
Colorado River Basin Regional Water Quality Control Board

MINUTES OF BOARD MEETING

December 10, 2024, 9:02 am to 12:04 pm

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 Satin at 9:02 am on December 10, 2024.

The Board Clerk conducted a roll call of Board Members physically present at the meeting. Peter Satin, Azucena Beltran-Serrano, Ed Muzik, and Nancy Wright were present. Vivian Perez arrived at 9:12 am, and Beatriz Gonzalez arrived at 9:23 am.

The Board Chair determined that a quorum was physically present at the meeting location.

State and Regional Water Board Staff Present

Michael Placencia, Cassandra Owens, David Lancaster, Mary Castaneda, Dan Mefford, CJ Jasieniecki, Kai Dunn, Logan Raub, Alyssa Duro, Emma McCorkle, Jose Cortez, Michael Perez, Fatima Alrahem, Angela Garcia, Jeff Fitzsimmons and David Boyers. Laurel Firestone attended remotely via Zoom.

Public Attendance

Scot McKone, Hi-Desert Water District, Board President

Remote Public Attendance

David Gracia, City of El Centro
Michael Heishman, Tri Pointe Homes
Greg Holman, Tri Pointe Homes
Marlee Nelson, Court Reporter

2. Public Forum

There were no Public Speakers.

3. Approval of Minutes

Minutes of December 10, 2024, Board meeting.

Motion to approve Item 3: Ed Muzik moved, Nancy Wright seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Azucena Beltran-Serrano- Aye, Ed Muzik – Aye, Nancy Wright – Aye.

The motion was passed to approve the minutes of December 10, 2024.

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

The State Water Board Liaison, Laurel Firestone, presented an update on State Board actions, and strategies for statewide and regional activities.

**Item 5 was moved and heard prior to Information Item 13.*

5. Selection of 2025 Board Meeting Dates

The Board discussed tentative dates for 2025 Board Meeting dates and agreed on the following:

- | | |
|-------------------|-------------------|
| February 11, 2025 | July 1, 2025 |
| March 4, 2025 | September 2, 2025 |
| April 1, 2025 | October 7, 2025 |
| May 6, 2025 | November 4, 2025 |
| June 3, 2025 | December 2, 2025 |

Member Muzik proposed holding Board Meetings at alternate locations within the Board’s jurisdictional area, Chair Satin concurred.

Motion to approve Item 5: Ed Muzik moved, Nancy Wright seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano- Aye, Beatriz Gonzalez – Aye, Ed Muzik – Aye, Nancy Wright – Aye.

Motion passed to approve Item 5 as presented.

Uncontested Calendar of Items for Adoption

(Items 6-8)

Items 6- 8 were voted on together.

6. Waste Discharge Requirements Order R7- 2024-XXXX and Monitoring and Reporting Program (NPDES Permit No. CA0104426)

Parties: City of El Centro
Subject: Wastewater Treatment Plant
Location: Imperial County
Staff Contact: Logan Raub, Senior Environmental Scientist
(Logan.Raub@waterboards.ca.gov)

7. Waste Discharge Requirements Order R7- 2024-XXXX

Parties: RE Cobalt, LLC
Subject: Cobalt Solar Project
Location: Riverside County
Staff Contact: Logan Raub, Senior Environmental Scientist
(Logan.Raub@waterboards.ca.gov)

8. Order R7-2024-XXXX

Substitution of parties under existing orders (e.g., name changes and transfers), and/or rescissions of existing orders.

Affected Orders	Actions
Cease and Desist Order R7-2023-0033 for Desert Vista Village Wastewater Treatment and Disposal Systems San Bernardino County	Rescission of Order
Waste Discharge Requirements Order R7-2007-0008 for Desert Vista Village Wastewater Treatment and Disposal Systems San Bernardino County	Rescission of Order

Staff Contact: Michael Perez, WRC Engineer
(Michael.Perez@waterboards.ca.gov)

Chair Satin inquired about the mitigation requirements and approval process for the Cobalt Solar Project at the agency level. Logan Raub, Senior Environmental Scientist

addressed Chair Satin's question and explained the conceptual mitigation plan and procedures.

Motion to approve Items 6-8: Peter Satin moved, Nancy Wright seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano – Aye, Ed Muzik – Aye, Nancy Wright – Aye

The motion was carried to approve Uncontested Orders Items 6 -8 as presented.

Contested and Discussion Calendar of Items for Adoption

(Items 9-12)

9. Waste Discharge Requirements Order R7-2024-XXXX

Party: Tri Pointe Homes IE-SD, Inc.
Subject: Atwell Phases VI-VIII Development Project
Location: Riverside County
Staff Contact: Alyssa Duro, Environmental Scientist
(Alyssa.Duro@waterboards.ca.gov)

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

Staff provided background information including a description of the project, location, avoidance and minimization measures, impacts, and compensatory mitigation for permanent impacts. Staff concluded their presentation with a recommendation to adopt the Tentative Order.

Board Chair Satin inquired about the status of the sediment and drainage from the Project and if staff have been coordinating with other agencies on the sediment drainage plan. Staff responded that they have coordinated with the interested agencies and the project design plan has been approved and efforts are underway to address any issues.

Speaker: Michael Heishman, Tri Pointe Homes

Motion to approve Item 9: Vivian Perez moved, Azucena Beltran-Serrano seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano- Aye, Beatriz Gonzalez – Aye, Ed Muzik – Aye, Nancy Wright – Aye.

Motion passed to approve Item 9 as presented.

10. Cease and Desist Order R7-2024-XXXX

Party: Jose J. Reyes
Subject: Residential Onsite Wastewater Treatment System,
6366 Hermosa Avenue, Yucca Valley (APN 060116107)
Location: San Bernardino County
Staff Contact: Michael Perez, WRC Engineer
(Michael.Perez@waterboards.ca.gov)

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

Michael Perez, Prosecution Team, provided background information and relevant updates. He concluded with a recommendation to adopt the Tentative Cease and Desist Order. A discussion was held and Michael Perez and Assistant Chief Counsel David Boyers, Prosecution Team counsel, addressed Board member questions and comments.

David Boyers, Assistant Chief Counsel, mentioned the legal issue discussed at length at the previous hearing for this item. He discussed the proposed change sheet with revisions presented by the Prosecution Team to the Advisory Team’s standard to show threat of discharge to water. He also described the Enforcement process pertaining to Cease and Desist Orders with the goal of compliance.

Member Wright asked for clarification on the change sheets for voting purposes. David Lancaster, Legal Counsel provided clarification regarding the standard discussed and revisions to the Tentative Cease and Desist Order.

Chair Satin stated he appreciates the level of effort to demonstrate the violations and would encourage staff to ensure the evidence submitted in these cases is current.

Member Muzik questioned how many properties in Phase I have been connected to the sewer and how many still need to be connected. He mentioned the 2011 Septic Prohibition policy requirements and expressed his interest in expediting this process and relieving staff time as Phase II begins soon. Staff responded that roughly 4200 properties have been connected, and there are 170 properties that still need to connect

David Lancaster, Legal Counsel, acknowledged Member Muzik’s comments, however, he stated that the legal standard still exists regardless of public policy interests.

Speaker: Scott McKone, Hi-Desert Water District, Board President

David Lancaster, Legal Counsel, provided further clarification to Board on the legal standard for Cease and Desist Orders as defined in the Basin Plan and the Water Code and how it pertains to the threat of a discharge,

Board Member Beltran-Serrano thanked staff for providing notices to the Discharger in Spanish and suggested the use of current Google maps pictures when submitting as evidence in the future.

Motion to approve Item 10: Nancy Wright moved, Ed Muzik seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano- Aye, Beatriz Gonzalez – Aye, Ed Muzik – Aye, Nancy Wright – Aye.

Motion passed to approve Item 10 – Revised Tentative Cease and Desist Order dated December 3, 2024.

11. Cease and Desist Order R7-2024-XXXX

Party: Rebecca Russell
Subject: Residential Onsite Wastewater Treatment System
58380 Neva Ct., Yucca Valley (APN 060137306)
Location: San Bernardino County
Staff Contact: Michael Perez, WRC Engineer
(Michael.Perez@waterboards.ca.gov)

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

Michael Perez, Prosecution Team gave a brief presentation, provided background information, and summarized the need for a Cease and Desist Order. He concluded with the recommendation to adopt the Tentative Cease and Desist Order.

No comments from the public.

Motion to approve Item 11: Beatriz Gonzalez moved, Ed Muzik seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano- Aye, Beatriz Gonzalez – Aye, Ed Muzik – Aye, Nancy Wright – Aye.

Motion passed to approve Item 11 as presented.

12. Cease and Desist Order R7-2024-XXXX

Party: Nancy Ann Kennedy
Subject: Residential Onsite Wastewater Treatment System
57478 Encelia Dr., Yucca Valley (APN 059521215)
Location: San Bernardino County
Staff Contact: Michael Perez, WRC Engineer
(Michael.Perez@waterboards.ca.gov)

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

Michael Perez, Prosecution Team, gave a brief presentation and provided background information. He concluded with a recommendation to adopt the Tentative Cease and Desist Order. A discussion was held and Michael Perez and Assistant Chief Counsel David Boyers, Prosecution Team counsel, addressed Board member questions and comments.

No comments from the public.

David Lancaster stated that a voicemail message was received from someone claiming to be the son of Nancy Ann Kennedy, who relayed they had connected to the sewer. The information was also disclosed to the Prosecution Team.

Member Muzik noted that the presentation indicated water usage violated the 2011 Septic Prohibition and asked if any fines were associated with this violation.

David Lancaster, Legal Counsel responded that the Board could make an inference and assume actual discharge is taking place. David Boyers, Assistant Chief Counsel, stated that liability under Water Code section 13350 could potentially apply if there is evidence of impacted groundwater.

Motion to approve Item 12: Beatriz Gonzalez moved, Vivian Perez seconded, a roll call vote was taken.

Roll Call Vote: Peter Satin – Aye, Vivian Perez – Aye, Azucena Beltran-Serrano- Aye, Beatriz Gonzalez – Aye, Ed Muzik – Aye, Nancy Wright – Aye.

Motion passed to approve Item 12 as presented.

Information Items

(No Actions on Items 13 - 16)

13. Mid-Year Performance Update

Regional Board staff provided an update on the status of program activities, metrics, and demonstrated how the programs are integrating the objectives of the strategic plan. The programs which were discussed are NPDES, Water Quality Standards, Land Disposal, Underground Storage Tank Cleanup, and Enforcement. Staff addressed Board member questions and comments. This update will be provided twice annually.

14. Report from Executive Officer, Michael Placencia

The Executive Officer, Michael Placencia, provided an update on activities and plans for the region. He reported that the office renovation is still underway with an estimated completion date in late February. He mentioned that in October, staff attended a meeting hosted by the California Natural Resources Agency and Salton Sea Authority, which gave an overview of the North Lake Pilot demonstration project, that includes 19.25 million in funding by Proposition 68. He stated that in November, he approved a \$30,000 settlement

agreement with Kent SeaTech Fish Farm for bacteria indicator and oil and grease violations. Additionally, he stated that the region has received State Board approval to fill current staff vacancies in the region.

15. Comments from Board Members

Member Muzik suggested discussing future agenda items during Board comments, and he expressed interest in having Patrick O'Dowd from the Salton Sea Authority provide an update to the Board.

Member Wright proposed that the Board take a tour of the New River Improvement Project in Calexico, CA.

16. Report from Board Chair, Peter Satin

There were no updates to report.

Closed Session

No closed session was held.

Adjournment

There being no further business, the meeting was adjourned at 12:04 pm.

Next Board Meeting:
February 11, 2025 at 9:00 am