
Colorado River Basin Regional Water Quality Control Board

MINUTES OF BOARD MEETING

August 10, 2023, 1:00 p.m. to 3.14 p.m.

In-Person and Zoom Video/Teleconference Meeting

Archived audio and video webcasts of Board meetings are available at the following link:
<https://cal-span.org/static/meetings-RWQCB-COLO.php>

Introductory Matters

1. Introductions, Pledge of Allegiance and Roll Call

The Meeting was called to order by Chair Muzik at 1:00 p.m. on August 10, 2023.

Ed Muzik, Peter Satin, Jayne Powell, Nancy Wright, and Vivian Perez were present. Beatriz Gonzalez was absent.

The Board Clerk stated that a quorum was present.

State and Regional Water Board Staff Present

Paula Rasmussen, Cassandra Owens, David Lancaster, Kai Dunn, Jose Cortez, Mary Castaneda, CJ Jasieniecki, Dan Mefford, Michael Perez, Emma Mc Corkle, Logan Raub, David Boyers, and Wendy Wyles.

Public Attendance

Alex Sanchez, Coachella Valley Irrigated Lands Coalition
Adam Corral, Verdant Encelia, LLC
Lillian Garcia, United for Justice Inc.
Pilar Crossman, Desert Vista Village

Remote Public Attendance

Maria Hamlett, California Department of Transportation, District 8
Marlee Nelson, Court Reporter

2. Public Forum

Comments were received from the following members of the public:

Alex Sanchez, Coachella Valley Irrigated Lands Coalition

3. Approval of Minutes

Minutes of the August 10, 2023 Board meeting.

Motion to approve Item 3: Jayne Powell moved, Vivian Perez seconded, a roll call vote was taken.

Roll Call Vote: Ed Muzik – Aye, Peter Satin – Aye, Beatriz Gonzalez – Absent, Vivian Perez – Aye, Jayne Powell – Aye, Nancy Wright – Abstained

The motion was carried unanimously to approve the minutes of August 10, 2023.

4. Update from the State Water Resources Control Board Liaison, Laurel Firestone

Executive Officer Paula Rasmussen handed the Board Members a written report submitted by Laurel Firestone, who was not able to attend the meeting. Chair Muzik verbally summarized the report. The written report was as follows:

Media Releases

July 11: [Next phase of recycled water begins for California](#)

July 12: [State Water Board releases draft report on expediting permitting for seawater desalination plants](#)

Desalination Siting and Streamlining Report: On July 10 State Water Board staff released the [Draft Seawater Desalination Siting and Streamlining Report to Expedite Permitting \(Draft Report\)](#) for public comment, and the deadline for comments was July 28. The Draft Report was developed by a Seawater Desalination Interagency Group headed by the state board, as part of the [Water Supply Strategy](#). On July 21 staff hosted an [informational public webinar](#) to provide an overview of the recommendations and describe the process for submitting comments on the Draft Report. State board staff, in coordination with the Seawater Desalination Interagency Group, considered comments and are in the process of finalizing the Draft Report for submittal to the Governor's Office.

Hexavalent Chromium Maximum Contaminant Level: On August 2 the state board [will conduct a public hearing](#) for a proposed hexavalent chromium maximum contaminant level (MCL) regulations. SWRCB-DDW-21-003.

Once-Through Cooling: [On August 15](#) the state board will consider adoption of the proposed final amendment to the Water Quality Control Policy on the use of coastal and estuarine waters for power plant cooling (Once-Through Cooling or OTC Policy) to Revise the Compliance Schedules for the Alamitos, Huntington Beach, Ormond Beach, and Scattergood Generating Stations, and the Diablo Canyon Nuclear Power Plant, as well as the proposed final staff report and the responses to comments, are now available on the OTC policy program's official policy documents [webpage](#).

Scott River Minimum Flows: On August 15 the State Water Board will [hold a public hearing](#) to receive oral comments from interested parties and the general public on the Petition for Rulemaking to set minimum flows on the Scott River (Petition).

Direct Potable Reuse Regulations: On July 21 the state board [released proposed regulations](#) for direct potable reuse. The public hearing will be conducted [on September 7](#), during a regularly scheduled state board meeting.

FY 2023-24 Fee Stakeholder Meetings:

[August 3](#) – Water Quality and Water Rights Fees Stakeholder Meetings
[August 4](#) – Drinking Water and ELAP Fees Stakeholder Meetings
Meeting will be held remotely via webcast and Zoom. Participation instructions will be sent to reach fee program's email list subscribers prior to each meeting.

Clean Water State Revolving Fund Intended Use Plan & Drinking Water State Revolving Fund Intended Use Plan: The proposed [DWSRF](#) IUP was adopted by the state board during the July 18 state board meeting. The adoption hearing for the [CWSRF](#) IUP was delayed.

SAFER: On July 14, state board staff [held a public webinar](#) to provide an opportunity for stakeholders to learn about and provide feedback on the overview of the proposed Drinking Water Cost Assessment Model updates. On August 11 the Safe and Affordable Funding for Equity and Resilience (SAFER) Advisory Group [will hold its third meeting](#) of 2023.

Wastewater Needs Assessment: At the September 6th meeting of the state water board staff is expected to provide an informational item on the progress of the Wastewater Needs Assessment.

Uncontested Calendar of Items for Adoption (Item 5)

5. Waste Discharge Requirements Order R7–2023–00XX California Department of Transportation, 1J470 RIV 10 PM 87.9-91.0 Bride Scour RSP Replacement Project, Riverside County

Staff Contact: Logan Raub, Senior Environmental Scientist

Motion to adopt Item 5: Nancy Wright moved, Peter Satin seconded, a roll call vote was taken.

Roll Call Vote: Ed Muzik – Aye, Peter Satin – Aye, Beatriz Gonzalez – Absent, Vivian Perez – Aye, Jayne Powell – Aye, Nancy Wright – Aye

The motion was carried unanimously to adopt Item 5 as presented.

Contested and Discussion Calendar of Items for Adoption (Items 6 – 7)

6. Cease and Desist Order R7-2023-00XX for Verdant Encelia, LLC, Fairfield Inn & Suites – Twentynine Palms/Joshua Tree National Park Wastewater Treatment and Disposal System, San Bernardino County

Staff Contact: Micael Perez, WRC Engineer

The hearing was conducted pursuant to the Hearing Procedure dated June 30, 2023.

The Prosecution Team presented a Revised Tentative Cease and Desist Order to the Board for consideration. The Revised Tentative Order superseded the one originally posted online and distributed to the Board Members. A Change Sheet itemizing the changes in the Revised Tentative Order was also provided to the Board Members.

The Chair administered the Oath to those intending to speak on this item.

Wendy Wyels, Environmental Program Manager from the Office of Enforcement summarized the waste discharge requirements which govern the facility, provided a location map, presented pictures of the two wastewater systems, described the recent violations at the site, and actions taken by the discharger.

Board member Powell expressed her concerns about the deadline requirements. Ms. Wyles explained that the Proposed Order contains language that allows the Executive Officer to extend the due date if needed.

Chair Muzik asked about the seepage pit failing, and whether the plant was a new build or an upgrade to the existing plant. Ms. Wyles explained that the pit is overflowing, and not percolating wastewater, leading to wastewater flowing onto the ground surface. Ms. Wyles also stated that the discharger is rebuilding the entire plant.

Board member Perez inquired when did the new owner acquire the property, and their awareness of all the anomalies. The discharger stated the property was purchased in November 2022, and was aware some upgrades were needed but not the extent of past failures. They are committed to getting the plant operational.

During her presentation, Ms. Wyles proposed one additional change to the Revised Tentative Order. Specifically, the order number in the header on page 2 would be changed from “R7-2009-0010” to “R7-2009-0009.”

Speaker: Adam Corral, Verdant Encelia, LLC. The Discharger’s representative did not contest adoption of the Revised Tentative Order.

The Chair asked for a motion to adopt Item 6 (Revised Tentative Cease and Desist Order), subject to the verbal change in the header as discussed above.

Motion to adopt Item 6: Peter Satin moved, Vivian Perez seconded, a roll call vote was taken.

Roll Call Vote: Ed Muzik – Aye, Peter Satin – Aye, Beatriz Gonzalez – Absent, Vivian Perez – Aye, Jayne Powell – Aye, Nancy Wright – Aye

The motion was carried unanimously to adopt item 6 with verbal change as mentioned above.

7. Cease and Desist Order R7-2023-00XX for Desert Vista Village Homeowner’s Association, Desert Vista Village Wastewater Treatment and Disposal System, San Bernardino County

Staff Contact: Michael Perez, WRC Engineer

The hearing was conducted pursuant to the Hearing Procedure dated June 30, 2023.

The Prosecution Team presented a Revised Tentative Cease and Desist Order to the Board for consideration. The Revised Tentative Order superseded the one originally posted online and distributed to the Board Members. A Change Sheet itemizing the changes in the Revised Tentative Order was also provided to the Board Members.

The Chair administered the Oath to those intending to speak on this item.

Wendy Wyels, Environmental Program Manager from the Office of Enforcement provided an overview of the recent violations, and actions taken by the discharger. She provided a location map, and summarized the waste discharge requirements which govern the facility. She also described the contents of the proposed Cease and Desist Order and recently proposed revisions and change sheet and recommended that the Board adopt the proposed Order.

Chair Muzik questioned the need for a County well destruction permit. Ms. Wyles stated that the permit is required by the County of San Bernardino and the California plumbing code. Chair Muzik suggested that the appropriate permit would be from the Town of Yucca Valley, not the County of San Bernardino.

To resolve the Board Chair’s skepticism, David Lancaster, Legal Counsel for the Advisory Team proposed two further revisions to the Order. First, the following language would be removed from the end of Required Action 1(a): “as required by San Bernardino County.” Second, in Required Action 1(b), “the San Bernardino County permit” was changed to “any necessary state or local permits.” David Boyers, Legal Counsel for the Prosecution

Team concurred with the change relating to the language for the permits included in the report.

Speaker: Pilar Crossman, Desert Vista Village

David Lancaster, Legal Counsel for the Advisory Team asked for the additional documents the discharger presented at the Board meeting be included as part of the administrative record. David Boyers, Legal Counsel for the Prosecution Team agreed, and noted that documents received in an email dated August 6, 2023 also be incorporated by reference into the administrative record. Ms. Crossman stated on the record that the Discharger was not contesting adoption of the Revised Tentative Order.

Board member Powell inquired about the County recording of the document. The discharger stated the site is an unusable lot with a Deed restriction on the land, and she is sole contact for the facility at this time.

The Chair asked for a motion to adopt Item 7 (Revised Tentative Order), subject to the verbal revisions identified by the Advisory Team's counsel.

Motion to adopt Item 7: Nancy Wright moved, Jayne Powell seconded, a roll call vote was taken.

Roll Call Vote: Ed Muzik – Aye, Peter Satin – Aye, Beatriz Gonzalez – Absent, Vivian Perez – Aye, Jayne Powell – Aye, Nancy Wright – Aye

The motion was carried unanimously to adopt Item 7 with revisions as discussed.

Information Items (Items 8-10)

No action was taken on these items.

8. Report from Executive Office, Paula Rasmussen

The Executive Officer, Paula Rasmussen, presented an update on activities and plans for the region.

9. Comments from Board Members

Board member Wright suggested the Board plan a future visit to the Topock site and the Needles area.

10. Report from Chair, Ed Muzik

Chair Muzik reported that the Chair's meeting for this month was canceled. He thanked the Prosecution Team for their work with the Advisory Team on the two agenda items, and for providing excellent presentations.

Closed Session

A closed session was held relating to Gov. Code, § 11126, subd. (a).

Adjournment

Following the closed session, and there being no further business, the meeting adjourned at 3:14 p.m.