

STATE WATER BOARD
BOARD MEETING MINUTES
July 21, 2005

Copies of the resolutions can be obtained from Debbie Irvin at (916) 341-5600 or downloading from our [website](#).

CALL TO ORDER

Arthur G. Baggett, Jr., called the meeting to order on July 21, 2005 at 10:07 am in the Sierra Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chair; Peter S. Silva, Vice Chair; and Richard Katz, Tam M. Doduc, Gerald D. Secundy, Members

STAFF PRESENT

Celeste Cantú, Executive Director; Harry Schueller, Chief Deputy Director (last Board meeting); Tom Howard, Deputy Director; Debbie Irvin, Clerk to the Board; Joanne Cox, Stan Martinson, John Ladd, Greg Frantz, Rick Humphreys, Joe Mello, Ed Wosika, Ken Harris, Lisa Babcock, Danny Merkley, Division of Water Quality; Craig M. Wilson, Michael Levy, Phil Wyles, Karen O'Haire and Kathie Keber, Office of Chief Counsel; Miles Burnett, and Esteban Almanza, Division Chief of Administrative Services; Barbara Evoy, Christopher Stevens, Darrin Polhemus, Division of Financial Assistance; Gerald Horner, Office of Statewide Initiatives; Beth Jines, Liz Kanter and Selica Potter, Office of Public Affairs

OTHERS PRESENT

Nicole Rothfleisch, Imperial County Farm Bureau; Steve Charlton, Imperial Irrigation District; John Muller, Bruce Wolfe, and Tom Mumley, San Francisco Bay Water Board; Joan Stormo, Francisco Coja, Jose Angel, and Phil Wyles, Colorado River Basin Water Board; Alexis Strauss, U.S. Environmental Protection Agency; Michele Plá and Andria Ventura, and Melissa Thorne, Bay Area Clean Water Agencies; Steven Arita, Western States Petroleum Association; Craig Johns, Partnership for Sound Science in Environmental Policy; Peter McGaw, Contra Costa Council; Sejal Choksi, Baykeeper; David Beckman, Natural Resources Defense Council; and Michael Warburton, Public Trust Alliance

PUBLIC FORUM

Michael Warburton representing the Public Trust Alliance Organization addressed the Board.

CONSENT AGENDA (Items 1-10) [Item 8 removed from Consent] Item 1-7, & 9 unanimously adopted; Item 10 pulled from agenda

FINANCIAL ASSISTANCE

1. Consideration of a resolution adopting the Petroleum Underground Storage Tank Emergency, Abandoned, Recalcitrant Account fiscal year 2005-2006 annual site list; and, authorizing the Executive Director to issue letters of award or execute contracts and amendments for the expenditure of EAR account funds

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0051**

ADMINISTRATIVE SERVICES

2. Consideration of a resolution approving the California Dairy Quality Assurance Program as qualifying for a fee reduction in pursuant to the Board's regulations

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0052**

WATER QUALITY

3. Consideration of a resolution to authorize acceptance of grant funds from the U.S. Environmental Protection Agency to continue the cooperative agreement for the San Francisco Estuary Project

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0053**

4. Consideration of a resolution authorizing the Executive Director to accept a grant from the United States Environmental Protection Agency to continue source investigation activities in the San Gabriel Valley

Motion: The Board unanimously adopted the resolution. **Resolution 2005-0054**

5. Consideration of a resolution authorizing execution of contracts and amendments to implement statewide comprehensive groundwater quality monitoring in the groundwater ambient monitoring assessment program

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0055**

6. Consideration of a resolution authorizing the Executive Director to negotiate and accept a Federal Clean Water Act section 205(j) grant

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0056**

7. Consideration of a resolution authorizing the Executive Director to accept a Federal assistance grant for the environmental monitoring and assessment program

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0057**

8. Look Under Regular Agenda for this Item.

9. Consideration of a resolution amending the State Policy for Water Quality Control for Regulation of Municipal Solid Waste Discharges

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0058**

WATER RIGHTS (PULLED FROM THIS AGENDA)

~~10. Consideration of a Proposed Order Granting a Time Extension and Change in Point of Diversion and Place of Storage or Water Right Permit held by North San Joaquin Water Conservation District on the Mokelumne River in San Joaquin County~~

REGULAR AGENDA (Items 8, 11) [Item 12 Informational Only]

WATER QUALITY

8. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Colorado River Basin Region to incorporate a Total Maximum Daily Load for sedimentation/siltation for the Imperial Valley Niland, P, and Pumice Drains and Implementation Plan

Greg Frantz presented the item to the Board and gave a brief summary of what this amendment will do.

Ms. Rothfleisch addressed the Board.

Member Katz asked Ms. Rothfleisch if she went to the public meetings and if she raised these issues before? Ms. Rothfleisch said the new document is vague and wants clarity and specific language.

Mr. Levy stated that the language is clear and consistent.

Mr. Charlton addressed the Board.

Mr. Wyles addressed the Board and gave clarification on the conditional prohibition language.

Ms. Strauss addressed the Board.

Chair Baggett's closing comments are "The Farming Community Imperial Valley has a petition process. If you have a great relationship, encourage trying. If not, petition this Board or we can do an agricultural waiver in the Imperial Valley. They're trying to provide flexibility."

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0059**

11. Consideration of approval of an amendment to the Water Quality Control Plan for the San Francisco Bay Region to incorporate a Total Maximum Daily Load (TMDL) for Mercury in San Francisco Bay

Chair Baggett stated at the last workshop, the Board asked numerous questions and they were not easy questions. He wants a staff report, pass it out, then have a quick break and then decide on what they want to do.

Joanne Cox presented the item to the Board. State Water Board staff has sent out various emails requesting information to several agencies and organizations wanting to enter the information in the record. The 4 questions:

- 1) Do the waste load allocations require municipal and industrial dischargers to perform at the most appropriate level considering available pollution prevention program in existing technology;
- 2) Dredging;
- 3) What are other agencies are doing to control and remediate mercury in the environment and how can we all coordinate our efforts to achieve greater reductions; and
- 4) To consider the feasibility, the mechanism of incorporating and the cost of those suggestions that were entitled Option 1.5 that was made by several organizations.

Based upon these answers and on individual conversations with Board Members, staff has prepared an alternative resolution that remands the TMDLs to the Regional Board with further directions. Ms. Cox noted 2 minor corrections. In Finding #13 it refers to Finding #11 and it should refer to Finding #12; under the Resolves, Resolve #8 should refer to #7.

Member Doduc thanked staff for their efforts about what the other states are doing, and for looking into the dredging issues/other options.

Chair Baggett stated that the Board would not be voting today and proposed a 30-day comment period and have staff take these comments and put another draft to be considered for voting in September 2005.

Chair Baggett states that this is a work in progress. He does like when people look at this. State Board needs to take an active role and propose that the State Board willing to commit to additional funding to identify this Mercury TMDL-contract out with U.S. Geological Survey (USGS) and other agencies for mining process.

Mr. Muller addressed the Board, asked the Board to reconsider what's on the agenda, and let us move forward to start the process of cleaning up the Bay.

Mr. Wolfe addressed the Board and recommends adoption today of original draft resolution dated July 11, 2005.

Mssrs. Mumley, Arita, Johns, McGaw and Beckman addressed the Board.

Msses. Strauss, Choski, Ventura, and Pla addressed the Board.

Mr. Craig Wilson recommended delaying until the September meeting.

Member Doduc asked if the Board Members object if she could recommend two additions to the remand issue; 1st one under "Be it further resolved that" on page 4, item #14, with Ms. Strauss's & WSPA suggestions regarding convening a meeting to discuss the Mine Legacy issue and exploring options; WSPA offered to explore ways of getting funding for cleaning of the mines issues. A condition time frame for the Regional Boards to bring this TMDL back. Member Secundy suggested 6 months.

Chair Baggett asks for comment deadline date to put in the record. Mr. Wilson said they would give people 3 weeks to comment

Item 11 was held over to the September 7, 2005 Board meeting for adoption consideration.

FINANCIAL ASSISTANCE – INFORMATIONAL ITEM ONLY

12. Status of the SRF loan program and actions underway to return the program to regular operation

Christopher Stevens presented the informational item to the Board and gave an overview about the program. This is a low interest loan program that's funded both by the federal Government as well as the State of California. The intent of the program is to help the Division meet the goals of the Clean Water Act and federal Clean Water Act.

Member Secundy asked for Mr. Stevens to work closely with him since he is the liaison for the State Revolving Fund.

ADJOURNMENT

The Chairman adjourned the meeting at 1:09 p.m.