

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

MINUTES OF BOARD MEETING

November 8, 2007, 10:00 a.m.
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 10:00 a.m. on November 8, 2007, in the City Council Chambers, City of La Quinta, California.

Roll Call (Board Members Only)

Board Members Present:

Jeff Hays, Maurice "Red" Martinez, Richard "Rick" Post, Ellen Way, and Nancy Wright. The Board Secretary stated that a quorum was present.

Staff Present:

Jose Angel, Terry Barnes, Mary Castaneda, John Carmona, Abdi Haile, Kirk Larkin, Robert Perdue, Cliff Raley, Ivory Stark, Hilda Vasquez, and Nadim Zeywar.

Others Present:

Heidi Sickler, Kinder Morgan
Kirstie Reynolds, Kinder Morgan
Arlene Chun, Riverside County Flood Control
Robert Edwards, City of Indio
Steve Bigley, Coachella Valley Water District
Tom Davis, Agua Caliente Band of Cahuilla Indians
Ed Muzik, Hi-Desert Water District
Tom Vandenberg, SWRCB, OCC

Minutes

1. Minutes of the September 19, 2007, Board Meeting

MOTION:

Red Martinez moved, Rick Post seconded, and motion carried unanimously that the September 19, 2007 Minutes be approved as submitted.

Public Forum

2. No comments from the public.

Resolution

3. RP R7-2007-0045 Resolution for Line Section 111 Washout Repairs Project, Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for Santa Fe Pacific Pipeline Partners, L.P. (SFPP)

MOTION:

Jeff Hays moved, Red Martinez seconded, and motion carried unanimously that Resolution No. R7-2007-0045 be adopted.

Workshop

4. **Informational Workshop on Basin Planning**

Jose Angel provided the Board with a regulatory and legal overview of Basin Planning and the evolution of water quality control at the state and federal levels, including requirements to amend and/or establish water quality standards and reviewing those standards. Cliff Raley followed Mr. Angel's presentation with an update regarding the 2007 Triennial Review of the Basin Plan for the Colorado River Basin Region. Mr. Raley explained that pursuant to federal law, Basin Plans are reviewed for adequacy approximately every three years with the objective of reaffirming water quality standards and identifying potential water quality problems that may result in Basin Plan amendments. Mr. Raley provided the Board with a revised draft list of water quality issues for the Board's 2007 Triennial Review. Public Notice No. 07-07-44, which included this revised draft list as an attachment, was published on August 1, 2007, to solicit public comments. Mr. Raley briefly described the public comments received and the status of Board staff's responses to same. Mr. Vandenberg, Board counsel, added that he would be drafting a response to one of the commenters due to litigation filed by the commenter against the Los Angeles Regional Water Board concerning alleged noncompliance with triennial review legal requirements. Mr. Raley concluded his presentation by describing the future actions to be taken as including revising the draft Triennial

Review List based on comments received, forwarding to the Board all comments received and Board staff's responses to same, having the Board consider adoption of the finalized List, and forwarding the adopted List to the State Water Resources Control Board, the Office of Administrative Law, and finally, the U.S. Environmental Protection Agency for their respective reviews and approvals.

Staff Reports

5. Informational Update on Proposition 84 Grant Program for Integrated Regional Water Management Plans

Jose Angel gave a presentation to the Board regarding the Proposition 84 Grant Program for Integrated Regional Water Management Plans.

Other Business

6. Election of Regional Board Chair and Vice-Chair for Calendar Year 2008

Nancy Wright was re-elected Chair and Ellen Way was re-elected Vice-Chair.

7. Schedule of Board Meeting for Calendar 2008

All Board Members agreed to schedule Board meetings on Wednesdays. All meetings will be held at the Indio City Council Chambers. The Schedule of Board Meetings was adopted as proposed.

8. Informational Update on State Water Resources Control Board Activities

Tom Vandenberg, Legal Counsel, Office of the Chief Counsel (OCC), discussed the Office of Enforcement's separation of functions protocol that ensures that separate counsel is provided for the Board and the Enforcement staff when necessary. He also noted that the California Supreme Court accepted on 10/24/07 the State Water Board's petition for review of the appellate court decision upon which the Office of Enforcement's separation of functions protocol is based. That appellate court decision is titled *Morongo Band of Mission Indians v. State Water Resources Control Board*. Accordingly, Mr. Vandenberg explained that the appellate court decision can no longer be cited as legal authority until the California Supreme Court determines at trial whether to uphold or overturn that decision.

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

The Executive Officer (EO) mentioned the proposed meeting requested by representatives from the Colorado River Indian Tribes (CRIT) regarding Topock. He also mentioned the Budget deficit and the proposed state-wide 10% cut. He mentioned that he will be meeting with Alexis Strauss, U.S.

EPA, on November 16, 2007, regarding TMDLs. He also briefly described the Water Quality Coordinating Committee (WQCC) meeting being held in Sacramento.

10. Colorado River Basin Water Board Member Comments

The Board gave thanks to the Regional Board staff for the presentation on Basin Planning.

11. Colorado River Basin Water Board Chair's Report – NW

The Regional Board Chair mentioned that she attended the Chairs' teleconference call on November 5, 2007. She mentioned that the upcoming WQCC meeting was rescheduled to be held in Sacramento, December 10 and 11, 2007, where the Strategic Plan, water recycling, and ground water information would be discussed. She mentioned that the Regional Boards would have quorums soon. She also briefly discussed SB 1001, which would change the Board membership qualifications and impose other requirements on the Boards' current authorities under Porter-Cologne, which was vetoed by the Governor.

Closed Session

12. No closed session was held.

Arrangements for Next Board Meeting

Date: January 16, 2008

Adjournment

The meeting adjourned at 12:07 p.m.