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## Colorado River Basin Regional Water Quality Control Board

### COLORADO RIVER BASIN REGION

#### *MINUTES OF BOARD MEETING*

September 13, 2022, 10:00 a.m. to 12:33 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>

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#### **1. Introductions, Pledge of Allegiance and Roll Call**

Jayne Powell, Ed Muzik, Beatriz Gonzalez, Vivian Perez, Peter Satin, and Nancy Wright were in attendance. The Board Clerk stated that a quorum was present.

The meeting was called to order by Vice-Chair Ed Muzik at 10:00 a.m. on September 13, 2022.

#### **State and Regional Water Board Staff Present**

Paula Rasmussen, Cassandra Owens, David Lancaster, Mary Castaneda, Dan Mefford, Kai Dunn, Jose Cortez, Emma McCorkle, Reginald Tan, Fatima Alrahem, Maribel Schiavone, and Vaneeta Chintamaneni.

Laurel Firestone attended via Zoom.

#### **Public Attendance**

Alex Sanchez, Coachella Valley Irrigated Lands Coalition  
Emily Murray, Kent SeaTech  
Anyia Kwan, City of Calexico  
Albert Keck, Coachella Valley Irrigated Lands Coalition  
George Tudor, Coachella Valley Irrigated Lands Coalition

#### **Virtual Public Attendance**

Claudia Hertzog, Kent SeaTech

#### **2. Public Forum**

Speakers: Alex Sanchez, Coachella Valley Irrigated Lands Coalition  
George Tudor, Coachella Valley Irrigated Lands Coalition  
Albert Keck, Coachella Valley Irrigated Lands Coalition

JAYNE POWELL, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

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During the Public Forum, Representatives of the Coachella Valley Irrigated Lands Coalition (Coalition)—Alex Sanchez, Board of Directors Chairman, and George Tudor and Albert Keck, Board of Directors Members (collectively, Coalition Representatives)—appeared before the Colorado River Basin Water Board regarding Waste Discharge Requirements General Order R7-2020-0026, *General Waste Discharge Requirements for Discharges of Waste from Irrigated Lands for Dischargers that are Members of a Coalition Group in the Coachella Valley*, as adopted on November 12, 2020 (Coachella Valley Irrigated Lands General Order), and the associated Monitoring and Reporting Program (MRP).

Specifically, the Coalition Representatives requested that the Board conduct an informational workshop on the annual fish tissue monitoring requirement imposed under the MRP. The MRP requires the Coalition to collect and analyze fish tissue samples for DDT, dieldrin, toxaphene and PCBs. According to the Coalition Representatives, the workshop would be useful to understand the issues involved with fish tissue testing and work towards what they considered to be a reasonable outcome (i.e., reducing or eliminating monitoring requirements).

The Coalition Representatives reiterated their opposition to the fish tissue testing requirement. They also asserted that: (1) some of the chemicals for testing had never been used in irrigated agricultural; (2) irrigated agricultural groups had been singled out for bearing the cost of monitoring and reporting activities, which will be substantial; (3) collecting tissue samples from available fish species was not practicable; (4) the Department of Fish and Wildlife might not grant a permit for collecting fish; (4) the available fish species would not serve as good indicators of whether sediment runoff was a contributor to constituents in the water column; (5) compliance with the MRP would be duplicative of Board staff activities in connection with the Surface Water Ambient Monitoring Program; (6) some of the constituents were the result of atmospheric deposition, and not sediment runoff; and (7) fish tissue sampling is unlikely to ever demonstrate that fish will be safe to eat.

The Coalition Representatives also referenced a meeting with the Colorado River Basin Water Board's Executive Officer and staff. According to the Coalition Representatives, this meeting had not fully covered the technical issues, and further discussions were necessary. They also asserted that Board staff indicated that they would change certain aspects of the existing MRP to allow the Coalition to collect fish species present in the channel (i.e., in lieu of those previously specified under the MRP).

Following these remarks, the Colorado River Basin Water Board Members did not ask the Coalition Representatives any questions. The Board Members also did not make any statements following these remarks (including expressing their interest or disinterest in the requested workshop). The Executive Officer, Assistant Executive Officer, legal counsel and staff also were not invited to address or respond to the Coalition Representatives' assertions, summarized above.

### **3. Approval of Minutes**

Minutes of the June 14, 2022 Board Meeting.

Motion to adopt: Nancy Wright moved, Beatriz Gonzalez seconded, and a roll call vote was taken.

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

The motion was carried unanimously to adopt the minutes of the June 14, 2022 Board meeting.

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

Laurel Firestone provided updates on State Water Board activities.

**Uncontested Calendar of Items for Adoption**

(Item 5)

**5. Waste Discharge Requirements Rescission Order R7-2022-0042**

**Staff Contact: Reginald Tan, WRC Engineer**

Motion to adopt: Peter Satin moved, Jayne Powell seconded, and a roll call vote was taken.

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

The motion was carried unanimously to adopt Order R7-2022-0042.

**Contested and Discussion Calendar of Items for Adoption**

(Items 6-8)

**6. Waste Discharge Requirements Order R7-2022-0020 and Monitoring and Reporting Program (NPDES Permit No. 0105181)**

**Staff Contact: Fatima Alrahem, WRC Engineer**

The Vice-Chair administered the Oath to those intending to speak on this item. Staff provided information relevant to the proposed Order R7-2022-0020, and as it pertains to the NPDES permit renewal for the Kent SeaTech Corporation Fish Farm. Staff described the renewal process, permit requirements, new monitoring requirements, the Discharger comments, and staff responses. Staff recommended that the Board adopt the proposed order.

Speakers: Emily Murray, Kent SeaTech  
Claudia Hertzog, Kent SeaTech

Motion to adopt: Beatriz Gonzalez moved Nancy Wright seconded, and a roll call vote was taken.

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

The motion was carried unanimously to adopt Order R7-2022-0020 as presented.

**7. Administrative Civil Liability Complaint R7-2022-0023**

**Staff Contact: Maribel Schiavone, Sanitary Engineer Associate**

Staff provided an overview of the proposed Settlement Agreement and Stipulated Order No. R7-2022-0023 for the City of Calexico Water Pollution Control Plant. Both parties entered into a tentative settlement to resolve effluent limit violations of WDR Orders R7-2014-0004 and R7-2019-0004. The parties agreed to the imposition of an administrative civil liability against the Discharger in the amount of \$81,000, and further agreed that \$81,000 will be suspended pending the Discharger's completion of two Supplemental Environmental Projects. After discussion of this item, the Board voted not to adopt the proposed Settlement Agreement at this time.

Speakers: Vaneeta Chintamaneni, Office of Chief Counsel  
Anya Kwan, City of Calexico

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

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

The motion did not carry to adopt Order R7-2022-0023.

**8. Resolution R7-2022-0036 Delegation of Authority to Executive Officer**  
**Staff Contact: Paula Rasmussen, Executive Officer**

Staff provided a presentation on the purpose of Resolution R7-2022-0036 for the Delegation of Authority to the Executive Officer as per water Section Code 13223. The presentation included background information, updates, and revisions to the prior Resolutions. After a brief discussion it was recommended the Board adopt the Resolution as presented.

The Board initialized a vote to adopt Resolution R7-2022-0036 yet went into further discussion. It was recommended by Legal Counsel that a motion be made to Suspend and Vacate the voting to adopt the Resolution until all discussion was complete.

Motion to Suspend and Vacate vote: Ed Muzik moved, Beatriz Gonzalez seconded, and a roll call vote was taken.

Jayne Powell – Aye, Ed Muzik – Aye, Beatriz Gonzalez – Aye, Vivian Perez – Aye, Peter Satin – Aye, Nancy Wright – Aye.

The motion was carried to Suspend and Vacate the initial vote taken.

Vice-Chair Muzik asked for a motion to adopt Resolution R7-2022-0036 and a new roll call vote to be taken.

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

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

The motion was carried unanimously to adopt Resolution R7-2022-0036.

**Information Items**

(No Actions on Items 9 – 11)

**9. Report from Executive Officer, Paula Rasmussen**

Ms. Rasmussen reported the following:

- Staffing changes: Promotion of Kai Dunn to Supervising Water Resources Control Engineer. New staff: Tom Brown, Water Resource Control Engineer, and Julya Mestas, Water Resource Control Engineer, and the retirement of Greg Middleton, Senior Engineering Geologist.
- Effective mid-August, staff returned to the office for a minimum of 1 day per week ending the COVID emergency telework order implemented in 2020.
- A Press Conference was held in July to discuss the New River Improvement Project in Calexico. Comments were provided by State Secretary and local officials.
- The State Water Board adopted a resolution in July authorizing the Division of Financial Assistance Deputy Director to approve and fund projects to address water quality in the rivers that come across the border from Mexico.
- Staff participated in a Colorado River Summit in Imperial County in July with the focus was on the water supply crisis.
- In July, staff conducted a CEQA Scoping meeting for a TMDL project for the Coachella Valley stormwater channel for ammonia, low dissolved oxygen, and toxicity. (Maria Davydova-Flores, ES)

- In August, staff attended an Eastern Coachella Valley Environmental Justice Task Force meeting. In attendance were EPA Regional Administrator, local elected officials, and members of the Torrez-Martinez Tribe and the Bureau of Indian Affairs.
- The next Board meeting will be held in Brawley along with a tour of the construction project for the Species Conservation Habitat site at the Salton Sea

## **10. Comments from Board Members**

Board member Wright stated that she attended a Water Education for Latino Leadership (WELL) at College of the Desert. State Board Chair Joaquin Esquivel, Secretary Wade Crowfoot, Assemblyman Eduardo Garcia, Board member Beatriz Gonzalez, and Ms. Rasmussen, Executive Officer were in attendance among others.

Board member Gonzalez reported that she attended the Water Education for Latino Leadership (WELL) event and that it was very informative and well put together with a high caliber of speakers. She also attended the Eastern Coachella Valley Environmental Justice Task Force meeting and was glad to see Ms. Rasmussen in attendance on behalf of the Region and recommends others to attend.

## **11. Report from Vice-Chair, Ed Muzik**

Vice-Chair Muzik mentioned he had participated on the monthly Chair's call and the primary discussion was on the Governor's Water Supply Strategy for creating new storage recycling. This will be a big topic at the Water Quality Coordinating Committee (WQCC) meeting next month.

### **Closed Session**

## **12. Closed Session**

There was no closed session held.

### **Adjournment**

The meeting adjourned at 12:33 p.m.

### **Next Board Meeting:**

October 11, 2022 – 10:00 a.m.

Location: City of Brawley Council Chambers  
383 Main Street  
Brawley, Ca 92227