

**STATE WATER RESOURCES CONTROL BOARD**  
**BOARD MEETING MINUTES**  
**JANUARY 5, 2010**

Copies of the resolutions and water quality orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/index.shtml](http://www.waterboards.ca.gov/board_decisions/adopted_orders/index.shtml).

**CALL TO ORDER**

Chairman Charlie Hoppin called the meeting to order on January 5, 2010 at 9:00 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chairman Charlie Hoppin; Vice Chair Frances Spivy-Weber; Member Arthur G. Baggett, Jr.; Member Walter G. Pettit

**BOARD MEMBERS ABSENT**

Member Tam M. Doduc

**STAFF PRESENT**

Dorothy Rice, Executive Director  
Michael Lauffer, Chief Counsel  
Betsy Jennings, Office of Chief Counsel  
Erin Mahaney, Office of Chief Counsel  
Andy Sawyer, Office of Chief Counsel  
Dana Heinrich, Office of Chief Counsel  
Sarah Olinger, Office of Chief Counsel  
Gita Kapahi, Office of Public Participation  
Bill Rukeyser, Office of Public Affairs  
Les Grober, Division of Water Rights  
Paul Murphey, Division of Water Rights

Tom Howard, Chief Deputy Director  
Jonathan Bishop, Chief Deputy Director  
Jeanine Townsend, Clerk to the Board  
Darrin Polhemus, Division of Water Quality  
Ken Harris, Division of Water Quality  
Liz Haven, Division of Water Quality  
Vicky Whitney, Division of Water Rights  
Diane Riddle, Division of Water Rights  
Jim Kassel, Division of Water Rights  
Jean McCue, Division of Water Rights  
Larry Lindsay, Division of Water Rights

**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 3 minutes or otherwise at the discretion of the Board Chair***

**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**

*Michael Barkley, General Public*

*Tim O'Laughlin, San Joaquin River Group Authority*

## **BOARD BUSINESS**

1. The Board will consider adoption of the December 1, 2009 Board Meeting minutes.

**Motion:** Member Baggett moved to adopt the proposed minutes of the December 1, 2009 Board Meeting.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([December 1, 2009](#))

**Aye**  
Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

2. Board Member Report

**None**

### **UNCONTESTED ITEMS\* (Item 3-5)**

- \*3. Consideration of a proposed Resolution adopting the [Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund](#) (Orphan Site Cleanup Fund) Priority List and Authorizing the Deputy Director of the Division of Financial Assistance (Division) to enter into grant agreements.

**Motion:** Chairman Hoppin called for a vote for Items 3-5 to adopt the proposed Resolutions.

**MOTION CARRIED:** ([Resolution 2010-0001](#))

**Aye**  
Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

- \*4. Consideration of a proposed Resolution authorizing the Executive Director to amend an existing contract with the [Regents of the University of California, Davis](#) that provides research on emerging Bay-Delta issues.

**Motion:** Chairman Hoppin called for a vote for Items 3-5 to adopt the proposed Resolutions.

**MOTION CARRIED:** ([Resolution 2010-0002](#))

**Aye**  
Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

- \*5. Consideration of a proposed Resolution authorizing the Executive Director to enter into an agreement with the State Water Project contractors and the federal Central Valley Project contractors, or a joint powers authority comprised of those contractors, for reimbursement of the costs of analysis associated developing [new flow criteria for the Delta ecosystem](#).

**Motion:** Chairman Hoppin called for a vote for Items 3-5 to adopt the proposed Resolutions.

**MOTION CARRIED:** ([Resolution 2010-0003](#))

**Aye** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

### **DIVISION OF WATER RIGHTS**

6. Consideration of a proposed Order pertaining to petitions for [reconsideration of Cease and Desist Order 2009-0060](#). This Cease and Desist Order was issued against California American Water for unauthorized diversion and use of water from the Carmel River in Monterey County. (*Written comments were due on December 30, 2009 by 12:00 noon.*)

**Motion:** Member Baggett moved to adopt the proposed Order with changes proposed by Staff in [Change Sheet #1](#).

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Rights Order 2010-0001](#))

**Aye** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

#### **Commenters**

*Anthony Lombardo, Lombardo & Gilles, LLP.*

7. Consideration of a proposed Order following a hearing concerning [modification of Cease and Desist Order WR 2006-0006 issued against the Department of Water Resources and the United States Bureau of Reclamation](#) in connection with the water right permits and license for the State Water Project and Central Valley Project. (*Written comments were due on December 14, 2009 by 12:00 noon.*)

**Motion:** Member Baggett moved to adopt the proposed Order with changes proposed by Staff in [Change Sheet #1](#).

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Rights Order 2010-0002](#))

**Aye** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

**Commenters**

Dean Rutz, Central Delta Water Agency  
DeeAnne Gillick, County of San Joaquin  
Erick Soderlund, Department of Water Resources  
John Herrick, South Delta Water Agency  
Jon Rubin, Dipenbrock & Harrison  
Tim O’Laughlin, San Joaquin River Group Authority

**OFFICE OF CHIEF COUNSEL**

- 8. Consideration of a draft Order on own motion review of [Waste Discharge Requirements Order No. R5-2008-0162 \[NPDES No. CA 0084727\] for the Tuolumne Utilities District, Sonora Regional Wastewater Treatment Plant, and Jamestown Sanitary District Jamestown Wastewater Treatment Plant, Tuolumne County](#), issued by the California Regional Water Quality Control Board, Central Valley Region (SWRCB/OCC File A-1967). The State Water Resources Control Board will consider issuing an order remanding the Waste Discharge Requirements. *(Written comments are due on December 22, 2009 by 12:00 noon.)*

**Motion:** Member Baggett moved to adopt the proposed Order with changes proposed by Staff in [Change Sheet #1](#).

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Quality Order 2010-0001](#))

**Aye** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Baggett  
Member Pettit

**Nay:** None

**Abstain:** None

**Absent:** Member Doduc

**CLOSED SESSION**

Closed Sessions are not open to the Public

**DIVISION OF WATER RIGHTS**

- The Board will meet in closed session to deliberate on a proposed order concerning five petitions for reconsideration submitted to the Board in the matter or Cease and Desist Order (CDO) 2009-0060. The CDO is an enforcement action against California American Water for unauthorized diversion of water from the Carmel River in Monterey County. This closed session is authorized under Government Code section 11126, subdivision (c)(3).

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

- The Board will meet in closed session to deliberate on a proposed order following a hearing concerning modification of Cease and Desist Order WR 2006-0006 against the Department of Water Resources and the United States Bureau of Reclamation in Connection with the water right permits and license for the State Water Project and Central Valley Project. This closed session is authorized under Government Code section 11126, subdivision (c)(3).

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

**ADJOURNED**

The Board Meeting adjourned at 10:15 a.m.