

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
SEPTEMBER 19, 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 September 19, 2012 at 9:05 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	Caren Trgovcich, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jeanine Townsend, Clerk to the Board
Jonathan Bishop, Chief Deputy Director	John Borkovich, Division of Water Quality
Phil Wyels, Office of Chief Counsel	Shahla Farahnak, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Kevin Graves, Division of Water Quality
James Herink, Office of Chief Counsel	Rik Rasmussen, Division of Water Quality
Emel Wadhvani, Office of Chief Counsel	Scott Couch, Division of Water Quality
Tim Regan, Office of Chief Counsel	Bruce Fujimoto, Division of Water Quality
Andy Sawyer, Office of Chief Counsel	Walt Shannon, Division of Water Quality
Jim Maughan, Division of Financial Assistance	Vicky Whitney, Division of Water Quality
Christopher Stevens, Division of Financial Assistance	Jamie Favila, Division of Water Quality
Liz Haven, Division of Financial Assistance	Eric Berntsen, Division of Water Quality
Jule Rizzardo, Division of Financial Assistance	Bill Hereth, Division of Water Quality
John Russell, Division of Financial Assistance	Jim Kassel, Division of Water Rights
Eric Oppenheimer, Office of Research, Planning & Performance	Barbara Evoy, Division of Water Rights
Rafael Maestu, Office of Research, Planning & Performance	Craig Wilson, Office of Delta Watermaster
George Kostyrko, Office of Public Information	Darrin Polhemus, Division of Administrative Services
Robert Anderson, Office of Information Management & Analysis	David Ceccarelli, Division of Administrative Services

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 5 minutes or otherwise at the discretion of the Board Chairman

PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARDS

- ❖ *Karen Larsen, Director and Leo Anguiano, Manager both with the Office of Information Management presented the Sustained Superior Accomplishment Awards to the GIS/Web Development Unit: Carol Peach, Robert Andersen and Stephen Craig, Mark Solem & Jeff Kapellas.*

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

Pierre Bourgeix, AC & E, Inc. ([Presentation](#))

BOARD BUSINESS

1. The Board will consider adoption of the July 17-18, 2012, August 7-8 & August 21-22, 2012 Board Meeting minutes.

Motion: Member Doduc moved to adopt the proposed minutes for the July 17-18, 2012 Board Meeting minutes only.

Seconded by: Chair Hoppin

MOTION CARRIED: ([July 17-18, 2012](#))

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

Nay: None

Absent: None

Abstain: None

2. Board Member Report.

None

UNCONTESTED ITEMS* (Items 3-6)

- *3. Consideration of a proposed Resolution authorizing the Executive Director or designee to apply for, accept, and/or amend a [federal Clean Water Action Section 205\(j\) Grant](#).

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

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0042](#))

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 authorizing the Executive Director to enter into interagency agreements with the [California Department of Justice for investigation and prosecution of criminal and/or civil activity associated with the Underground Storage Tank Cleanup Fund](#).

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

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0043](#))

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 authorizing the Executive Director or designee to enter into contracts to continue to implement the [Groundwater Ambient Monitoring and Assessment Program](#).

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

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0044](#))

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 directing the State Water Resources Control Board's Executive Director to apply to the [United States Environmental Protection Agency \(U.S. EPA\) to offer Extended Term Financing \(ETF\) for Distressed Municipalities as part of the Clean Water State Revolving Fund \(CWSRF\) Program](#).

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

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2012-0045](#))

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

Nay: None

Absent: None

Abstain: None

INFORMATIONAL ITEM

7. Presentation of [2011 Annual Performance Report](#).

No Action Taken

- ❖ *Eric Oppenheimer and Rafael Maestu both with the Office of Research, Planning & Performance and Robert Anderson with the Office of Information Management and Analysis made the [presentation](#) to the Board.*

DIVISION OF WATER QUALITY

8. Consideration of a proposed Order granting a petition seeking [Underground Storage Tank Case Closure pursuant to Health and Safety Code Section 25296.40](#). (*Written comments were due on January 20, 2012 by 12:00 noon for 76 Service Station #5994, in Sonoma, CA.*)

This Item was moved to Uncontested

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

Seconded by: Member Moore

MOTION CARRIED: ([Water Quality Order No. 2012-0009-UST](#))

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

Nay: None

Absent: None

Abstain: None

PUBLIC HEARING – ITEM 9

DIVISION OF WATER QUALITY

9. Consideration of a proposed Resolution to approve an Initial Study/Mitigated Negative Declaration and adopt proposed [General Waste Discharge Requirements for Aquifer Storage and Recovery Projects that Inject Drinking Water into Groundwater](#). (*Written comments were due on September 13, 2012 by 12 noon.*) (*Staff Presentation*)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution and Order with changes proposed in [Change Sheet #1 & #2](#)

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution No. 2012-0046](#) & [Water Quality Order No. 2012-0010 \(WDR\)](#))

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

Nay: None

Absent: None

Abstain: None

Commenters

Kyra Ross, League of California Cities

Danielle Blacet, Association of California Water Agencies

Ryan Bezera, City of Roseville

Derrick Whitehead, City of Roseville

Robert Roscoe, Sacramento Suburban Water District

Tim Parker, Groundwater Resources Association of California

DIVISION OF WATER QUALITY

10. Consideration of adoption of the second revised draft [Tentative Order for the California Department of Transportation Municipal Separate Storm Sewer System permit](#). (*Written comments were due on June 26, 2012 by 12 noon.*) (*Staff Presentation*)

Motion: Member Doduc moved to adopt the proposed Order with changes proposed by Staff in [Change Sheet #1 & #2](#) and also changes read into the record by Chief Counsel Michael Lauffer.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Water Quality Order No. 2012-0011-DWQ](#))

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

Nay: None

Absent: None

Abstain: None

Commenters

Keith Jones, Caltrans

Ray Tahir, Cities of Carson, Compton & Claremont

Kyra Ross, League of California Cities

Kelye McKinney, Statewide Stormwater Coalition

Michael Quigley, California Alliance for Jobs

Bob Lucas, California Council for Environmental and Economic Balance

Ricardo Moreno, Southern California Edison

Melissa Thorne, Downey Brand

Ted Harris, City of Malibu

Sean Bothwell, California Coastkeeper Alliance

Items 11 through 15 will not be heard until after 1:00 p.m.

INFORMATIONAL ITEM

11. Report by the [Office of the Delta Watermaster on Improving Water Right Enforcement Authority](#).

No Action Taken

❖ *Craig Wilson with the Office of the Delta Watermaster made the [presentation](#) to the Board.*

DIVISION OF ADMINISTRATIVE SERVICES

12. Consideration of a proposed Resolution adopting [emergency regulations amending Water Rights fee schedules in Title 23, Division 3, Chapter 5, Sections 1062, 1064 and 1068 of the California Code of Regulations.](#)

This Item was moved to Uncontested.

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

Seconded by: Chair Hoppin

MOTION CARRIED: ([Resolution No. 2012-0047](#))

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

Nay: None

Absent: None

Abstain: None

OFFICE OF CHIEF COUNSEL

13. Consideration of a proposed Order staying, in part, [Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, and Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, issued by the Central Coast Regional Water Quality Control Board. SWRCB/OCC Files A-2209 \(c\) and \(d\).](#) (*Written comments were due on September 14, 2012 by 12 noon.*)

Motion: Member Marcus moved to adopt the proposed Order with changes proposed in [Change Sheet #1](#) and changes discussed in Board Meeting.

Seconded by: Member Moore

MOTION CARRIED: ([Water Quality Order No. 2012-0012](#))

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

Tess Dunham, Somach, Simmons & Dunn

Jennifer Clary, Clean Water Action

Bill Thomas, Ocean Mist/RC Farms

Frances McChesney, Central Coast Regional Water Board

Michael Thomas, Central Coast Regional Water Board

Angela Schroeter, Central Coast Regional Water Board

Danny Merkley, California Farm Bureau Federation

William Elliott, Jensen Family Farms

Steve Shimek, The Otter Project/Monterey Coastkeeper

INFORMATIONAL ITEMS

14. Results of the U.S. Environmental Protection Agency's [Sustainable Communities Pilot Review of the Clean Water State Revolving Fund \(CWSRF\) and the Division of Financial Assistance's CWSRF Application Revamp](#).

No Action Taken

- ❖ *Christopher Stevens and Jule Rizzardo with the Division of Financial Assistance made the [presentation to the Board](#).*

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

No Action Taken

ADJOURNMENT

The Board adjourned at 4:00 p.m.

CLOSED SESSION

Closed Session are not open to the Public

DIVISION OF WATER RIGHTS

(The following closed sessions 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 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 diversion - Middle River in San Joaquin County.

The Board met in Closed Session on this Item.

- The Board will meet in closed session to deliberate on a draft decision conditionally approving water right Applications 31487 and 31488 and conditionally approving petitions to change License 3723 (Application 5169), License 4196 (Application 9247) Permit 11605 (Application 15673), and License 10180 (Application 18006) within the Truckee River watershed.

The Board met in Closed Session on this Item.

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).)

The Board met in Closed Session on this Item.

- The Board will meet in closed session to discuss the status of and receive legal advice concerning Atlantic Richfield Company v. State of California, et al., Los Angeles Superior Court, Case No. BC380404. This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board did not meet in Closed Session on this Item.

- The Board will meet in closed session to deliberate on a decision to be reached following the August 30, 2012 hearing regarding requests filed by Ocean Mist Farms, RC Farms and Grower-Shipper Association et al. to stay certain provisions of Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, Order No. R3-2012-0011, and Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, issued by the Central Coast Regional Water Quality Control Board. SWRCB/OCC Files A-2209 (c) and (d). (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board did not meet in Closed Session on this Item.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on September 13, 2012, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on September 13, 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, "**9/19/12 BOARD MEETING/HEARING (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.