

# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

**Office**  
73-720 Fred Waring Dr. #100  
Palm Desert, CA 92260

[Colorado River Basin Region Webpage](#)

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## EXECUTIVE OFFICER REPORT

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California Regional Water Quality Control Board  
Colorado River Basin



June - July 2020

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The Executive Officer (EO) of the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) hereby provides the following report on recent staff activities in the region:

### **LAND DISPOSAL – WASTE DISCHARGE REQUIREMENTS PROGRAM**

In addition to the standard workload of writing Board Orders, performing Facility Inspections, and reviewing Discharge Monitoring Reports, staff of the Land Disposal Unit have the following items to report:

**Niland County Fire:** On July 1, 2020 Regional Water Board was verbally notified to the occurrence of an Urban Wildfire Disaster in Niland, CA that affected over 40 structures consisting mostly of single-family homes, recreational vehicles, and accessory residential structures. The County Board of Supervisors declared an emergency on July 2, 2020 and has been implementing a locally operated response using best management practices recommended by state agencies. The disaster related waste will be accepted into the Imperial Landfill, Inc, located in Imperial County and named in the R7-2018-0028 General Order for Disaster Related Waste. The Landfill Discharger submitted a Notice of Intent to enroll in the General Order for Disaster Related Waste on July 7, 2020. On July 8, 2020, the Landfill Discharger submitted an Emergency Waiver of Standards Application to the landfill's Solid Waste Facility Permit for maximum tonnage and vehicles per day, in order to accept the disaster related waste. The Landfill Discharger stated that the disaster related waste should not violate any of the Facilities permitted waste streams. On July 10, 2020, Imperial County approved the Emergency Waiver request for a 120-day period. The County completed the Phase 1 investigation of the disaster-affected area on July 31, 2020, and began Phase 2, the removal of the disaster-related waste according to the Disaster Removal Operations Plan, on August 4, 2020. [Zakary Owens, *Engineering Geologist*].

**Investigations:** Polyfluoroalkyl Substance (PFAS) Monitoring. Allied Imperial Landfill Inc., submitted groundwater monitoring and landfill leachate data in response to a one-time Per- and Polyfluoroalkyl Substance (PFAS/PFOS) sampling event requested by the California State Water Resources Control Board (State Water Board), Order WQ 2019-0006-DWQ. The facility is the final landfill in the Region to submit the results of the PFAS/PFOS monitoring required by the State Water Board Order. Previously, 19 other landfills in the Region had collected samples and submitted the analytical data in compliance with the Order. The Order was issued to 196 landfills across the state with the objective of obtaining a preliminary understanding of PFAS occurrence statewide. In February 2020, the Discharger collected groundwater samples from six groundwater monitoring wells at the Site, as well as landfill leachate samples. PFOS and PFOA were detected in only one well, MW-10 located at the northeastern (downgradient) corner of the closed, unlined, 31-acre portion of the landfill, at concentrations of 2.2 and 35 nanograms/Liter (ng/L), respectively. MW-10 is a groundwater monitoring well and is not used to supply drinking water and is in close proximity to several unlined, drainage and agricultural canals. The concentration of PFOA is above the California response levels of 10 ng/L and 70 ng/L for combined PFOA and PFOS levels. Landfill leachate had detectable concentrations of PFOA and various other PFAS, but PFOS was not detected in landfill leachate. PFOA concentrations were within the range expected in municipal solid waste leachate based on occurrence studies at other landfills. [Zakary Owens, *Engineering Geologist*]

**Notice of Violation:** A Notice of Violation was issued on June 8, 2020 to Westwind Enterprises, Rio Bend RV and Golf Resort subject to the Waste Discharge Requirements Orders R7-2017-0015, and 97-500(40).*[Reginald Tan, WRCE]*

**COVID-19 Emergency Extensions:** A COVID-19 Emergency Relief Extension was requested by the City of Blythe for extension or postponement of certain conditions under their Waste Discharge Requirements. A letter was issued July 9, 2020 informing the City that the request must be done through an Order Amendment. The item has been placed on the September 2020 Board agenda. *[Adriana Godinez, WRCE]*

A COVID-19 Emergency Relief Extension was requested by the Palm Springs Aerial Tramway, Mountain Station Wastewater Treatment and Disposal system for an extension of the due date for construction of the new Mountain Station Wastewater Treatment Facility and the date to submit the final technical report as required in Cease and Desist Order R7-2019-0019. A letter was issued July 9, 2020 informing the Discharger that the request must be done through an Order Amendment. The item has been placed on the September 2020 Board agenda. *[Reginald Tan, WRCE]*

## **WATER QUALITY STANDARDS PROGRAM**

**Colorado River Salinity Work Group Meeting, June 1-3, 2020:** The Colorado River Salinity Work Group met June 1<sup>st</sup> and 2<sup>nd</sup> to discuss and run through presentations for the June 3<sup>rd</sup> meeting of the Colorado River Salinity Forum. The main topic was presenting the 2020 Triennial Review to the Forum for approval. Other presentations included updates on projects for salinity control program implementation from federal agencies. Participants also received notification for projects chosen to be funded by grants earmarked for salinity projects. *[Emma McCorkle, ES]*

**Coachella Valley Environmental Justice Enforcement Task Force Meeting, July 22, 2020:** Staff coordinated with Comite Civico del Valle to organize and co-chair the monthly Coachella Valley Environmental Justice Enforcement Task Force. The meeting was previously held in person in Indio but is now being conducted online over Zoom. Other meeting participants included Salton Sea Action Committee, Coachella Valley Water Keeper, Twentynine Palms Tribe, City of Coachella, Torres Martinez Tribe, Mecca Family and Farm Workers Service Center, California Department of Pesticide Regulation (CDPR), Riverside County Agricultural Commissioner, and Department of Toxic Substances Control (DTSC). Regional Water Board staff provided updates regarding the Triennial Review process, which is underway. The Twentynine Palms Tribe's representative reported that the Tribe's EPA department hired new cultural resource staff and did joint surface water monitoring activities with the Cabazon Tribe. Riverside County's Ag Commissioner reported that they have N95 masks available for distribution to pesticide applicators, and that public meetings are coming up on neonicotinoids on August 11 and 12. City of Coachella reported that they were awarded a grant for water conservation and will be re-launching the program. Torres Martinez Tribe's representative reported that they are doing community involvement to encourage compost and community gardens, and that their air monitors have been detecting high levels of fugitive dust in the air more than usual. Family and Farm Workers Service Center in Mecca reported that they are providing services over the phone, and that they are distributing essential items to nonprofits to distribute to the

community. Comite Civico del Valle reported that they have disposable face masks and cloth face coverings available to distribute to organizations and communities. During the Salton Sea Updates, it was noted that California Natural Resources Agency (CNRA) delayed the release of their dust suppression plan until the end of July in order to provide more consideration to comments and to offer consultation to the Torres Martinez Tribe. CNRA developed a draft engagement plan for their upcoming NEPA meetings, which they have asked local community organizations to review. *[Maria Davydova, ES]*

### **UNDERGROUND STORAGE TANK (UST) AND SITE CLEANUP PROGRAM (SCP)**

**UST Case Closure – COPA INC. Office/Former Bulk Plant, 332 West Chanslor Way Blythe, CA 92225:** A Notice of Opportunity for Public Comment was issued February 14, 2020 for the proposed Underground Storage Tank (UST) case closure. The UST site was proposed for case closure pursuant to the State Water Board's Low Threat Underground Storage Tank Case Closure (Low Threat Closure Policy) adopted via Resolution No.2022-0016 on August 17, 2012. Low threat is established by demonstrating the UST case meets the general and media-specific criteria established in the Policy, satisfies the requirements of Health and Safety Code section 25296.10 and is consistent with State Water Board Resolution 92-49's requirement that cleanup goals and objectives be achieved within a reasonable time. The 60-day comment period closed on April 17, 2020. No comments or concerns from the public were received and a Uniform Closure Letter was issued on July 1, 2020. *[Kola Olatunbosun, Water Resource Control Engineer]*

**UST Case Closure – Riverside County Road Maintenance Yard, 561 South Broadway, Blythe, CA 92225:** A Notice of Opportunity for Public Comment was issued February 11, 2020 for the proposed UST case closure located at the above address. The UST site was proposed for case closure pursuant to the State Water Board's Low Threat Closure Policy. The 60-day comment period closed on April 14, 2020. No comments or concerns from the public were received and a Uniform Closure Letter was issued on June 3, 2020. *[Phan Le, Water Resource Control Engineer]*

**No Further Action – Plains Pipeline, L.P., Former All American Pipeline, Amboy, Ca 92304:** In December 1997, a release of crude oil from a breached, subsurface pipeline occurred at the site creating a 16-acre crude oil plume on top of groundwater. After aggressive recovery of crude oil combined with natural attenuation (biodegradation and volatilization) reduced the crude oil plume. Subsequent field observations and analytical data through time indicate that degradation and natural attenuation have (and continue to) effectively reduce soil and groundwater impacts from the crude oil release. A Notice of Opportunity for Public Comment was issued May 31, 2020 for the proposed No Further Action. The comment period closed on June 21, 2020. No comments or concerns from the public were received and a No Further Action letter was issued on June 29, 2020. *[Therese Kimsey, Environmental Scientist]*

In addition to the correspondence described above the UST and SCP issued correspondence reviewing technical reports, evaluating requests for UST closures, providing direction for site assessment, and approving remedial action plans for sites currently in the assessment and cleanup process. In July staff also issued Annual Estimation letters for the Cost Recovery Program to twelve sites and one to the Department of Defense.

## **ENFORCEMENT**

Region 7 has issued three Administrative Civil Liability Complaints (Complaints) which are currently posted on our website and available for public review. All three complaints are referencing violations of the Cannabis Cultivation General Order which implements the Cannabis Policy requirements that address waste discharges associated with cannabis cultivation activities. Following is a summary of the specifics of each case.

**Lean Green Industries, Llc, 68721 Summit Drive, Cathedral City Riverside County APN 6871620044, WDID No. 7\_33CC403337-** Violation Days: 159 days (March 25, 2019 through August 30, 2019), Discharge: 12,580 gallons, Proposed ACL: \$237,167.10

A Notice of Applicability (NOA) for enrollment in the Cannabis Cultivation General Order was issued on March 25, 2019. Water Board staff inspected the facility on June 5, 2019 and observed brine wastewater from a reverse osmosis (RO) filtration system, irrigation tailwater, and other industrial wastewater being discharged to the septic system. The Discharger was informed on June 7 that this was a violation, and on the same day the discharger stated they turned off their RO system. On June 18, 2019, the discharger provided documentation that RO brine waste was being contained for proper disposal and reported that they generated about 250 gallons per day (gpd) of RO brine waste. However, the discharger continued discharging other industrial wastewater until August 30, 2019.

On October 22, 2019, the Water Board issued an NOV requesting hauling/disposal records, septic tank information, and profiling of the industrial waste stream. Analytical results showed that the RO brine wastewater exceeded the primary maximum contaminant level (MCL) for lead, the irrigation tailwater exceeded the secondary MCL for manganese and had total dissolved solids (TDS) concentrations that exceed background levels identified in the Coachella Valley Salt and Nutrient Management Plan.

**NCA Management LLC, 3241 Needles Hwy, Needles San Bernardino County APN 066009109, WDID NO. 7\_36CC403989:** Violation Days: 157 days (January 21, 2019 through June 26, 2019), Discharge: 94,200 gallons, Proposed ACL \$334,356.18

On September 13, 2018, the site NOA was issued. On June 25, 2019 Water Board staff inspected this facility and found that they were discharging their cannabis industrial waste to their septic system; the discharger turned off their RO system and began containing their waste for disposal on June 27, 2019.

On October 22, 2019 the Water Board issued an NOV asking for additional information about the discharge including analytical lab results for their wastewater and estimations of volumes discharged. Analytical results showed that the wastewater violated the public health goal for arsenic, the taste and odor threshold for sodium, and the secondary MCL for total dissolved solids. The discharger notified the Water Board that they began discharging to their septic system around January 21, 2019.

**Paradise Wellness Center, 1 Ice House Road, Needles San Bernardino County  
 APN 0650-391-23, WDID NO.7\_36CC401592:**

Violation Days: 21 days (June 5 through June 25, 2019), Proposed ACL: \$50,385.44

On May 8, 2018, a NOA was issued and the facility was enrolled in the Cannabis Cultivation General Order. A revised NOA was issued May 22, 2018 correcting the discharge method from sewer to containment in a sealed tank with final waste products hauled offsite. Water Board staff inspected the facility on June 25, 2019 and observed wastewater from the reverse osmosis system being discharged directly to the onsite wastewater treatment system. The Discharger’s representative confirmed that the wastewater had originally discharged to a 5000-gallon reclaim tank to be reused onsite, as outlined in the consultant’s May 3, 2018, email. But the representative stated that the plumbing for the wastewater had “recently” been rerouted to discharge to the septic tank because the reclaim tank was filling up too fast. The plumbing was redirected a few weeks prior to the inspection. The Discharger corrected the violation on June 26.

On September 19, 2019, the Water Board staff issued a Notice of Violation to the Discharger. Estimated contaminant concentrations in the wastewater were calculated based upon equipment efficiencies. The wastewater exceeded the secondary MCL for TDS, exceeded public health goals for arsenic, and exceeded the MCL for manganese, chloride, and fluoride.

The Regional Board scheduled the actions for a Public Hearing on September 3, 2020. The Dischargers chose to waive the right to a Hearing before the Regional Board within 90 days after service of the complaint to engage the Regional Board’s Prosecution Team in settlement discussions. The Prosecution Team is currently in settlement discussions with the Dischargers.

**COVID-19 COMPLIANCE RELIEF RESPONSES TO REQUESTS**

It is the position of the State of California that protection of the public health and the environment are essential functions during the COVID-19 emergency. By extension, compliance with Regional Water Board requirements is also an essential function. The State and Regional Water Boards recognize the challenges faced by the regulated community during this crisis and the need to adjust in response.

Permittees and/or responsible parties requesting compliance relief have each received responses from Regional Water Board staff. Following is a list of responses to requests for COVID-19 compliance relief issued during the June/July 2020 timeframe.

<b>Date</b>	<b>Subject</b>	<b>Site</b>	<b>Staff</b>
July 20, 2020	Approval of Time Extension Request for Submittal of Technical Report, Pursuant to Health and Safety Code Section 25296.10 Corrective Action	Former California Fun Mart (Current Five Brothers Fuel Stop)	Phan Le Water Resource Control Engineer

<b>Date</b>	<b>Subject</b>	<b>Site</b>	<b>Staff</b>
June 30, 2020	Approval of Time Extension Request for Installation of One Off-Site Groundwater Monitoring Well and Submittal of a Well Installation Report	Antunez Autobody, 238 East Main Street, El Centro, CA	Kola Olatunbosun, Water Resource Control Engineer
June 24, 2020	Approval of Time Extension to Submit Final Report Pursuant to Water Code Section 13267, Order WQ 2019-0005-DWQ; PFAS Groundwater Monitoring and Testing for Palm Springs Airport	Palm Springs International Airport	Jessica Bagby Engineering Geologist

### **NPDES PROGRAM**

**401 Water Quality Certification:** The following table shows the Certifications that the Colorado River Basin Water Board issued in June - July 2020. [*Kai Dunn, Senior WRCE*]

#### **401 Water Quality Certification issued in June - July 2020**

<b>Certification Issued</b>	<b>Applicant</b>	<b>Project</b>	<b>WDID#</b>
6/9/2020	Southern California Edison	Pioneertown 12kV Rural/Yucca Valley Distribution Substation Planning Project	7A363028001
7/15/2020	Far West Industries	Belardo Road Storm Drain Improvement Plan	7A333216001
7/23/2020	Ocotillo Wells Solar, LLC	Ocotillo Solar Project	7B133044001



**Unaddressed Violations Subject to Mandatory Minimum Penalties (July 2020)**

**Table 1: Mandatory Minimum Penalty Status**

Number	Facility	Violation Description	Assessed Penalty	Settlement Offer Date	Waiver Received Date	Public Notice Issuance Date	Comment Due Date	EO Execution Date	Number of MMPs
1	Calexico WWTP	Bacteria Indicator & Oil/Grease violations	\$6,000 *\$45,000	2/13/19 *11/06/19	3/12/19 *12/05/19	3/13/19	4/11/19 *12/05/19 In settlement discussion		2 *13
2	Brawley WWTP	Copper & Grease, Bis (2-Ethylhexyl)	\$21,000 *\$33,000	2/21/19 *9/20/19	3/18/19 *10/04/19	3/26/19	4/24/19 *10/04/19 In settlement discussion		7 *11
3	Kent SeaTech Fish Farm	Bacteria Indicator & Oil/Grease violations	\$84,000	4/5/19 *6/14/19	4/30/19 *7/15/19		10/08/19 In settlement discussion		28
	TOTAL:		\$111,000 *\$162,000						37 *52

\*Revised

**Unaddressed Violations Subject to Mandatory Minimum Penalties (July 2020)**

No. of Facilities	No. of Violations
7	41

[Maribel Pizano, SEA and Kai Dunn, Senior WRCE, Ph.D., P.E.]