

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF MAY 11, 2022
SOUTH LAKE TAHOE**

ITEM 2
MINUTES

DISCUSSION
The Water Board will consider adopting the minutes of the Regular Meeting of January 12-13, 2022, and the Regular Meeting of March 9-10, 2022.

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ENCLOSURE 1

Lahontan Regional Water Quality Control Board

MINUTES

January 12-13, 2022

The Lahontan Regional Water Quality Control Board (Water Board)
conducted this meeting using
Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by Government Code Section 11133)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant	Kimberly Cox, Helendale
Amy Horne, Ph.D., Truckee	Essra Mostafavi, Bishop
Keith Dyas, Rosamond	

State Water Board

Elizabeth Beryt, Office of Chief Counsel Nichole Morgan, State Water Board Liaison

Water Board Staff

Mike Plaziak, Executive Officer	Scott Ferguson, Supervising WRC Engineer
Ben Letton, Assistant Executive Officer	Patrice Copeland, Supervising Engineering Geologist
Robert Tucker, Sr. WRC Engineer	Andrew Jensen, Environmental Program Mgr.
Doug Cushman, Sr. WRC Engineer	Russell Norman, WRC Engineer
Tiffany Ratz, WRC Engineer	Mary Fiore-Wagner, Sr. Environmental Scientist
Katrina Fleshman, Executive Assistant	Laurie Scribe, Sr. Environmental Scientist

[View the full Agenda and listen to the audio of this meeting](#)

REGULAR MEETING: Wednesday, January 12, 2022, @ 10:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 10:03 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey gave direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

No Public Forum

4. REPORTS BY WATER BOARD (Report by Water Board Liaison given before item #2 presentation)

Water Board Liaison, Nicole Morgan, gave an update to the Water Board.

- Drought conditions - stating water storage is still below normal. January 2022 an emergency order was issued to continue to conserve water.
- State Board Workshops - Gave update on the January 4th State Board workshop and upcoming workshops,
- 303D list for the 2020 through 2022 California integrated report - The proposed staff report summary, comments and responses. The state will hold a meeting to consider adoption of the California clean water act, section 303D list portion of the 2020 through 2022 integrated report on January 19th.
- Budget – On January 10th, Governor announced his proposed budget. Combating climate changes, including fighting wildfires.

2. TAHOE KEYS PROPERTY OWNERS ASSOCIATION, TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST, SOUTH LAKE TAHOE.

a. Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board Staff, Rob Tucker, Sr. WRC Engineer, recommended the Water Board adopt a resolution certifying a Final Environmental Impact Report. The Final Environmental Impact Report is required in order for the Water Board to consider granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region.

Jim Good, Principal Associate, Environmental Science Associates, gave a presentation on the environmental impacts analysis and mitigation measures for the California Environmental Quality Act (CEQA) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) Alternatives identified in the Final EIR/EIS for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test (CMT).

Water Board Staff, Mr. Tucker, gave a presentation on the Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

Attorney, Elizabeth Beryt, provided a “Change Sheet 1” to 2a, and read the change to the Water Board as follows:

The following section on Page 2 of the Proposed Resolution would be removed:

“THEREFORE, BE IT RESOLVED THAT

1. The Lahontan Water Board finds on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and the attached Final EIR/EIS reflects the Lahontan Water Board’s independent judgment and analysis.

2. The Lahontan Water Board hereby certifies the Final EIR/EIS for the Project.”

The following language would be added to Page 2 of the Proposed Resolution:

“THEREFORE, BE IT RESOLVED THAT:

- 1. The Lahontan Water Board finds on the basis of the whole record before it, that there is substantial evidence that the project with implementation of the mitigation measures described in the Final EIR would not result in any significant effects on the environment.*
- 2. The Lahontan Water Board hereby certifies the Final EIR has been completed in compliance with CEQA.*
- 3. The Lahontan Water Board hereby certifies that it has reviewed and considered the information in the Final EIR.*
- 4. The Lahontan Water Board hereby certifies that the Final EIR reflects the independent judgment and analysis of the Lahontan Water Board.”*

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

b. Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board Staff, Rob Tucker, Sr. WRC Engineer, recommended the Water Board adopt a resolution granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region.

Water Board Staff, Mr. Tucker, gave a presentation on the Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

c. Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board held a public hearing to receive testimony and public comment and to consider adopting an individual NPDES permit for residual aquatic herbicides, rhodamine dye, and lanthanum-modified clay to surface waters within the Tahoe Keys Lagoons and Lake Tallac.

Water Board Staff, Russell Norman, WRC Engineer, recommended the Water Board adopt the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test. Water Board Staff, Mr. Norman, gave presentation on the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

d. Mitigation Monitoring and Reporting Program for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test

Water Board staff, Anna Garcia, Sr. Engineering Geologist-Specialist, recommended the Water Board adopt a Mitigation Monitoring and Reporting Program. The Mitigation and Monitoring Program is intended to fulfill the California Environmental Quality Act requirement to develop a monitoring and reporting program for ensuring mitigation measures identified in the Final Environmental Impact Report are implemented.

Water Board Staff, Ms. Garcia, gave a presentation on the Mitigation Monitoring and Reporting Program for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

WATER BOARD TOOK BREAK FROM 12:25PM TO 1PM**DISCHARGER COMMENTS**

- Dave Peterson, Tahoe Keys Property Owners Association (TKPOA) Board President, gave a presentation and spoke on behalf of TKPOA regarding the Control Methods Test (CMT).
- Rick Lind, President of Sierra Ecosystem Associates, continued the TKPOA presentation on the history of the aquatic weeds management, and TKPOA compliance with 2014 Waste Discharge Requirements (WDR) and urgency for scientific comparison of test methods.
- Dr. Lars Anderson continued the TKPOA presentation on the strategy, scope and key components of the CMT and Monitoring Program.
- Dave Peterson, TKPOA Board President, continued the TKPOA presentation summarizing the basis for approval of the Final EIR/EIS, Basin Plan Exemption, and National Pollutant Discharge Elimination System (NPDES) Permit.

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

PUBLIC COMMENTS

- Joanne Marchetta, Executive Director, from Tahoe Regional Planning Agency (TRPA) discussed the collaborative process for developing the CMT, the significant AIS threat the Tahoe Keys Lagoons presents to Lake Tahoe, and the urgency for moving the CMT forward to obtain information necessary to develop a long-term integrated remedy for AIS in the Tahoe Keys Lagoons.
- Elise Fett, from Elise Fett & Associates, Ltd., gave a presentation titled "Stopping Tahoe Keys Weeds at the Source" focusing on the need to address the conditions supporting AIS in the Tahoe Keys Lagoons and further evaluating

non-herbicide AIS control methodologies before approving the use of aquatic herbicides.

- Toby Tyler, representing the Sierra Club, gave a presentation on objections to the Proposed Basin Plan Prohibition Exemption and Proposed NPDES Permit for the CMT.
- Jason Flanders, from ATA Law Group, representing the Sierra Club, gave further presentation on objections to the Final EIR/EIS, Proposed Basin Plan Prohibition Exemption, and Proposed NPDES Permit for the CMT.
- Jesse Patterson, Chief Strategy Officer, representing League to Save Lake Tahoe, gave a presentation on their mission "*To protect and restore the environmental health, sustainability and scenic beauty of the Lake Tahoe Basin. We focus on water quality and its clarity for the preservation of a pristine Lake for future generations*". Mr. Patterson further discussed the League's support of the CMT and its evaluation of both herbicide and non-herbicide control methodologies.
- David Blau, League to Save Lake Tahoe Board Member, and long-term resident of Tahoe Keys discussed how the Final EIR/EIS is very thorough in its impacts and alternatives analysis, including the No Project Alternative and repeated the League's support for the CMT.
- John Moore, resident of Lake Tahoe. Mr. Moore provided comments on objections to the use of herbicides in Lake Tahoe waters and the CMT, questioning the Proposed Basin Plan Prohibition Exemption and Proposed NPDES Permit Monitoring Program, and expressing concerns of the CMT leading to future and repeated herbicide use in Lake Tahoe waters.

WATER BOARD TOOK BREAK FROM 3:20PM TO 3:25PM

PUBLIC COMMENTS (CONT.)

- William Evers, League to Save Lake Tahoe.
- Anne Harper, League to Save Lake Tahoe.
- Harold Singer, South Lake Tahoe resident.
- Lauri Kemper, South Lake Tahoe resident.
- Bruce Warden, South Lake Tahoe resident.
- Trish Freidman, private citizen.
- Brian Beffort, Staff Director of the Sierra Club.
- David Filler, from Suntex Marinas.
- Judith Simon, private citizen.
- Keiron McCammon, Tahoe Keys homeowner.
- Tom Mertens, Lake Tahoe resident.
- John Paoluccio, Inventive Resources, Inc.
- Susan Chandler, Tahoe Keys resident.
- Steve Teshara, Sustainable Community Advocates.
- Madonna Dunbar, Tahoe Water Suppliers Association.
- Carl Fair, Tahoe Keys resident.
- Carolyn Willette, Lake Tahoe resident.
- Andrew Kopania, Tahoe Keys resident.
- Steven Merrill, Lake Tahoe resident and former TRPA Board member.

- Richard McHenry, California Sportfishing Protection Alliance.
- Mago Biehle, Lake Tahoe resident.
- Joy Norem, Tahoe Keys Homeowner.
- Nakia Fosket, Lakeside Park Association - Mutual Water Co.
- Lisa Tilzey, Volunteer Treasurer and many other duties as assigned.
- Natalie Yanish, resident of Douglas County.
- Allyson Willoughby, Incline Village resident.
- Harry Dotson, Tahoe Keys resident.

ADJOURNMENT

The meeting adjourned at 5:20 p.m. on January 12, 2022. The meeting continued to the second day, January 13, 2022.

REGULAR MEETING: Thursday, January 13, 2022, @ 10:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 10:00 a.m. and indicated this is a continuance from yesterday's meeting and will pick up with the remaining Public Comments that did not get heard the day before.

Water Board continued the meeting with Item #2 - TAHOE KEYS PROPERTY OWNERS ASSOCIATION, TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST, SOUTH LAKE TAHOE

PUBLIC COMMENTS

- Judith Handa, Lakeside Park Association.
- Stephen Alastuey, private citizen.
- Steven Smith, Lake Tahoe resident.
- Lindsay McCannon, Tahoe Keys Property Owner.
- Margaret McKee, private citizen.
- Lisa Foley, Lake Tahoe resident.

Rick Lind, President of Sierra Ecosystem Associates, gave closing arguments on behalf of TKPOA. Mr. Lind addressed some public comments and concerns regarding the CMT and herbicides.

COMMENTS BY THE WATER BOARD

Water Board members asked clarifying questions. No direction by the Water Board.

Elizabeth Beryt, Water Board Attorney, indicated staff would be sharing proposed revisions in "Change Sheet #2" and responded to earlier comments that the Final EIR/EIS should have included a determination on the feasibility of the environmentally superior or any other alternatives. Ms. Beryt discussed CEQA's requirements regarding evaluation of alternatives and whether a determination of feasibility of alternatives is required. Ms. Beryt explained why CEQA in this case does not require such a determination nor does CEQA require selection of the environmentally superior alternative.

Rob Tucker, Sr. WRC Engineer, discussed Basin Plan criteria and project goals in response to specific comments provided earlier in the public hearing.

Ms. Beryt explained proposed revisions identified in Change Sheet #2. Change Sheet #2 includes proposed updates to the “Exemption to the Aquatic Pesticide Discharge Prohibition for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test Staff Report,” specifically for Criteria 1. Ms. Beryt also explained proposed updates to the Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test and Conforming Changes to Summary of Comments and Responses on the Proposed Resolutions and Orders that was released on December 29, 2021 as depicted in Change Sheet #2. These proposed updates affect how criteria for applying lanthanum modified clay to the Tahoe Keys Lagoons and Lake Tallac are described.

Member Dr. Horne – The invasive plants are biological pollutants degrading water quality and changing the lake’s ecology by degrading habitat for native species and expanding habitat for non-native species. Effectively addressing this situation will take a collective effort by the Lake Tahoe community and possibly others. Sees AIS situation and a competition of risks, with the biological pollutants represents a long-term risk to the lake that could affect a significantly large portion of the lake. Sees the CMT presenting a one-time, short-term risk to the lake with limited spatial effect. Approving the CMT does not mean Dr. Horne will approve future use of chemicals in addressing AIS nor does it obligate the Lahontan Water Board to approve such proposals in the future.

Member Mostafavi – Her decision has been influenced strongly by the evidence provided by the scientific community and community of people that has participated in the Lahontan Water Board’s process.

Member Dyas – Found the Final EIR/EIS to be well written, comprehensive, and in compliance with CEQA. Staff Report provides information demonstrating the exemption criteria is satisfied. Finds the NPDES Permit’s Anti-Degradation Analysis is consistent with the State’s Anti-Degradation Policy. Finds that the Mitigation Monitoring and Reporting Program is adequate to monitor TKPOA’s mitigation measure implementation.

Member Dr. Cox – Appreciates the comments provided by all meeting participants. Working collaboratively will be more effective in addressing Lake Tahoe’s challenges, including AIS in the Tahoe Keys Lagoons and elsewhere in the lake.

Chair Pumphrey – The project is a test and a very conservative approach to evaluating herbicides. Hopeful that the test will generate useful information and that the information is quickly made available to all, including by the Water Board. Any forthcoming project will be evaluated in light of the information that has been shared through the process, so far, and will be developed by the test and other means. Encourages participants to remain engaged regarding the AIS challenge facing Lake Tahoe.

Ms. Beryt presented the Water Board members with the Water Board staff recommendations. Ms. Beryt indicated that staff recommends the Water Board adopt the following Resolutions and Orders:

- a. Resolution for Certification of the California Environmental Quality Act Final Environmental Impact Report for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Change Sheet #1)**

Motion: Moved by Member Dr. Cox, seconded by Member Dr. Horne to adopting a resolution certifying a Final Environmental Impact Report with a change to the Resolution, page 2 (change sheet #1). Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- b. Resolution for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Revisions to the Staff Report in Change Sheet #2)**

Motion: Moved by Member Dr. Horne, seconded by Member Dyas to adopting a resolution granting an exemption to the aquatic pesticide discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region with changes to the Staff Report (Change Sheet #2) as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- c. Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Granting an Exemption to the Aquatic Pesticide Discharge Prohibition in the Water Quality Control Plan for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test **(With Change Sheet #2)**

Motion: Moved by Member Dr. Horne, seconded by Member Mostafavi to consider adopting an individual NPDES permit for residual aquatic herbicides, rhodamine dye, and lanthanum-modified clay to surface waters within the Tahoe Keys Lagoons and Lake Tallac with changes identified in Change Sheet #2. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

- d. Mitigation Monitoring and Reporting Program for the Lahontan Region for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test.

Motion: Moved by Member Dr. Cox, seconded by Member Dr. Horne to adopting a Mitigation Monitoring and Reporting Program as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

DIRECTIONS BY THE WATER BOARD

Chair Pumphrey stated that the Water Board should get the results of this permit out to the public as soon as they are available. Chair Pumphrey thanked everyone for their hard work on this item and urged everyone to stay involved.

3. MINUTES

Motion: Moved by Member Dyas, seconded by Member Dr. Cox to approve the November 10, 2021, meeting Minutes as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Dr. Cox	Aye
Member Dyas	Aye
Member Dr. Horne	Aye
Member Mostafavi	Aye

[View the adopted November 10, 2021, Meeting Minutes](#)

4. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

Water Board Liaison, Nicole Morgan, gave a report on Water Board updates at prior day’s meeting.

5. EXECUTIVE OFFICER’S REPORT

The Executive Officer, Michael R. Plaziak, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below.

- a. Personnel Report/Update on filling vacancies.
- b. 2022 Board Meeting Schedule and Locations.

Chair Pumphrey asked that we revisit the 2022 Water Board Meeting dates. Specifically, November dates. Member Dr. Horne indicated she likes the fact that Lahontan is consistent with scheduling Board Meetings the 2nd week in the month.

6. ANNUAL ELECTION OF WATER BOARD CHAIRPERSON AND VICE-CHAIRPERSON

Motion: Moved by Member Dyas, seconded by Member Dr. Cox to elected, Peter Pumphrey as Water Board Chairperson. Member Mostafavi moved to elect Peter Pumphrey as Water Board Chairperson, and Member Dr. Horne, as Vice-Chairperson for 2022, seconded by Member Dyas. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Member Cox	Aye
Member Dyas	Aye
Member Jardine	Aye
Member Dr. Horne	Aye

Water Board members elected, Peter Pumphrey as Water Board Chairperson and Dr. Amy Horne as Vice-Chairperson for 2022.

7. CLOSED SESSION

The Water Board went into Closed Session at 1p.m. on Thursday, January 13, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:27 a.m. on January 13, 2022.

Prepared by: _____ Adopted: _____
Katrina Fleshman, Water Board Clerk

ENCLOSURE 2

Lahontan Regional Water Quality Control Board

MINUTES

March 9-10, 2022

The Lahontan Regional Water Quality Control Board (Water Board)
conducted this meeting using
Video and Teleconference as shown below:

Video and Teleconference Meeting Only
No Physical Meeting Location
(Authorized by Government Code Section 11133)

Water Board Members

Peter C. Pumphrey, Chair, Chalfant	Kimberly Cox, Helendale (Absent)
Amy Horne, Ph.D., Truckee	Essra Mostafavi, Bishop
Keith Dyas, Rosamond	

State Water Board

Elizabeth Beryt, Office of Chief Counsel Nichole Morgan, State Water Board Liaison

Water Board Staff

Mike Plaziak, Executive Officer	Scott Ferguson, Supervising WRC Engineer
Ben Letton, Assistant Executive Officer	Patrice Copeland, Supervising Engineering Geologist
Robert Tucker, Sr. WRC Engineer	Andrew Jensen, Environmental Program Mgr.
Ed Hancock, Environmental Scientist	Chris Stetler, Sr. WRC Engineer (Specialist)
Christina Guerra, Engineering Geologist	Dan Sussman, Sr. Environmental Scientist
Cathe Pool, Sr. WRC Engineer	Nicole "Mo" Loden, Environmental Scientist
Katrina Fleshman, Executive Assistant	

[View the full Agenda and listen to the audio of this meeting](#)

REGULAR MEETING: Wednesday, March 9, 2022, @ 9:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 9:00 a.m. and discussed procedures to adhere to the Governor's Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

1. PUBLIC FORUM

No Public Forum

2. MINUTES

The January 12-13, 2022, meeting Minutes will be presented for vote at the May 11, 2022, Lahontan Water Board meeting.

3. REPORTS BY WATER BOARD CHAIR AND WATER BOARD MEMBERS

State Board member Nichole Morgan gave updates to the Water Board. Indicating March is Water Date Month. Discussed ways the Water Board is improving our Water Quality.

Board Chair Pete Pumphrey indicated at the Board Chairs meeting they discussed possibly having Vice-Chairs join future meetings. Chair Pumphrey also indicated there is no date for WQCC yet as they are trying to figure out the in-person meeting locations.

4. EXECUTIVE OFFICER'S REPORT

The Executive Officer, Michael R. Plaziak, provided an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below.

- a. Personnel Report/Introduced new staff and returning staff members. And discussed new Water Board vacancies to be filled.
- b. Update on Bear Valley Cleaners Neighborhood Canvassing event.
- c. Private Domestic Well sampling for PFAS.

Water Board member, Scott Ferguson, Supervising WRC Engineer, gave updates on the 3rd Quarter Violations Report.

5. BRIDGEPORT GRAZING WAIVER STATUS UPDATE, MONO COUNTY

Water Board staff, Nicole "Mo" Loden, Environmental Scientist, provided an outline on the presentation being provided on the Bridgeport Grazing Waiver and the enrollee's efforts to improve grazing related water quality impacts. Elements of the presentation will include trends in 2006-2017 microbial water quality data, rancher implemented best management practices, incorporation of requirements prescribed in the State Board's Eastern San Joaquin review order, the End-of-Valley project and general Waiver updates.

Dr. Ken Tate, University of California Davis Cooperative Extension, gave a presentation on explaining an extensive statistical analysis he conducted on the Bridgeport Ranchers Organization (BRO) 2006-17 data.

Emily Fulstone, Seventh Generation Rancher, BRO Member and the primary WQ data collector for the BRO, presented various best management practices, or BMPs, the BRO has implemented since 2006.

Tina Saitone, University of California Davis Cooperative Extension, provided a summary of the BMP implementation costs and ranch practices based on a survey she conducted with the ranchers. Also discussed Nitrogen and pesticide uses.

Steven Fulstone, BRO President, gave an update on the End-of-Valley project since the Board Members last heard about this project at the March 2017 board meeting.

Water Board Staff, Mo Loden, Environmental Scientist, gave an update on the 2017 Waiver Status.

QUESTIONS/COMMENTS BY WATER BOARD

Member Dyas fully supports staff’s efforts and direction on this Bridgeport Waiver.

Member Dr. Horne agrees with developing a monitoring plan and agree with staff recommendation to go forward with the Waiver.

Member Mostafavi is in support of staff’s preferred approach. Would like to know more about Rancher’s responsibility.

Chair Pumphrey indicated he is in support of the preferred approaches provided by Water Board staff. How do we tease out the balance between what we are asking the ranchers to do on their property and what benefit can be achieved? We need to consider the fact that monies are ongoing and asking the ranchers to support this. Looks forward to the final waiver.

6. *Revised Waste Discharge Requirements for San Bernardino County Solid Waste Management Division, Barstow Class III Landfill, Class II Surface Impoundments, and Septage Sludge Landfarm, San Bernardino County

Water Board staff, Christina Guerra, Engineering Geologist, asked the Water Board to adopt the revised Waste Discharge Requirements for the continued operation of the Facility, Monitoring, and Construction of the proposed Class III Landfill Expansion, Phase 1B and future phases. The revised Waste Discharge Requirements also include general updates and requirements for the installation of additional groundwater monitoring wells.

Motion: Moved by Member Dyas, seconded by Member Dr. Horne to adopt the revised Waste Discharge Requirements for the continued operation of the Facility, monitoring, and construction of the proposed Class III Landfill expansion, Phase 1B and future phases as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Absent
Member Dyas	Aye
Member Mostafavi	Aye

11. Water Board Members went into Closed Session at 11:08 a.m., on March 9th, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:08 a.m. on March 10, 2022.

REGULAR MEETING: Thursday, March 10, 2022, @ 9:00 a.m.

CALL TO ORDER AND INTRODUCTIONS

Chair Pumphrey called the meeting to order at 9:00 a.m. discussed procedures to adhere to the Governor’s Executive Order during this COVID-19 emergency, the meeting will be video and teleconference only with no in person attendance. Chair Pumphrey introduced Bob Lloyd with AGP Video and asked Mr. Lloyd to give direction to the public that wish to speak.

Chair Pumphrey introduced the Water Board Members, Water Board staff and State Water Board staff.

7. Public Forum

None.

8. Workshop - Draft Basin Plan Amendment for Fecal Bacteria Water Quality Objectives

Water Board staff, Ed Hancock, Environmental Scientist, updated the Water Board about progress with the proposed Basin Plan Amendment, including the October 2021 public CEQA scoping process and February 2022 circulation of the draft Substitute Environmental Document (SED) and proposed amendment language for public comment.

QUESTIONS/COMMENTS BY THE WATER BOARD

Water Board members indicated they look forward to the final Basin Plan in November.

9. 2022 Triennial Review of the Water Quality Control Plan for the Lahontan Region

Water Board staff, Dan Sussman, Sr. Environmental Scientist, hosted a hearing in which he presented a revised staff report, prioritized list of basin planning projects, and proposed resolution. Mr. Sussman asked the Water Board to consider adopting the proposed resolution and list of prioritized basin planning projects.

Motion: Moved by Member Dr. Horne, seconded by Member Dyas to adopt the proposed resolution and list of prioritized basin planning projects as presented. Chair Pumphrey called for a roll call vote and the motion carried per the following votes:

Chair Pumphrey	Aye
Vice-Chair Dr. Horne	Aye
Member Dr. Cox	Absent
Member Dyas	Aye
Member Mostafavi	Aye

QUESTIONS/COMMENTS BY THE WATER BOARD

Member Dr. Horne indicated she likes the prioritization process. Including the list of high priority projects resulting from it. And Dr. Horne was delighted that such an elegantly simple prioritization process resulted in such a great list. Going forward Dr Horne hopes the Water Board can continue to improve the process.

Chair Pumphrey agrees with Dr. Horne and commends the staff for this approach.

10. Leviathan Mine Update

Water Board staff, Scott Ferguson, Sr. WRC Engineer, discussed Atlantic Richfield Company's Early Final Remedial Action (EFRA) proposal and Atlantic Richfield Company's Focused Feasibility Study (FFS) and Technical Impracticability Evaluation (TIE) for the EFRA. Mr. Ferguson also discussed key issues related to the EFRA, FFS, and TIE that have been identified in two Water Board letters submitted to the United States Environmental Protection Agency, as part of the Comprehensive Environmental Response, Compensation, and Liability Act process for the Leviathan Mine Superfund site.

QUESTIONS/COMMENTS BY WATER BOARD

Member Dyas asked if staff recommendation is to recommend to EPA that the excluded ARARs are incorporated. Mr. Ferguson replied that ultimately, it's EPA's call on what to include what to not include, but that's where we close that gap.

Member Dr. Horne supports all staff recommendations that are applicable or irrelevant in appropriate requirements that the water board proposed investigating should be included in the studies. It seems premature to, have a final solution groundwater in general because much of the information needed to make that decision doesn't exist yet; more studies are needed. Dr. Horne does not like the idea of onsite sludge disposal as it adds more responsibility and risk to the Lahontan staff. Dr. Horne further indicated she feels further investigation and analysis is needed on the waivers. Dr. Horne feels the "No Action Alternatives" should be based on existing conditions and not go back to before the treatment systems were in place.

Member Mostafavi indicated in the spirit of climate change resilience, this risk reduction, and this is specific with regard to permanent grid-based power supply, she recommended that staff look into micro hydro or renewable energy sources generated at point of use to offset risks of having grid-based power supply in light of the forested areas in that surround the area.

Chair Pumphrey feels this is still early in the process and he is concerned with the idea that, a "final solution" must be based on every possible piece of information that we can look for and obtain. Chair Pumphrey further indicated he is concerned about the technical, impracticality waivers, that doesn't allow for the development, even after we come to the end of this process of technology. Chair Pumphrey went on to say the Lahontan Water Board is in a very uncomfortable, at a minimum untenable situation, when you say we are the discharger, and I say to you, we are the regulators of the discharges. Mr. Pumphrey feels this creates a problem and thinks that we need to give some thought to whether or not, we want to be in that position forever or whether or not there are ways to explore either inside this process, or on a broader level, a way to resolve that situation.

Member Dr. Horne agrees with Chair Pumphrey and likes the idea of finding some way to get the Lahontan Water Board out from the responsibility of being the discharger as well as the regulator.

Tom Bloomfield, from Kaplan Kirsch & Rockwell, LLP, replied to Chair Pumphrey and Dr. Horne's above comments regarding the technical and practicability waiver, under the

Superfund program, once the remedy is selected, it is reviewed every five years. Therefore, once we have a waiver in place, we're not stuck with it, forever. Mr. Bloomfield replied to Chair Pumphrey and Dr. Horne's comments regarding the responsibility of The Lahontan Water Board being the discharger as well as the regulator, stating CalEPA is the regulator and the ultimate decision maker on the remedy for this. We're very careful in how we evaluate, these issues and asserting the, the need for meeting the state, ARARs for example, but ultimately, it's CalEPA decision on selecting the remedy.

11. CLOSED SESSION

The Water Board did not go into Closed Session on Thursday, March 10th. The Water Board went into Closed Session, at 11:08 a.m. on Wednesday, March 9, 2022.

ADJOURNMENT

With no further business to come before the Water Board, the meeting adjourned at 11:20 a.m. on March 10, 2022.

Prepared by: _____ Adopted: _____
Katrina Fleshman, Water Board Clerk