Lake, and Lake Hughes](#). (Written comments were due on November 1, 2007 by 12 p.m.) ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0073](#))

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

13. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) for trash in [Legg Lake](#). (Written comments were due on November 1, 2007 by 12 p.m.) ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0074](#))

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

14. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) for trash in [Machado Lake](#). (Written comments were due on November 1, 2007 by 12 p.m.) ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0075](#))

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

15. Consideration of a Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) for trash in [Revolon Slough and Beardsley Wash](#). (Written comments were due on November 1, 2007 by 12 p.m.) ([Staff Presentation](#))

**Motion:** Member Baggett moved to adopt the proposed resolution.

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0076](#))

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

16. Consideration of an amendment to establish [Site-Specific Water Quality Objectives for Cyanide](#) in San Francisco Bay and Implementation Plan. (Written comments were due on November 9, 2007 by 12 p.m.) ([Staff Presentation](#))

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

**Seconded by:** Member Hoppin

**MOTION CARRIED** ([Resolution 2007-0077](#))

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

#### **Commenters**

Michele Pla, Bay Area Clean Water Agencies

### **WATER RIGHTS**

17. Consideration of a Resolution authorizing funding from the State Water Pollution Cleanup and Abatement Account for contract support services for the development of a [Delta Smelt Refuge](#).

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

**Seconded by:** Member Spivy-Weber

**MOTION CARRIED** ([Resolution 2007-0078](#))

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

#### **Commenters**

David Nesmith, Environmental Water Caucus

Jason Peltier, Westlands Water District

John Herrick, South Delta Water Agency/Central Delta Water Agency

Jon Rubin, San Luis & Delta Mendota Water Authority/WWD

Michele Morrow, Department of Water Resources

Perry Herrgesell, Department of Fish & Game

18. Consideration of a Resolution specifying actions the Water Boards will take to protect beneficial uses of the [San Francisco Bay/Sacramento-San Joaquin Delta Estuary](#). ([Staff Presentation](#))

**(Written comment period has been extended to November 28, 2007 by 12 p.m.)**

**Motion:** Member Spivy-Weber moved to adopt the proposed resolution with recommended changes.

**Seconded by:** Vice Chair Wolff

**MOTION CARRIED** ([Resolution 2007-0079](#))

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

## Commenters

Ann Hayden, Environmental Defense  
Arthur Godwin, Merced Irrigation District  
Barbara Byrne, Planning & Conservation League  
Barry Nelson, National Resource Defense Council  
Bill Craven, Senate Natural Resources & Water  
Bill Jennings, CSPA  
David Aladjem, Sacramento Valley Water Districts  
David Nesmith, Environmental Water Caucus  
Debbie Webster, Central Valley Clean Water Association  
Gary Bobker, The Bay Institute  
Janet Goldsmith, General Public  
Jason Peltier, Westlands Water District  
John Herrick, South Delta Water Agency/Central Delta Water Agency  
Jon Rubin, San Luis & Delta Mendota Water Authority/WWD  
Karen Larsen, Central Valley Regional Water Board  
Ken Landau, Central Valley Regional Water Board  
Maria Rea, NOAA Fisheries  
Mark Rentz, Department of Pesticide Regulation  
Michele Morrow, Department of Water Resources  
Perry Herrgesell, Department of Fish & Game  
Richard Denton, Contra Costa Water District  
Ron Milligan, U.S. Bureau  
Thomas Mumley, San Francisco Bay Regional Water Board  
Tom Hagler, U.S. Environmental Protection Agency  
Terry Erlewine, State Water Contractors  
Tim O'Laughlin, San Joaquin River Group Authority

## INFORMATIONAL ITEMS

### **These two items were heard before Items 17 & 18**

19. Submittal of the 2006 California Urban Water Conservation Council Annual Report. ([Presentation](#))
  - *Chris Brown from the California Urban Water Conservation Council presented their report to the Board.*
20. Presentation by the Department of Pesticide Regulation on the overview of copper residues in marinas from biocides used on boat hull as antifouling paint.
  - *Mark Rentz from the Department of Pesticide Regulation presented the overview to the Board.*

## CLOSED SESSION ITEMS

*Closed Sessions are not open to the public*

## RIALTO PERCHLORATE

The Board will meet in closed session to discuss ongoing litigation in Goodrich Corp. v. California State Water Resources Control Bd., et al. (Los Angeles Superior Court No. BS110389); Emhart Industries, Inc. et al. v. California State Water Resources Control Bd., et al. (Los Angeles Superior Court No. BS110390); and Pyro Spectaculars, Inc. v. California State Water Resources Control Bd., et al. (Los Angeles Superior Court No. BS110391). (This is authorized under Government Code section 11126, subdivision (e)(2)(A).)

- ***The Board did not hold a closed session.***

## ADJOURNED

The Board Meeting adjourned at 6:30 p.m.