

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

MINUTES OF BOARD MEETING

Thursday, March 12, 2015, 10:00 a.m. to 12:23 p.m.

California Regional Water Quality Control Board
Colorado River Basin Region
City of Brawley Council Chambers
383 Main Street
Brawley, CA 92227

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 12, 2015, at Brawley, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members Only)

Regional Board Members Present:

Buford Crites, Tom Davis, Ed Muzik, Ellen Way (Nancy Wright. – Absent)

The Board Liaison stated that a quorum was present.

Regional Water Board Counsel: Tom Vandenberg

Office of Enforcement Counsel: AnnaKathryn Benedict, Naomi Kaplowitz

Regional Board Staff Present:

Robert Perdue, Jose Angel, Soni Wells, Mary Castañeda, Mary Serra, Kai Dunn, Doug Wylie, Maribel Rodriguez, Rosalyn Fleming, Jose Cortez

Others Present:

Bud Ludwig, National Beef
Luis Estrada, National Beef
Rick Daniels, Manager, City of Needles
Tim Roberts, Salton Community Services District
Mitch Mansfield, SCSD
Kay Pucola, COLAB
Rosanna Bayon Moore, Manager, City of Brawley
Yasmin Arellano, City of Brawley
Randy Hines, City of El Centro
Hector Munoz, City of El Centro
Lillian Garcia, Member of the public
Paul Camera, Member of the public

MINUTES

1. Minutes of January 15, 2015 Board Meeting

MOTION: Buford Crites moved, Ed Muzik seconded, to approve Minutes. Motion was carried unanimously the Minutes be adopted.

PUBLIC FORUM

2. No speakers.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2015-0009 Waste Discharge Requirements for County of Imperial Public Works Department, Owner/Operator, Holtville Class III Municipal Solid Waste Landfill, 2678 Whitlock Road, Holtville, Imperial County (revised)

MOTION: Ed Muzik moved, Buford Crites seconded, and the motion carried unanimously Order R7-2015-0009 be adopted.

4. R7-2015-0018 Waste Discharge Requirements for the City of Needles Wastewater Treatment Plant, City of Needles, owner; EUSI LLC, operator; Needles, San Bernardino County

MOTION: Buford Crites requested this item be separately considered. Rick Daniels, Manager, City of Needles, complimented staff on its work completing the WDRs. Buford Crites moved, Tom Davis seconded, and the motion carried unanimously Order R7-2015-0018 be adopted.

ADMINISTRATIVE CIVIL LIABILITY ORDERS

5. R7-2015-0016 Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order in the matter of City of El Centro, El Centro Wastewater Treatment Plant, El Centro, Imperial County

Maribel Rodriguez, RB7 Staff, gave a presentation on the Proposed Settlement Agreement and Stipulated Administrative Civil Liability Order No. R7-2015-0016 for Mandatory Minimum Penalties assessed in Administrative Civil Liability Complaint R7-2014-0063 totaling \$21,000.

The City of El Centro proposed a Supplemental Environmental Project (SEP) that will entail public outreach at the February/March 2016 California Mid-Winter Fair in El Centro. The name of the SEP is "Distribution of creative water conservation, drought, storm water, and nonpoint source pollution publication materials."

The total cost of the SEP is \$14,136. Both parties agreed to fully settle the matter by adoption of the Stipulated Order. Of the total penalty amount of \$21,000, \$10,500 will be applied to the SEP and the remaining \$10,500 will be paid by the City of El Centro to the SWRCB Cleanup and Abatement Account. The Discharger will be covering the difference of \$3,636 for the SEP.

Prosecution Team staff requested that Stipulated Order R7-2015-0016 be adopted.

Board members raised questions concerning performance standards for the SEP. The Prosecution Team and Dischargers Representative, Randy Hines, addressed the nexus criteria for SEP's and metrics for informational and educational SEP's.

MOTION: Ed Muzik moved, Tom Davis seconded, and the motion carried 3 to 1 Order R7-2015-0016 be adopted. Buford Crites voted against.

6. R7-2015-0017 Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order in the matter of Salton Community Services District for Unauthorized Sewage Discharge in Salton City, Imperial County

Doug Wylie, Regional Board Staff, gave a presentation on the proposed Stipulated Agreement which includes an Enhanced Compliance Action (ECA). The Prosecution Team and Mr. Mansfield, General Manager of the Salton Community Services District, addressed Board questions on the history of the Complaint and components of the ECA. The total amount of the Administrative Civil Liability is \$19,810. The parties agreed that \$9,405 of this total liability will be allocated to the ECA, which the Discharger estimated will cost \$15,195. The Discharger will cover the difference between the ECA allocated amount and the total cost of the ECA. In addition, the parties agreed that the Discharger shall pay a total of \$10,405 to the State Water Resource Control Board's Cleanup and Abatement Account, consisting of \$1,000 in staff costs and the balance in stipulated penalties.

MOTION: Tom Davis moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0017 be adopted.

OTHER BUSINESS

7. Informational Update: State Water Resources Control Board Activities
Tom Vandenberg, RB7 Counsel, provided a handout containing an update on the SWRCB activities.
8. Presentation "General Budget Overview." Bill Damian, Assistant Deputy Director SWRCB Administrative Services, explained the budget process and funding structure, including staffing, for the Waterboards. Mr. Damian and Mr. Angel agreed to send the Board Members further details on the fees and penalty monies generated by RB7. Mr. Damian's presentation was well received by the Board and the Chair thanked him for traveling to the meeting
9. Update on New River Pollution from Mexico
Mr. Angel, RB7 Staff: made a presentation on New River water quality status; described an upcoming meeting of the Assembly Committee on Environmental Safety and Toxic Materials in Calexico at which he and Mr. Perdue will provide testimony; and discussed arrangements for a meeting with the New River Bi-National Technical Committee generated by letters between the RB7 Chair, USEPA, and the International Boundary and Water Commission.
10. Update on Meader's Cleaners

Rosalyn Fleming, WRCE, gave a presentation on the current status of Meader's Cleaners and stated that the 90-day, air sparge / soil vapor extraction pilot testing for ground water clean-up should be completed by May 2015. She said that the Board will be updated on the results of testing.

11. Update on Salt Nutrient Management Plan Activities
Mr. Angel described progress towards completion of a Coachella Valley Salt Nutrient Management Plan.
12. Update on National Beef Cleanup and Abatement Order for closure of site. Bud Ludwig, Environmental Director for National Beef, updated the Board on the progress of the cleanup and closure of the facility. He provided a PowerPoint presentation showing "before" and "after" photos of the treatment system's three lagoons.
13. Colorado River Basin Water Board Executive Officer's Report
Mr. Perdue informed the Board that based on Members questions he will invite the Division of Oil and Gas and Geothermal Resources (DOGGR) to give a presentation on production and reinjection wells.
14. Colorado River Basin Water Board Member Comments
15. Colorado River Basin Water Board Chair's Report
The Chair thanked City Manager Rosanna Bayon Moore for usage of the City Council Chambers.

CLOSED SESSION

16. 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 Way announced that there were no closed session items.

ARRANGEMENTS FOR NEXT BOARD MEETING: 9:00 a.m., WEDNESDAY, MAY 13, 2015, PALM DESERT, CA.

ADJOURNMENT OF BOARD MEETING 12:23 p.m.