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## Lahontan Regional Water Quality Control Board

Date Distributed: November 4, 2022

**REVISED 11/04/2022**

**Due to projected inclement weather and possible road closures or hazards due to snow, the November 9, 2022 meeting will be virtual only and the South Lake Tahoe office will not be available as a location for public observation and comment. Persons wishing to comment on an item on the board agenda should submit a virtual speaker card following the instructions at: [https://www.waterboards.ca.gov/lahontan/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/).**

### MEETING AGENDA

The Lahontan Regional Water Board (Water Board) is conducting this meeting from the location shown below:

Wednesday, November 9, 2022, 9:00 a.m.  
Regular Meeting

**NO PHYSICAL LOCATION**

Via Video and Teleconference (Gov. Code § 11133)

***Video and Teleconference:*** *This meeting will occur with no physical meeting location. Pursuant to Government Code section 11133, one or more board members may participate remotely.*

For those who wish to comment on an agenda item or are presenting to the Water Board, additional information about participating telephonically or via the remote meeting solution is available at [https://www.waterboards.ca.gov/lahontan/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/).

For those who only wish to watch the meeting, and do not plan to participate, the customary webcast is available at <https://cal-span.org/static/meetings-RWQCB-LAHO.php>.

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#### General Meeting Information:

The following items are numbered for identification purposes only and will not necessarily be considered in this order. The meeting will not be called to order prior to the time specified. All Water Board files, exhibits, and agenda materials pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Comments on individual agenda items are welcome. If you are considering speaking or submitting written materials, please consult the notes at the end of the agenda.

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PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, EXECUTIVE OFFICER

Adoption of Uncontested Calendar:

Items denoted by (✖) are expected to be routine and non-controversial and will be proposed for the uncontested calendar. The Water Board will act on these items at one time without discussion. If any Water Board member or person requests discussion, the item may be removed from the uncontested calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by emailing to the Board Clerk at [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov) or by calling the Water Board's Executive Officer via his Executive Assistant, Katrina Fleshman at (530) 542-5414.

**REGULAR MEETING: Wednesday, November 9, 2022, at 9:00 a.m.**

## Call to Order and Introductions

1. **Public Forum** – A public forum is held at the beginning of each general meeting where persons may speak on matters within the Water Board's jurisdiction that are not related to a specific agenda item or currently pending before the Water Board. Comments regarding pending or impending adjudicatory matters will not be allowed.
2. **Minutes** – The Water Board will consider adopting the minutes of the Regular Meeting of September 14-15, 2022.
3. **Reports by Water Board Chair and Water Board Members** – The Water Board members will provide updates to the Water Board and public on events and activities of interest.
4. **Executive Officer's Report** – The Executive Officer will provide an update to the Water Board and public on key actions and activities in the Lahontan region, including the items below. This is an informational item, and no formal action is requested, though Water Board members may give direction to staff. (Mike Plaziak)
  - a. Notification of Spills (Pursuant to Water Code section 13271, and Health and Safety Code section 25180.7)
5. **Continuation of Public Hearing National Pollutant Discharge Elimination system (NPDES) and Waste Discharger Requirements for Baseload power Wendel, LLC Wendel Geothermal Power Plant, Lassen County** – The Water Board held a public hearing on a proposed permit on June 9, 2022. This hearing continues the public hearing to receive public comments on the proposed permit and its changes. The Board will consider for adoption an individual NPDES Permit for the discharge of Geothermal Fluids to surface water in the Susanville Hydrologic Unit. (Trevor Miller)
6. **Salt and Nutrient Management Planning Strategy** - Water Board staff will present a staff report to guide development of the Water Board's Salt and Nutrient Management Planning Strategy. This is an informational item, and no formal action is requested, though the Water Board members may give direction to staff. (Anna Garcia)

## 7. Closed Session<sup>1</sup>

- a. Discussion of Significant Exposure to Litigation. Authority: Government Code section 11126, subdivision (e)(2)(B)(i).
- b. Discussion to Decide Whether to Initiate Litigation. Authority: Government Code section 11126, subdivision (e)(2)(C)(i).
- c. To deliberate on a decision to be reached based upon evidence introduced in a hearing. Authority: Government Code section 11126, subdivision (c)(3).
- d. Discussion of Litigation. California Sportfishing Protection Alliance v. Lahontan Regional Water Quality Control Board, El Dorado County Superior Court, Case No. 22-CV-0841. Authority: Government Code section 11126, subdivision (e).
- e. Discussion of Personnel Matters. Authority: Government Code section 11126, subdivision (a).

## Adjournment

### GENERAL PROCEDURES

The Water Board will be considering many items during this meeting which may result in Water Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Water Board, we expect all statements made before this Water Board to be truthful with no attempts to mislead this Water Board by false statements, deceptive presentation, or failure to include essential information.

#### Sequence of Agenda Items

The items are numbered for identification purposes only and will not necessarily be considered in this order.

#### Availability of Agenda Material

To view or download documents available on the public website, go to <https://www.waterboards.ca.gov/lahontan/>. Documents not available on the public website may be requested by contacting [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov).

#### Accessibility

If you have special accommodations or language needs, please contact Katrina Fleshman, Executive Assistant, at least ten days prior to the meeting date at: (530) 542-5414 or [katrina.fleshman@waterboards.ca.gov](mailto:katrina.fleshman@waterboards.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

#### Public Forum

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda or currently pending before the Water Board. Comments regarding matters that are under development for future

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<sup>1</sup> At any time during the regular session, the Water Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126, subdivisions (a), (c)(3) and (e).

meetings or not within the Water Board's regulatory authority will be restricted. Comments regarding pending or impending adjudicatory matters will not be allowed. Comments during public forum will generally be limited to five (5) minutes.

Information about participating telephonically or via the remote meeting solution is available here: [https://www.waterboards.ca.gov/lahontan/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/). Comments will generally be limited to five (5) minutes. Any person wishing to make a longer presentation should request an extension from the Executive Officer at least fifteen (15) days prior to the meeting, and if you want written materials to be provided to the Water Board, please contact Katrina Fleshman, Executive Assistant, at least ten (10) days prior to the meeting date at (530) 542-5414 or [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov)

### Meeting Procedures

The Water Board circulates item-specific Notices and/or Hearing Procedures along with drafts of its Orders, Amendments, and other action items. If there is a conflict between an item-specific Notice or Hearing Procedure and the Meeting Procedures in this Agenda, the item-specific Notice or Hearing Procedure will control. Please contact Water Board staff if you do not know whether there is a Notice or Hearing Procedure for a specific item. The statutes and regulations that govern the Water Board's meetings are on the State Water Board's Laws and Regulations web page ([https://www.waterboards.ca.gov/laws\\_regulations/](https://www.waterboards.ca.gov/laws_regulations/)).

In order to give everyone an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Comments will generally be limited to five (5) minutes. Persons are encouraged to use time for oral comments to summarize their written submittals. Any person wishing to make a longer presentation should request an extension at least ten (10) days prior to the meeting at: [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov). Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, must provide the presentation to Katrina Fleshman, Executive Assistant at least ten (10) working days prior to the meeting at: [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov).

Information about participating telephonically or via the remote meeting solution is available here: [https://www.waterboards.ca.gov/lahontan/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/)

Written comments on an agenda item must be submitted on or before the due date listed in the item-specific Notices and/or Hearing Procedures. Written materials that are received after deadlines set by item-specific Notices and/or Hearing Procedures will not generally be admitted.

For items on the agenda that do not have an item-specific Notices and/or Hearing Procedures with specific due dates, written comments must be submitted at least ten (10) days before the meeting to the Executive Assistant, Katrina Fleshman ([RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov)).

Material presented to the Water Board as part of the testimony that is to be made part of the record must be left with the Water Board.

### Ex Parte Requirements

An ex parte communication is a communication to a Water Board member from any person, about a pending or impending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the Water Board members from engaging in ex parte communications on

permitting, enforcement, and other “quasi-adjudicatory” matters. A communication about a pending adjudicative matter, received during a public forum, or during the public meeting when the item is not noticed, may violate the ex parte prohibition. The public is encouraged to contact Water Board staff to determine whether a matter is a pending or impending adjudicatory matter. Ex parte communications are allowed on pending general orders (such as general waste discharge requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287. Further [information and disclosure forms](#) are located on the Water Board’s website.

The ex parte rules are intended to provide fairness, and to ensure that the Water Board’s decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. A Water Board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the [ex parte questions and answers](#) document located on the Water Board’s website.

### Contributions to Regional Water Board Members

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Water Board must submit a statement to the Water Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Water Board member for three months following a Water Board decision on the permit application.

### Petition of Regional Water Board Action

Any person aggrieved by an action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the [law and regulation applicable to filing petitions](#) may be found on the Water Board website or will be provided upon request.

### Water Quality Certification

A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act, may be obtained by contacting the staff below:

**Northern Lahontan Basin:** Andrew Jensen in South Lake Tahoe at (530) 542-5453  
[andrew.jensen@waterboards.ca.gov](mailto:andrew.jensen@waterboards.ca.gov)

**Southern Lahontan Basin:** Jan Zimmerman, in Victorville at (760) 241-7376  
[jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)

The Water Board has a home page that can be accessed on the Internet, at:  
[www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan).

Recordings

Recordings are made of each Water Board meeting and are available on the Water Board website.

**LAHONTAN WATER BOARD MEMBERS**

California Water Code section 13201 provides for the Governor to appoint seven members to the Regional Water Quality Control Board. Each member shall reside or have a principal place of business within the region. Appointments are subject to confirmation by the state Senate.

Name	From	Term Expires
Peter C. Pumphrey, Chair	Bishop	9/30/23
Kimberly Cox	Helendale	9/30/22
Keith Dyas	Rosamond	9/30/24
Amy Horne, PhD., Vice-Chair	Truckee	9/30/22
Essra Mostafavi	Bishop	9/30/24
Vacant		

**LAHONTAN WATER BOARD CONTACTS**

Mike Plaziak, Executive Officer  
 Ben Letton, Assistant Executive Officer  
 Elizabeth Beryt, Counsel to the Water Board  
 Katrina Fleshman, Executive Assistant

To reach the Executive Officer, please contact his Executive Assistant, Katrina Fleshman, via email at [RB6-Lahontan@waterboards.ca.gov](mailto:RB6-Lahontan@waterboards.ca.gov) or call (530) 542-5400.

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific groundwater or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Water Board are outlined in the Porter-Cologne Water Quality Control Act.