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

MINUTES OF BOARD MEETING

Thursday, March 10, 2016, 10:00 a.m. to 12:55 p.m.

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

CALL TO ORDER

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 March 10, 2016, at Yucca Valley, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members Only)

Regional Board Members Present:

Buford Crites, Hidali Garcia, Ed Muzik, Jayne Powell, Ellen Way, Nancy Wright were present (Tom Davis was absent).

The Board Clerk stated that a quorum was present.

Ms. Way introduced and welcomed the Regional Water Board members and thanked the Town for hosting the Board meeting. She also welcomed State Water Resources Control Board (State Water Board) Vice-chair Frances Spivy-Weber.

Regional Water Board Counsel: Tom Vandenberg

State Water Board Liaison: Frances Spivy-Weber

Regional Board Staff Present:
Jose Angel, Abdi Haile, Mary Serra, Mary Castaneda, John Carmona, Kai Dunn, Nadim Shukry-Zeywar, Joan Stormo, Hilda Vasquez, Doug Wylie, Jose Cortez, Francisco Costa, Maria Davydova, Jeff Geraci, Jeong-Hee Lim,.Anders Wistrom.

Others Present:
Robert Leone, Town of Yucca Valley Mayor
Curtis Yakimow, City of Yucca Valley Manager
Shane Stueckle, City of Yucca Valley Assistant Manager
Ken Nyquist, HDWD Public Advisory Committee
Bob Stadum, HDWD
Sarann Graham, HDWD

Mark Ban, HDWD
Jennifer Poland, HDWD
Juli Alsadi, Hi-Desert Star
Michael Flores, Fish & Wildlife
Camden O'Toole, John Carollo Engineers
Scott Warren

MINUTES

1. Minutes of January 14, 2016 Board Meeting

MOTION: Nancy Wright moved, Hidali Garcia seconded, and the motion was carried unanimously to adopt Minutes with noted correction on page 5, Item No. 9.

PUBLIC FORUM

2. Robert Leone, Town of Yucca Valley Mayor, welcomed the Board to the Town and thanked the Board for scheduling the meeting in the Town, which provided Town residents with greater accessibility to the Board's proceedings.

UNCONTESTED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS AND WASTE DISCHARGE REQUIREMENTS

3. R7-2016-0003 Waste Discharge Requirements for the Imperial Irrigation District Grass Carp Hatchery, Imperial County (Renewal) *[Anders Wistrom]*

Ms. Powell noted that the proposed permit included a table showing a history of noncompliance with Total Suspended Limits (TSS) and that the proposed permit had the same TSS limitations that the IID was violating. Mr. Angel stated that the staff intends to follow up on the matter and recommend the Board take formal enforcement against the Discharger to ensure it complies with the TSS limits. He also recommended the Board adopt the proposed permit because the previous permit for the Hatchery has expired.

MOTION: Nancy Wright moved, Hidali Garcia seconded, and the motion was carried unanimously to adopt Order R7-2016-0003 with Errata.

CHANGE OF OWNERSHIP

4. R7-2016-0012 Change of Name and/or Ownership of Facilities having Waste Discharge Requirements *[Doug Wylie]*

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion was carried unanimously to adopt Order R7-2016-0012.

RESOLUTION

5. R7-2016-0001 Resolution to Approve a Substitute Environmental Document and to Adopt a Proposed Amendment to the Colorado River Basin Water Quality Control Plan to Revise a Septic Tank Discharge Prohibition for the Town of Yucca Valley, San Bernardino County
[Theresa Kimsey]

Mr. Muzik stated that he was recusing himself from this Item because he is the General Manager for the Hi-Desert Water District.

Ms. Kimsey presented the staff report on this Item. She provided the Board with background on what the current Basin Plan Prohibition for Yucca Valley requires (e.g., phasing out discharges from septic systems in three Phases in accordance to a time schedule for each Phase). She also discussed the technical and regulatory factors leading to and justifying the proposed amendment. She stated that the proposed amendment in substantive part established the following new deadlines to phase out the discharges from septic systems: June 30, 2021 for Phase 1; and December 2025 for Phase 2 and Phase 3. She also discussed that the proposed amendment established regulatory criteria to deal with "Deferred Properties," which are mostly undeveloped properties in clustered areas that present technical and economic challenges to connect at this time. Further, she presented proposed changes to the internal boundaries of the Prohibition and the proposed changes are consistent with and bring the Basin Plan Prohibition in line with the Hi Desert Water District's Phases to be serviced by a centralized sewage collection and treatment system. Ms. Kimsey described the substitute environmental document required by the California Environmental Quality Act (CEQA) in support of the proposed amendment. She indicated that all potentially significant impacts identified were mitigated to the extent practicable. She also requested that the staff report, including all appendices, the proposed resolution, the amendment, CEQA checklist, and public comments received, and the staff's response to the comments be entered into the administrative record for this Item.

Mr. Angel brought to the Board's attention that the HDWD submitted additional comments and staff responded in writing to the comments and provided the Board with copies of the staff response. He also mentioned the office received an anonymous "Protest Letter," protesting to the HDWD's assessment for the centralized system. He added that he replied in writing to the letter, indicating the Regional Water Board has nothing to do with the assessment. Mr. Vandenberg added that the protest was deficient for at least two reasons: (1) the Board does not have jurisdiction over the assessment, and (2) even if the Board had jurisdiction, the letter was not timely filed.

Ms. Sarann Graham spoke on behalf of the HDWD and in support of the proposed amendment. She also thanked the Regional Water Board staff for working closely with the HDWD staff on the proposed amendment. She pointed out that the community came together and overwhelmingly approved the proposed assessment (73% voted in favor), even though it is an economically disadvantaged community, with many residents on fixed incomes.

Mr. Robert Stadum also spoke on behalf of the HDWD and in favor of the proposed amendment. He stated that they have made significant progress on the project and also thanked the Regional Water Board staff for their support. He reported that HDWD expects to break ground for the centralized system this July.

Mr. Ken Nyquist spoke on behalf of the HDWD's Wastewater Public Advisory Committee in support of the proposed amendment also. He pointed out that even though many town residents are on fixed incomes, including himself, they recognize the need to do their part. He also thanked the Board for its support.

Mr. Yakimo spoke on behalf of the Town in favor of the proposed amendment. He mentioned Mr. Angel provided the City Council and its staff with an overview of the proposed amendment on January 19, 2016. Mr. Yakimo stated that he and his staff also had an opportunity to review the amendment and as recently as this week Regional Water Board staff met with City staff to go over the amendment and answer questions about it and the City's concerns. He also pointed out that the Town has made working with HDWD on the project a priority.

Mr. Mark Ban also spoke on behalf of the HDWD and in support of the proposed amendment. He pointed out that the proposed changes to the Prohibition were instrumental in the HDWD's obtaining approval for the assessment.

Mr. Crites appreciated all of the outreach work done by the Regional Water Board staff. He remarked that the proposed changes add six years to eliminate the problem and suggested that next time the staff use a more vigorous approach in an attempt to balance that type of impact with something that brings a positive value in exchange for the time extension.

Mr. Angel pointed out that if the amendment is adopted, the amendment contains a directive to the Board Executive Officer to modify the current Memorandum of Agreement with the Town and HDWD and that staff intends to take advantage of that directive to make sure existing septic systems are optimally operated and maintained.

Ms. Powell asked what percentage of the septic system wastewater load into the aquifer is from commercial facilities. Mr. Angel said that he believes that at least 40% in Phase 1 is from commercial facilities.

Mr. Angel recommended the Board adopt the proposed amendment.

MOTION: Hidali Garcia moved, Nancy Wright seconded. Roll call vote: Ayes: Ms. Garcia, Ms. Wright, Ms. Way, Ms. Powell, and Mr. Crites. Noes: Zero. Mr. Muzik recused himself. The motion was carried 5 to 0 to adopt Order R7-2016-0001 with Errata.

OTHER BUSINESS

6. Informational Update: Palo Verde Valley and Palo Verde Mesa Irrigated Lands: Proposed Replacement of Conditional Agricultural Waiver with General Waste Discharge Requirements
   [*Francisco Costa]*

Mr. Costa provided the Board with an update on the implementation of the agricultural waiver for Palo Verde Valley and Palo Verde Mesa. He stated that Palo Verde Irrigation District (PVID) has formed a Coalition to implement the waiver and farmers are in compliance with the waiver. He also informed the Board that the existing agricultural waiver for Palo Verde Valley and Palo Verde Mesa will be expiring next year, and staff is proposing

to replace the waiver with proposed General Waste Discharge Requirements. This would result in a more efficient use of staff resources. He added that Regional Water Board staff is in discussions with PVID staff and the Coalition staff about the proposed General WDRs.

Ms. Powell asked whether WDRs orders have to be reviewed and renewed periodically. Mr. Angel said these types of WDRs do not typically have an expiration date. Ms. Powell indicated she would be interested in hearing more about this topic in an informational workshop. Ms. Way echoed Ms. Powell's interest to hear about this item soon.

Mr. Crites asked whether the General WDRs would have similar requirements as the waiver. Mr. Costa said yes and that the only additional change would be some proposed additional monitoring. Several Board members expressed concerns about not having adequate checks-and-balances to periodically review the WDRs. Mr. Angel said checks-and-balances can and should be placed in the WDRs to make sure they are working

7. Informational Update: Surface Water Ambient Monitoring Program (SWAMP) Update
   [Jeff Geraci]

Mr. Geraci presented an overview of the Region's SWAMP. He stated that he feels that the current performance measures for the SWAMP do not necessarily measure performance, nor do they measure the level of effort in implementing the Program. He said they measure "beans" (as in "bean-counting"). He reported that the office added 35 new sites in the Imperial Valley for monitoring. These sites are all agricultural drains and being monitored for neonicotinoid pesticides, specifically imidacloprid, which has been found in the Imperial Valley at the highest concentrations in the State. It is one of the most widely used pesticides and believed to be linked to the collapse of bee colonies. He also mentioned that the office is collecting samples from 21 sites for fish tissue analyses to generate data for fish consumption advisories, which are issued by the Office of Environmental Health Hazard Assessment (OEHHA). Additionally, he reported that being the Salton Sea Coordinator for our office and a member of the Natural Resources Agency's long-term Planning Workgroup for the Salton Sea now enables him to use the SWAMP to support the Sea's restoration activities. He said that the SWAMP will also be evaluating selenium bioaccumulation in wetlands. Regarding deliverables, he said the Region has a water quality assessment report under peer review, will have a draft bioassessment report in April, will prepare with the Department of Pesticide Regulation a report for the imidacloprid pesticide, will have a draft fish tissue report in August, and that OEHHA will be issuing the consumption advisory.

8. Informational Update: State Water Resources Control Board Activities
   [Frances Spivy-Weber, Tom Vandenberg]

Regarding the SWAMP performance measures, Ms. Spivy-Weber said that USEPA bases its funding of the Water Boards on the "bean count." She added that is important that the Water Boards continue to do well with the bean count. She reported that:

- The Chairs meeting will be on March 29, 2016 in Sacramento, and the focus will be in enhancing the Water Boards' capacity to do more in areas of enforcement, agricultural waivers, and the State Water Board's Water Action Plan;
- The State Water Board will have another Salton Sea Public Workshop on April 19, 2016, and it will be webcast;
- The Water Quality Coordinating Committee meeting is tentatively scheduled for October 24 and 25, 2016;

- She attended a Salt Nutrient Management Plan (SNMP) meeting held by State Water Board staff and found it very interesting, particularly how some of the regions are handling SNMPs and getting around key issues. She suggested to contact Shahla Farahnak (Division of Water Quality) for more information on this issue. One outcome of the meeting is that the State Water Board will be adopting a resolution to put SNMPs not just in the context of recycled water but also many other groundwater issues that are associated with salts and nutrients;
- The State Water Board is working on a climate Resolution, and it just adopted a resolution on the human right to water and a resolution on tribal uses of water;
- The State Water Board will be looking at the current conservation requirements and change them to some extent. The Workshop on that will be April 20th and the vote on the 2nd meeting in May.

9. Colorado River Basin Water Board Interim Executive Officer's Report
   [Jose L. Angel]

Mr. Angel stated he submitted his report in writing and was able to answer questions about it. He added that there is a strong desire from the Administration to start implementing New River projects in the Calexico area and as soon as he has more details, he will report back to the Board.

10. Colorado River Basin Water Board Member Comments

Mr. Muzik thanked his fellow Board members for approving the Yucca Valley Prohibition amendment and provided his perspective on the size of the project: two years to design the system, three years to build it, and one year to hook everyone in Phase 1.

11. Colorado River Basin Water Board Chair's Report
    [Ellen Way]

Ms. Way reported that several Board members could not make it on April 14th and the other half could not make it on April 21st for the next workshop for the Coachella Valley SNMP. The Board directed Mr. Angel to schedule the next Coachella Valley Salt Nutrient Management Plan workshop for March 28, 2016. The Board also rescheduled the November 10, 2016 Board meeting (originally scheduled to be in Needles) to November 17, 2016 to be held in the Board's Palm Desert office.

CLOSED SESSION

12. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]**;** 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)].

The Board met in closed session to consider the noticed personnel matter, as allowed under Government Code Section 11126(a). Following the closed session, the Board reconvened into open session and announced it took no action.

ADJOURNMENT OF BOARD MEETING

Meeting adjourned at approximately 12:55 p.m.

NEXT BOARD MEETING: 10:00 AM, THURSDAY, MAY 12, 2016, BRAWLEY, CA.