

MINUTES OF BOARD MEETING

Thursday, September 19, 2013, 9:07 a.m. to 11:24 a.m.

California Regional Water Quality Control Board
Colorado River Basin Region
Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 9:03 a.m. on May 17, 2013, at Palm Desert, California.

Roll Call (Board Members Only)

Regional Board Members Present:

Buford Crites, Tom Davis, Edward Muzik, Ellen Way, Nancy Wright.

Regional Board Members Absent: Jeff Hayes.

The Board Liaison stated that a quorum was present.

Regional Water Board Counsel: Tom Vandenberg

State Water Board Liaison: Vice-Chair Fran Spivy-Weber

Regional Board Staff Present:

Robert Perdue, Jose Angel, Soni Wells, Mary Castañeda, Mary Serra, John Carmona, Kai Dunn, Doug Wylie, Nadim Shukry-Zeywar, Liann Chavez, Herb Jackson, Jennie Snyder, Anders Wistrom.

Others Present: (Page 1 of the Visitor sign in sheet was missing at the close of the meeting, therefore, 30 participants are not noted here.)

Jennifer A. Henke, Coachella Valley Mosquito and Vector Control District

Roger Mayes, President, Board of Directors, Hi-Desert Water District

Pam Arnold, Coachella Valley Water District

Fred Choi, Counsel, National Beef

Ben Olson, Olson Engineering, and President, Coachella Valley Irrigated Lands Coalition

Tom Lambert, San Diego County DEH

Sarann Graham, Board of Directors, Hi-Desert Water District

Bob Stadum, Board of Directors, Hi-Desert Water District

Eric Lomeci, RCFCWCD

Scott Bruckner, RCFCWCD
Fernando Miramonte, USDREC El Centro
Yazmin Arellano, Public Works Director/City Engineer, City of Brawley
David Bachtel, Lee & Ro, Inc.
Rosanna Bayon Moore, City Manager, City of Brawley
Daniel V. Hyde, Counsel, City of Brawley
David Nahai, Counsel, City of Brawley
Ivory Reyburn, Coachella Valley Water District
Dennis H. Morita, Counsel, City of Brawley
Sam Couchman, Mayor, City of Brawley
Bill Horne, Resident, Town of Yucca Valley
David Mahaffey, Resident, Town of Yucca Valley
Steve Pastor, Riverside County Farm Bureau

MINUTES

1. Minutes of June 20, 2013 Board Meeting

MOTION: Tom Davis moved, Nancy Wright seconded, and motion carried unanimously that the Minutes be adopted.

PUBLIC FORUM

2. David Mahaffey: Expressed appreciation of the Board's work to address the groundwater nitrate problem.
Ramon Mendoza: Thanked the State Water Board with going forward with the Onsite Waste Treatment System Policy and the Regional Water Board with incorporating the Policy into its Basin Plan, and questioned whether there would be any forums to discuss exemptions from the septic tank prohibition, to which staff responded "yes."
Ben Olson: Described how he helped set up the Coachella Valley Irrigated Lands Coalition to bring all farmers into the coalition in preparation for the upcoming ag discharge waiver for the Coachella Valley.
Roger Mayes: Expressed concern about the Board's allowing package plants in lieu of requiring connecting to the HDWD sewer collection system, which could have a fiscal impact to this project. He requested help from Board to support the sewer project.
Sarann Graham: Indicated that her biggest concern was trying to make things easy for the citizens of Yucca Valley, and that allowing package plants would place a great financial burden on those who could not afford to install their own package plant and thus, had to connect to the HDWD system and pay the associated connection and service costs. She added that the town of Yucca Valley was seeking to approve a ½ cent sales tax for sewer construction and to lower connection/fee costs to the residents, especially low income residents. Ms. Graham also noted that small businesses in the town, which are family-run, would be financially impacted as well if others were allowed to build package plants and not have to connect.
Bob Stadum: Stated he has been a member of the HDWD Board for 14 years. Described how in the 1990s he saw that the town postponed building a sewer project due to the need to import State Water Project water at that time. Expressed concern whether the Board was giving greater deference to following the letter of the law rather than the intent of the law.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2013-0045 New Waste Discharge Requirements (Board Order R7-2013-0045) for Hudson Ranch II, LLC, Owner, Hudson Ranch II Geothermal Project and Power Plant, 409 McDonald Road, Calipatria, Imperial County

MOTION: Buford Crites moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2013-0045 be adopted.

4. R7-2013-0062 Waste Discharge Requirements (Board Order R7-2013-0062) for Coachella Valley Water District, Owner/Operator, Palm Desert Country Club Wastewater Reclamation Plant No. 9 (WRP 9), Palm Desert, Riverside County

MOTION: Buford Crites moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2013-0062 be adopted with errata.

5. R7-2013-0065 Waste Discharge Requirements (Board Order R7-2013-0065) for rescission of Order 99-061 (Eagle Mountain Class III Landfill) and Order R7-2009-0053 (Wister Geothermal Exploration, Ormat Nevada, Inc.).

MOTION: Buford Crites moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2013-0065 be adopted.

6. R7-2013-0069 Waste Discharge Requirements (Board Order R7-2013-0069) for Valley Sanitary District, Owner/Operator, Irrigation of Pasturelands and Fields, Indio, Riverside County

MOTION: Buford Crites moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2013-0069 be adopted.

ENFORCEMENT

7. R7-2013-0068 Administrative Civil Liability Order R7-2012-0068 in the matter of the City of Brawley Municipal Wastewater Treatment Plant, Brawley, Imperial County

Mary Serra, Prosecution Team member, gave a Powerpoint presentation to provide an overview of the proposed stipulated settlement agreement and to explain the basis of the initial penalties sought and the reduced, agreed upon settlement amount that incorporated new information received from the City of Brawley. Ms. Rosanna Bayon Moore, City Manager, City of Brawley, gave a prepared statement about the settlement and the City's plans to ensure future compliance.

MOTION: Buford Crites moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2013-0068 be adopted.

RESOLUTIONS

8. R7-2013-0049 Resolution Amending the Water Quality Control Plan for the Colorado River Basin Region regarding the Onsite Wastewater Treatment System Implementation Program

Jon Rokke, Board staff, gave a Powerpoint presentation to describe the basic elements of the State Water Board OWTS Policy and the requirement to have each Regional Water Board adopt the Policy into their respective Basin Plans within 12 months of the Policy's effective date of May 13, 2013.

MOTION: Edward Muzik moved, Nancy Wright seconded, and motion carried unanimously Resolution R7-2013-0049 be adopted.

9. R7-2013-0070 Resolution R7-2013-0070 Certifying the Revised Imperial County Farm Bureau (ICFB) Sediment Total Maximum Daily Load (TMDL) Compliance Program as Adequate to Correct Impairments of Chlorpyrifos and Diazinon in the Alamo and New Rivers, Imperial County

Nadim Shukry-Zeywar, Board staff, gave a Powerpoint presentation, and also described the written comments received from Ms. Linsey Dale, Executive Director, Imperial County Farm Bureau. Mr. Shukry-Zeywar explained that Ms. Dale's comments were incorporated into the Resolution, and that the errata provided to the Board members described all of the changes made to the Resolution. Ms. Dale then spoke in support of the Resolution.

MOTION: Nancy Wright moved, Ed Muzik seconded, and motion carried unanimously Resolution R7-2013-0070 be adopted with errata.

OTHER BUSINESS

10. Superior Staff Accomplishment Award – Jose Figueroa-Acevedo — RP
Appreciation for Twenty-Five Years of State Service – Doug Wylie – RP
11. Informational Update: State Water Resources Control Board Activities— Fran Spivey-Weber, TV. State Water Board Liaison Ms. Spivey-Weber described the State Water Board's many regulatory and policy activities planned for the current fiscal year. Mr. Vandenberg provided the Board with a handout describing Regional Board accomplishments over the past two Board meetings and future regulatory activities planned, as well as an update of the status of various State Water Board general permits and policies.
12. Colorado River Basin Water Board Executive Officer's Report — RP

Robert Perdue, EO, described preliminary arrangements for a visit to RB7 by CalEPA Undersecretary Gordon Burns.

13. Colorado River Basin Water Board Member Comments

Tom Davis, Ed Muzik and Nancy Wright indicated they are attending the upcoming October 24-25, 2013, WQCC in Sacramento.

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

Chair Ellen Way thanked the Board Members for attending the WQCC and requested they report back to the Board at the upcoming November 14, 2013, Meeting.

CLOSED SESSION

22. 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)].

Chair announced that there were no closed session items to be considered.

ARRANGEMENTS FOR NEXT BOARD MEETING: 9:00 AM, THURSDAY, November 14, 2013, PALM DESERT, CA.

ADJOURNMENT OF BOARD MEETING 11:24 a.m.