

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

MINUTES OF BOARD MEETING

Thursday, March 20, 2014, 10:03 a.m. to 12:20 p.m.

California Regional Water Quality Control Board
Brawley Council Chambers
383 Main Street
Brawley, CA 92227

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 10:03 a.m. on March 20, 2014, at Brawley, California.

Roll Call (Board Members Only)

Regional Board Members Present:

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

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, Doug Wylie, Nadim Shukry-Zeywar, Jonathan Rokke, Jeong-Hee Lim

Office of Enforcement Counsel and Staff Present:

Anna Kathryn Benedict, OE counsel; Vanessa Young, OE counsel, James Ralph, OE counsel, Melissa Hall, OE staff

Others Present:

Ron Derma, BARD Water District
Cheryl Cloud, BARD Water District
Jesus Villegas, City of Imperial
Sam Couchman, City of Brawley
Bill Scott, BARD Water District
Jennifer Hinke, CVMVCD
Rick Webster, IVC
Manuel Sanchez, IVC
Lynne Bright, SCCG Inc
Christian Swistak, SCCG Inc
Dennis H. Morita, Legal Counsel, City of Brawley
Steve Gruber, Member of the public

Bud Lugwig, National Beef
Donnie Shaw, National Beef
Randy Bringle, Allied Waste
Luis Estrada, National Beef
Ester Bejarano, Comite Civico del Valle
David Bachtel, HDR
Bill Plourd, El Torro Land and Cattle Company
Vic Gainer, Veolia Water
Juan Zarate, Member of the public
Carolina Villa, Member of the public
Patrick Harris, Seeley County Water District
Paul Cameron, Mesquite Cattle
Greg Braun, Mesquite Cattle
Ivory Reyburn, CVWD
Rosanna Bayon Moore, Brawley City Manager
Lloyd Miller, The Desert Review
B. Scroggins, Member of public
Al Kalin, Farmer

MINUTES

1. Minutes of January 16, 2014 Board Meeting

MOTION: Buford Crites moved, Jeff Hays seconded. Motion was carried unanimously that the Minutes be adopted.

PUBLIC FORUM

Ron Derma, BARD Water District General Manager, asked for Board staff help to address questions regarding the agricultural waiver the Board adopted on January 17, 2013, for the District.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2014-0013 Revised Waste Discharge Requirements for Imperial Landfill, Inc., Owner/Operator, Allied Imperial Landfill Closure and Post Closure Maintenance of Allied Imperial Class III Landfill Unit 1, and Allied Imperial Active Class III Landfill Unit 2, Municipal Solid Waste Management Facilities, Imperial, Imperial County

MOTION: Nancy Wright moved, Tom Davis seconded, and motion carried Order No. R7-2014-0013 be adopted with errata.

4. R7-2014-0020 Resolution to Approve Pretreatment Program Submission for City of Brawley, CA, Imperial County

MOTION: Jeff Hays moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2014-0020 be adopted.

5. R7-2014-0025 Resolution to Approve Proposed Revisions to the Clean Water Act Section 303(d) List of Impaired Water Bodies in the Colorado River Basin Region

MOTION: Buford Crites moved, Jeff Hays seconded, and motion carried unanimously Order No. R7-2014-0025 be adopted with errata.

6. R7-2014-0030 Granite Construction Board Order 03-080 Change of Name and/or Ownership of Facilities Having Waste Discharge Requirements, Twentynine Palms, San Bernardino County

MOTION: Nancy Wright moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2014-0030 be adopted.

7. R7-2014-0031 Revised Waste Discharge Requirements for Tamarisk Park Domestic/Process Wastewater Disposal Ponds, Desert Center, Service Area 51, Riverside County

MOTION: Nancy Wright moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2014-0031 be adopted.

8. R7-2014-0037 Rescission of Waste Discharge Requirements, Board Order R7-2013-0019 for Seeley County Water District, Owner/Operator, Seeley County Wastewater Treatment Plant; Evaporation/Percolation Pond Pilot Project, Seeley, Imperial County

MOTION: Nancy Wright moved, Tom Davis seconded, and motion carried unanimously Order No. R7-2014-0037 be adopted.

ENFORCEMENT

9. R7-2014-0033 Cleanup and Abatement Order, National Beef California, LP, Owner/Operator, Wastewater Treatment Facility, Brawley, CA, Imperial County

MOTION: Nancy Wright moved, Jeff Hays seconded, and motion carried unanimously Order No. R7-2014-0033 be adopted with errata and additional errata comments read into the record by Counsel.

10. R7-2014-0034 Administrative Civil Liability Order in the matter of the Centinela State Prison, California Department of Corrections and Rehabilitation, Centinela State Prison Wastewater Treatment Plant, Imperial, Imperial County

MOTION: Buford Crites moved, Ed Muzik seconded, and motion carried unanimously Order No. R7-2014-0034 be adopted with attachment.

11. R7-2014-0035 Administrative Civil Liability Order in the matter of the Seeley County Water District, Seeley County Wastewater Treatment Plant, Seeley, Imperial County

MOTION: Tom Davis moved, Nancy Wright seconded, and motion carried unanimously Order No. R7-2014-0035 be adopted.

12. R7-2014-0036 Administrative Civil Liability Order in the matter of the Valley Sanitary District, Valley Sanitary District Wastewater Treatment Plant, Indio, Riverside County

MOTION: Ed Muzik moved, Tom Hays seconded, and motion carried unanimously Order No. R7-2014-0036 be adopted.

OTHER BUSINESS

13. Informational Update: State Water Resources Control Board Activities— FSW, TV

State Water Board Vice-Chair Spivey-Weber gave an update on the transfer of the California Department of Public Health's Drinking Water Program to the State Water Board, and also described the State Water Board's efforts to address the drought. Regional Board counsel Vandenberg briefly discussed the Industrial General Permit for Stormwater Discharges that the State Water Board will consider for adoption in early April.

14. Colorado River Basin Water Board Executive Officer's Report — RP/JLA

Assistant Executive Officer Jose Angel reported that he is meeting with Imperial County Farm Bureau and Imperial Irrigation District representatives to discuss the proposed Ag Waiver for Imperial County irrigated lands. ICFB Executive Director Linsey Dale and Mr. Angel will use the ongoing Drained Meetings held with the Imperial County farming community to provide information and receive input from the farmers on the proposed Ag Waiver.

Executive Officer Robert Perdue discussed possible final settlements of low dollar amounts non-discretionary MMPs made as a ministerial action delegated by the Board through Resolution to the EO. Tom Vandenberg, Regional Board Counsel and Mr. Perdue are continuing discussions with SWRCB Office of Enforcement Counsel and staff concerning appropriate limitations which could be placed in a delegation Resolution for the Boards consideration. Board Member Tom Davis requested that future Enforcement Items on the Agendas clearly state in BOLD the amount of Administrative Civil Liability being levied.

The EO stated RB staff held a joint meeting with the Yucca Valley Interim City Manager and the Hi Desert Water District Assistant General Manager in February 2014 to discuss progress towards implementation of the Yucca Valley Septic Tank Prohibition.

Mr. Perdue also noted the Mojave Water Agency will make a presentation during the June Board Meeting in Yucca Valley concerning the Agencies progress towards completing a Salt and Nutrient Management Plan in compliance with the SWRCB Recycled Water Policy.

Finally, the EO stated that RB7 staff has started office wide electronic contents management (ECM). The goal of ECM is to have digitized/searchable copies of all public records for use within the office, and most importantly provide a portal for the public to directly search our public records. Presently staff invests a large amount of effort filling Public Records Act requests, particularly to answer queries concerning sites that may be regulated under a number of Water Board Programs which we intend to make easily accessible via the RB7 webpage.

15. Colorado River Basin Water Board Member Comments
The Board thanked the Brawley City Manager, Rosanna Bayon-Moore, for hosting today's Meeting.
16. Colorado River Basin Water Board Chair's Report — EW
Chair Ellen Way thanked Board Member Nancy Wright for offering to attend the April 11, 2014 Chairs' Meeting. Finally, the Chair offered the City Manager condolences for the recent passing of John Benson, and directed staff to prepare a Resolution of Appreciation for the former Brawley Mayor and Region 7 Board Member.

CLOSED SESSION

17. 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)].

Executive Officer Performance Evaluation. The Board met in closed session to discuss performance evaluation forms submitted.

ARRANGEMENTS FOR NEXT BOARD MEETING: 9:00 a.m., THURSDAY, MAY 8, 2014, PALM DESERT, CA.

ADJOURNMENT OF BOARD MEETING