

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

DRAFT
MINUTES OF BOARD MEETING

November 19, 2008, 10:00 a.m.
City Council Chambers
City of Indio
150 Civic Center Mall
Indio, CA 92201-4434

TELEPHONIC MEETING LOCATION

Hotel Mimosa Riverwalk
524 South St. Mary's Street
San Antonio, Texas 78205
Phone: (210) 354-1333

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by the Chair Ellen Way at 10:05 a.m. on September 17, 2008 in the City Council Chambers, City of Palm Desert, California.

Roll Call (Board Members Only)

Board Member Present:

Jon Edney Jeff Hays, Maurice "Red" Martinez, Edward Muzik, Rick Post and Ellen Way. The Board Secretary stated that a quorum was present. Red Martinez was on a telephonic connection and had to leave the meeting at 11:00 a.m. Jon Edney had to leave the meeting at 11:24 a.m.

Staff Present:

Adnan Al-Sarabi, Jose Angel, Terry Barnes, John Carmona, Kai Dunn, Jose Figueroa-Acevedo, Cecilia Irwin, Robert Perdue, Cliff Raley, Jon Rokke, Jennie Snyder, Hilda Vasquez, Doug Wylie.

Others Present:

Arlyn Atadero, Assistant Superintendent, McCabe School District
Steve Bigley, Coachella Valley Water District
Barbara Bradley, Advanced Onsite Systems
Amanda Brooke, Superintendent, McCabe School District
Jeff Hoskinson, Law Firm of Bowie, Arneson
John McFadden, Chair, Coachella Valley Water District
Mayumi Okamoto, Office of Enforcement
Erik Spiess, Office of the Chief Counsel, SWRCB
Paul Too r, Coachella Sanitation District
Tom Vandenberg, Office of the Chief Counsel, SWRCB

Minutes

1. Minutes of September 17, 2008 Board Meeting

MOTION: Jeff Hays moved, Rick Post seconded, and motion carried unanimously that the Minutes be approved. Tom Davis abstained.

Public Forum

2. No public comments.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. JF R7-2008-0020 Waste Discharge Requirements for **Niland Sanitary District, Niland Wastewater Treatment Plant** – Imperial County
4. CR R7-2008-0038 Waste Discharge Requirements for Mt. San Jacinto Winter Park Authority, Owner/Operator, California Department of Parks and Recreation, Land Owner, **Palm Springs Aerial Tramway, Mountain Station Wastewater Treatment and Disposal System**, San Jacinto State Park, Palm Springs – Riverside County
5. CR R7-2008-0074 Rescission of Waste Discharge Requirements (Board Orders R7-2006-0008 and R7-2007-0014) for **Pacific Gas & Electric Company**, Owner/Operator, **Topock Compressor Station** – Floodplain Reductive Zone in-situ Pilot Test, Needles – San Bernardino County

MOTION: Jon Edney moved, Rick Post seconded. The motion carried unanimously that Order Nos. R7-2008-0020, R7-2008-0038, and R7-2008-0074 be adopted.

ENFORCEMENT ACTIONS

6. DW R7-2008-0067 Cease and Desist Order No. R7-2008-0067 issued to **McCabe Union School District**, Owner/Operator Wastewater Treatment Plant, El Centro – Imperial County

Mr. Angel made a presentation on behalf of the Prosecutorial Team and discussed the violations leading to the proposed enforcement Order and steps taken to correct the violations. He recommended the Regional Board adopt the proposed Order, with errata, and make the Order's effective date retroactive to September 2008. The errata, in part, provided the Discharger additional time for complying with the terms of the Order. Superintendent Brooks informed the Board that she taking the necessary steps to ensure the District comply with Board requirements and asked to make the proposed Order's effective date at least retroactive to September 2008. Mr. Vandenberg, counsel for the Advisory Team, argued against making the Order's effective date retroactive to September 2008 and recommended instead that the effective date needed to be the date the Regional Board adopts the Order. Mr. Perdue also recommended that the effective date of the Order be the date the Regional Board adopts the Order. Ms. Way closed the Public Hearing on the matter and brought the issue to Regional Board members for discussion.

MOTION: Jeff Hays moved, Rick Post seconded. The motion carried unanimously that Order No. R7-2008-0067 be adopted with the errata and with an effective date as recommended by the Advisory Team. Jon Edney abstained.

7. DW R7-2008-0069 Special Order amending Cease and Desist Order No. R7-2008-0008 for the **City of Brawley**, Owner/Operator Brawley Wastewater Treatment Plant, Brawley – Imperial County

MOTION: Jeff Hays moved, Rick Post seconded. The motion carried unanimously that Order No. R7-2008-0069 be adopted.

8. DW R7-2008-0070 Administrative Civil Liability Order No. R7-2008-0070 in the matter of **Seeley County Water District**, Owner/Operator Wastewater Treatment Plant, Seeley – Imperial County

The proposed Order provided for the Discharger to implement a compliance project (CP) to settle its liability. The Discharger was able to obtain financial assistance from a federal agency to implement the CP. Mr. Vandenberg, counsel for the Advisory Team, mentioned to the Board that the State Board Assistant Chief Counsel had just issued a memorandum specifying that Dischargers cannot use grant funds to implement compliance projects. Mr. Angel, lead for the Prosecutorial Team, informed the Board that the Prosecutorial Team had neither received nor had an opportunity to review the alleged memorandum and therefore, as a matter of fairness and due process, it should not be considered by the Board during these proceedings. Several Board members voiced their concerns about the timing of the alleged memorandum and the Water Boards getting in the middle of telling Dischargers which moneys they

can or cannot spend to fix their problems. Ms. Way closed the public hearing and brought the issue to the Regional Board members.

MOTION: Jon Edney moved, Tom Davis seconded. The motion carried unanimously that Order No. R7-2008-0070 be adopted.

9. DW R7-2008-0071 Administrative Civil Liability Order No. R7-2008-0071 in the matter of **Coachella Sanitary District**, Owner/Operator Wastewater Treatment Plant, Coachella – Riverside County

MOTION: Tom Davis moved, Ed Muzik seconded. The motion carried with 6 ayes that Order No. R7-2008-0071 be adopted with changes. Jon Edney goes on record as no.

OTHER BUSINESS

10. Schedule of Board Meetings for Calendar Year 2009

MOTION: Tom Davis moved, Ed Muzik seconded. The motion carried unanimously that the Meeting Calendar Year 2009 be adopted with a change of time for the January 22, 2009 meeting in El Centro to begin at 11:00 a.m.

11. Informational Update on Proposed Revisions to Water Boards Enforcement Policy – JLA

This update was postponed for a future Board meeting.

12. Informational Update on Collaborative Efforts with UC Davis for Creation of a Blueprint towards becoming a Performance Based Organization – RP/JLA

Mr. Angel informed the Regional Board that the office has contracted the services of UC Davis to assist the Regional Board and the staff turn the office into a performance based organization. This effort will require the Board's participation to establish the vision, goals, priorities, and operating principles for the office. Following that, the Board's Executive Team will develop a strategic plan and ask the managers and the staff to develop and implement operational plans to implement the strategic plan and Board's agenda. This effort is also intended to enhance efficiency and morale in the office. He informed the Board members that the staff will be contacting them to set up a date for a Regional Board public workshop to get this effort underway.

13. Informational Update on State Water Resources Control Board Activities – TV

The Board chose to move this item to the January 22, 2009 Board meeting in El Centro.

14. Colorado River Basin Water Board Executive Officer's Report – RP

The Board chose to move this item to the January 22, 2009 Board meeting in El Centro.

15. Colorado River Basin Water Board Member Comments

The Board chose to move this item to the January 22, 2009 Board meeting in El Centro.

16. Colorado River Basin Water Board Chair's Report – EW

The Board chose to move this item to the January 22, 2009 Board meeting in El Centro.

CLOSED SESSION

17. 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)].

There was no closed session.

Arrangements for Next Board Meeting

Date: January 22, 2009 at 11:00 a.m.

Adjournment

The meeting adjourned at 1:40 p.m.