

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
SEPTEMBER 24, 2013**

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

Chair Felicia Marcus called the meeting to order on September 24, 2013 at 9:05 a.m. at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chair Felicia Marcus; Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Steven Moore; Member Dorene D'Adamo

STAFF PRESENT

Tom Howard, Executive Director
Michael Lauffer, Chief Counsel
Emel Wadhvani, Office of Chief Counsel
Erin Mahaney, Office of Chief Counsel
Andy Sawyer, Office of Chief Counsel
Bethany Pane, Office of Chief Counsel
Tim Regan, Office of Chief Counsel
George Kostyrko, Office of Public Affairs
Jim Kassel, Division of Water Rights

Caren Trgovcich, Chief Deputy Director
Jonathan Bishop, Chief Deputy Director
Jeanine Townsend, Clerk to the Board
Courtney Davis, Executive Office
Darrin Polhemus, Division of Administrative Services
Johnny Gonzales, Division of Water Quality
Scott Couch, Division of Water Quality
Eric Oppenheimer, Office of Research, Policy & Performance
Rafael Maestu, Office of Research, Policy & Performance

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 Chair

PRESENTATION OF SUSTAINED SUPERIOR ACCOMPLISHMENT AWARD

- *The following individuals were presented with the Sustained Superior Accomplishment Award:*
 - *Karen Larsen with the Office of Information Management and Analysis presented the award to Jon Marshack.*
 - *Darrin Polhemus with the Division of Administrative Services presented the award to Denise Perry.*
 - *Michael Lauffer with the Office of Chief Counsel presented the award to Emel Wadhvani.*

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 10, 2013, Board Meeting minutes.

Motion: Member Moore moved to adopt the proposed minutes with changes

Seconded by: Member D'Adamo

MOTION CARRIED: ([September 10, 2013](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: None

2. Board Member Report.

Board Member D'Adamo:

- *For Coastal Cleanup Day, went to Modesto's Legion Park off to Tuolumne River to help cleanup with her son.*
- *Took a tour of Riverside Counties Low Impact Development Project at Riverside County Flood Control and Water Conservation District's headquarters.*

Vice Chair Spivy-Weber:

- *For Coastal Cleanup Day, went to Redondo Beach to help cleanup the Beach.*
- *Attended Colorado River Basin Regional Water Board Meeting.*
- *Colorado River Basin Regional Board is the second Regional Board to adopt the Onsite Wastewater Treatment System Implementation Program.*
- *Los Angeles Regional Water Board is conducting staff training on working with disadvantaged communities.*

Board Member Doduc:

- *For Coastal Cleanup Day, went to the American River Parkway to help cleanup the river.*
- *San Francisco Regional Water Board announced the winner of the Dr. Teng-chung Wu Prevention Pollution Award to the City of Palo Alto.*
- *San Francisco Regional Water Board will hold a public workshop in November to discuss potential Board priorities. We should consider incorporating this in our own priority-setting process. Will report back after the November workshop."*

Board Member Moore:

- *For Coastal Cleanup Day, went to local shoreline in Sausalito to help cleanup with his two daughters.*
- *North Coast Regional Board held a workshop on the Russian River in which TMDL staff provided updates on the TMDL project.*
- *North Coast Regional Water Board has shown strong leadership when convening panels and multiple stakeholders with the challenge of marijuana cultivation and its' water impacts, both quality and quantity.*
- *North Coast Regional Water Board should be providing an update on the implementation of the Phase II Municipal Stormwater Permit shortly.*

UNCONTESTED ITEMS* (Items 3-4)

- *3. Consideration of a proposed Resolution authorizing the Executive Director to [add funds to an existing contract between the State Water Board and ICF International that provides technical assistance and environmental documentation supporting the review and Update of the Bay-Delta Water Quality Control Plan.](#)

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

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution No. 2013-0027](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: None

- *4. Consideration of a proposed Resolution to authorize the Executive Director [to execute contracts with the United States Bureau of Reclamation \(USBR\) under which the State Water Board will be reimbursed for administering the water rights of the USBR.](#)

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

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution No. 2013-0028](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: None

INFORMATIONAL ITEMS

5. [National Water Quality Initiative Projects.](#)

No Action Taken

- *Making the [presentation](#) to the Board was Johnny Gonzales with the Division of Water Quality; Sam Ziegler and Valentina Herrera with U.S.EPA, and Alan Forkey with USDA*

6. Presentation of [Fiscal Year 2012/13 Annual Performance Report.](#)

No Action Taken

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

Commenters

Michael Garabedian, Friends of the North Fork

OFFICE OF RESEARCH, PLANNING & PERFORMANCE

7. Consideration of a proposed Resolution [directing actions in response to efforts by stakeholders on reducing costs of compliance while maintaining water quality protection.](#) (*Staff Presentation*)

- [Comment Letters](#)
- [Change Sheet #1](#)

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

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution No. 2013-0029](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D’Adamo

Nay: None

Absent: None

Abstain: None

Commenters

Adam Link, California Association of Sanitation Agencies

Bob Gore, The Gualco Group

Ken Landau, Central Valley Regional Water Board

Sharon Green, Sanitation Districts of Los Angeles County

Sara Aminzadeh, California Coastkeeper Alliance

Colin Bailey, Environmental Justice Coalition for Water

Steve Shimek, Otter Project

Michael Garabedian, Friends of the North Fork

Debbie Webster, Central Valley Clean Water Association

Kira Redmond, Santa Barbara Channelkeeper

Jemette, Pontoja, California Rural Legal Assistance

DIVISION OF ADMINISTRATIVE SERVICES

8. Consideration of a proposed Resolution adopting [emergency regulations revising the core regulatory fee schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.5, and 2200.6 of the California Code of Regulations.](#)

- [Comment Letters](#)
- [Change Sheet #1](#)
- [Change Sheet #2](#)
- [Change Sheet #3](#)
- [Change Sheet #4](#)

Motion: Member D’Adamo moved to adopt the proposed Resolution with changes in Change Sheets 1-4 & [Change Sheet #5](#). Also, changes proposed by Mr. Polhemus.

Seconded by: Member Moore

MOTION CARRIED: ([Resolution No. 2013-0030](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D’Adamo

Nay: None

Absent: None

Abstain: None

Commenters

Roberta Larson, California Association for Sanitation Agencies
Cara Martinson, California Association of Counties
Geoff Brosseau, California Stormwater Quality Association & Bay Area Stormwater Management Agencies Association
Danny Merkley, California Farm Bureau
Gavin McHugh, California Auto Dismantlers Association
Justin Oldfield, California Cattlemen's Association
J.P. Cativiela, Dairy Cares Coalition
Albert Nunes, Dairy Cares
Tom Dalziel, Contra Costa Clean Water Program
Tricia Geringer, Ag Council of California
Gail Delihant, Western Growers Association

OFFICE OF CHIEF COUNSEL

9. Consideration of a proposed Order imposing a [mandatory minimum penalty against Mantini Management, Inc. for violations of Los Angeles Regional Water Quality Control Board Orders No. R4-2003-0111 and R4-2008-0032](#). ([Written comments](#) were due on July 16, 2013 by 12 noon.)

This Item was moved to Uncontested and adopted with Items 3, 4 & 10.

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

Seconded by: Member Doduc

MOTION CARRIED: ([Water Quality Order No. 2013-0099](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: None

10. [Consideration of a proposed Order for State Water Board review on its own motion of Administrative Civil Liability Order No. R1-2012-0034 issued to the California Department of Transportation by the North Coast Regional Water Quality Control Board. \(SWRCB/OCC Files A-2208\(a\) and \(b\)\).](#) ([Written comments](#) are due on September 23, 2013 by 12 noon.)

This Item was moved to Uncontested and adopted with Items 3, 4 & 9.

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

Seconded by: Member Doduc

MOTION CARRIED: ([Water Quality Order No. 2013-0100](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Doduc
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: None

Item 11 will not commence before 10:30 a.m.

11. Consideration of adoption of a proposed Order amending, in part, [Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and Resolution No. R3-2012-0012, issued by the Central Coast Regional Water Quality Control Board. \(SWRCB/OCC Files A-2209\(a\)-\(e\)\).](#) (*Written comments are due on September 17, 2013 by 12 noon and are limited to changes made on the September 9, 2013 version of the draft Order*)

- [Change Sheet #1](#)

Motion: Member D'Adamo moved to adopt the proposed Order as amended by Change Sheet #1.

Seconded by: Member Moore

MOTION CARRIED: ([Water Quality Order No. 2013-0101](#))

Aye: Chair Marcus
Vice Chair Spivy-Weber
Member Moore
Member D'Adamo

Nay: None

Absent: None

Abstain: Member Doduc (Recused)

➤ **Board Member Doduc was not present for discussion or vote for this Item.**

Commenters

*Jessica Jahr, Central Coast Regional Water Board
Angela Schroeter, Central Coast Regional Water Board
Bill Thomas, Ocean Mist/RC Farms
Gail Delihant, Western Growers
Tess Dunham, Grower-Shipper Association
Kari Fisher, California Farm Bureau
William Elliott, General Public
Kira Redmond, Santa Barbara Channelkeeper
Steve Shimek, The Otter Project. ([Presentation](#))
Jemette Pantoja, California Rural Legal Assistance
Horacio Amezquita, San Jerardo Cooperative, Inc.
Jennifer Clary, Clean Water Action
Rev. Lindi Ramsden, General Public
Evan Junker, Unitarian Universalist Legislative Ministry
Kathleen Mead, General Public
Sara Aminzadeh, California Coastkeeper Alliance*

INFORMATIONAL ITEM

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

No Action Taken

ADJOURNMENT

The Board adjourned at 7:50 p.m.

CLOSED SESSION

Closed Session is not open to the Public

OFFICE OF CHIEF COUNSEL

- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding pertaining to the proposed adoption of an administrative civil liability (ACL) order against Mantini Management, Inc., following a hearing concerning ACL complaint No. OE-2010-0035. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board did not meet in Closed Session on the above Item.

- The Board will meet in closed session to discuss the status of and receive legal advice concerning *California Farm Bureau Federation, et al, v. State Water Resources Control Board, et al*, Sacramento Superior Court, Case No. 04CS00473, and *Northern California Water Association, et al, v. State Water Resources Control Board*, Sacramento Superior Court, Case No. 03CS01776, and related cases. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board met in Closed Session of the above Item.

- The Board will meet in closed session to deliberate on a decision to be reached in a proceeding resolving petitions SWRCB/OCC Files A-2209(a)-(e). The petitions seek review of Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03, and Resolution No. R3-2012-0012, issued by the Central Coast Regional Water Quality Control Board. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

The Board did not meet in Closed Session on the above Item.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on September 19, 2013, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on September 19, 2013 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, "**9/24/13 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.