

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, September 15, 2011, 10:00 a.m.
City of La Quinta
City Council Chambers
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 10:00 a.m. on September 15, 2011 at La Quinta, California.

Roll Call (Board Members Only)

Board Members Present:

Buford Crites, Tom Davis, Jeff Hays, Red Martinez, Edward Muzik, Ellen Way.

The Board Secretary stated that a quorum was present.

Staff Present:

Jose Angel, Terry Barnes, Mary Castañeda, Jose Cortez, Herb Jackson, Robert Perdue, Doug Wylie.

Others Present:

Ann Carroll, SWRCB, Office of Enforcement
Craig Parker, CalEnergy
Henryk Olstonski, IID
Mike F., CalEnergy
Steve Bigley, Coachella Valley Water District
Mike Pollack, Golden State Water Company
Joe Guzzetta, General Manager, Joshua Basin Water District
Carrie McLeod, USDARD
Doug Hackley, CalEnergy
Jose Perez, IID
Megan Fisher, Cal Recycle
Justin Vangraefschepe, Republic Services
Tom Vandenberg, State Water Board, Office of the Chief Counsel
Yvonne West, SWRCB, Senior Staff Counsel, Office of Enforcement

MINUTES

1. Minutes of June 23, 2011 Board Meeting

MOTION: Red Martinez moved, Jeff Hays seconded, and motion carried unanimously that the Minutes be adopted.

PUBLIC FORUM

2. No Public comment.

UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS AND WASTE DISCHARGE REQUIREMENTS

3. R7-2011-0028 Waste Discharge Requirements for Hi-Desert Memorial Health Care District, Land Owner, Joshua Basin Water District, Owner/Operator, **Hi-Desert Medical Center Wastewater Treatment Facility**, City of Joshua Tree – San Bernardino County

MOTION: R7-2011-0028 was pulled and is to be considered at a future Board Meeting.

4. R7-2011-0037 Waste Discharge Requirements Board Order R7-2011-0037 for CE Obsidian Energy LLC, Owner, Proposed **Black Rock 1, 2 and 3 Geothermal Power Project Brine Ponds**, Salton Sea Known Geothermal Resource Area (KGRA), Calipatria – Imperial County

MOTION: Buford Crites moved, Red Martinez seconded, and motion carried unanimously that Order No. R7-2011-0037 be adopted.

5. R7-2011-0038 Waste Discharge Requirements Board Order R7-2011-0038 for CE Obsidian Energy LLC, Owner, Proposed **Black Rock 1, 2 and 3 Geothermal Power Project Mud Sumps/Containment Basins**, Calipatria – Imperial County

MOTION: Buford Crites moved, Red Martinez seconded, and motion carried unanimously that Order No. R7-2011-0038 be adopted.

6. R7-2011-0040 Revised Waste Discharge Requirements Board Order R7-2011-0040 for Imperial Landfill, Inc., Owner/Operator, **Allied Imperial, Landfill, Class III Municipal Solid Waste Management Facility**, East of Imperial – Imperial County

MOTION: Buford Crites moved, Red Martinez seconded, and motion carried unanimously that Order No. R7-2011-0040 be adopted.

ENFORCEMENT ACTIONS

7. R7-2011-0044 Cease and Desist Order R7-2011-0044 issued to **Imperial Irrigation District El Centro Generating Station**, Owner/Operator, El Centro – Imperial County

MOTION: Ed Muzik moved, Tom Davis seconded, and motion carried unanimously that Order No. R7-2011-0044 be adopted.

8. R7-2011-0045 Administrative Civil Liability Order R7-2011-0045 in the matter of the **City of Westmorland Wastewater Treatment Plant**, Westmorland – Imperial County

MOTION: Jeff Hays moved, Red Martinez seconded, and motion carried unanimously that Order No. R7-2011-0045 be adopted.

9. R7-2011-0048 Administrative Civil Liability Order No. R7-2011-0048 in the matter of Peter M. Ormond, Owner; Rocky Vandergriff, DBA, Water Treatment Services, Operator, **Date Gardens Mobile Home Park Wastewater Treatment Plant**, El Centro – Imperial County

MOTION: Tom Davis moved, Ed Muzik seconded, and motion carried unanimously that Order No. R7-2011-0048 be adopted.

OTHER BUSINESS

10. Informational Update on Noncompliance with Waste Discharge Requirements or Applicable Statutory or Regulatory Requirements — DW

11. Informational Update on State Water Resources Control Board Activities — TV

Tom Vandenberg updated the Board via email.

12. Colorado River Basin Water Board Executive Officer's Report — RP

PG&E's Topock Station—In 2004, the Regional Board adopted Waste Discharge Requirements (WDRs) for a pump and treat system, IM-3, for cleanup of a chromium (Cr+6) ground water plume adjacent to the Colorado River, south of Needles. The Cr+6 was used as an algicide in the cooling towers for PG&E's Topock Compressor Station which pumps natural gas via pipeline to Central and Northern California. In 2006, the Regional Board again adopted WDRs for the IM-3 pump and treat, however, it added a five year sunset clause effective September 20, 2011. In a series of letters exchanged between the U.S. Department of the Interior, DOI, and your legal counsel, Tom Vandenberg, DOI agreed that the federal government under the Comprehensive Environmental Response and Recovery Act, CERCLA, would take over enforcement of the WDRs. CERCLA is the federal cleanup program commonly referred to as superfund. The basic tenet of CERCLA is that only the substantive requirements necessary for cleanup need to be performed but permits from different branches of government are not needed in order to implement the substantive requirements. On a large, complicated and highly expensive cleanup such as the PG&E Topock Cr+6 release, numerous permits from numerous agencies would be needed to continue. Under CERCLA, rather than seeking permits, DOI need only discover the "applicable or relevant and appropriate requirements" (ARARs) then determine the substantive requirements of the ARARs. Regional Board staff will review monitoring data from the IM-3 pump and treat, but in the event there is non-compliance with the substantive requirements of the Regional Board, then DOI will pursue enforcement through the federal courts. Additionally, PG&E agreed to continue operating the IM-3 pump and treat under this federal/state partnership arrangement.

New River AB 1079 Strategic Plan—Jose Angel, AEO, reported that the Peer Review Workshop for the New River AB 1079 Strategic Plan was held on October 13 and 14, in Calexico. The Regional Board staff has been providing regulatory support to Cal/EPA and the City of Calexico to develop the New River Strategic Plan called for by AB 1079. Cal/EPA convened panels of experts from a variety of fields, including academy, the engineering field, and the regulatory sector to evaluate and critique key technical and legal elements of the draft Strategic Plan. He mentioned that the panelists provided excellent feedback on the draft plan, and that the Workshop was a success. He also thanked Board member Red Martinez for participating in the Workshop.

13. Colorado River Basin Water Board Member Comments

Board Member Ed Muzik stated that Hi-Desert Water District, with support from the Executive Officer, submitted an application for a \$1.5 million grant from the State Water Resources Control Board's Cleanup and Abatement Account.

14. Colorado River Basin Water Board Chair's Report — EW

Chair Ellen Way thanked the Board Members who were planning on attending the September 26 and 27th Water Quality Coordinating Meeting (WQCC) in Sacramento at CAL-EPA. The Chair asked Board Member Tom Davis to report back on the WQCC discussions.

CLOSED SESSION

15. At any time during the regular session, the Board may adjourn to meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

No closed session items were discussed.

ARRANGEMENTS FOR NEXT BOARD MEETING: Thursday, November 17, 2011, 10:00 a.m., in Palm Desert

Adjournment: 11:15 a.m.

MOTION: Red Martinez moved, Jeff Hays seconded, and motion carried unanimously to adjourn the meeting.