

## Colorado River Basin Regional Water Quality Control Board

### REGIONAL BOARD MEETING AGENDA

#### Video and Teleconference Meeting Only

#### No Physical Meeting Location

(Authorized by and in furtherance of Executive Orders [N-29-20](#) and [N-33-20](#))

**March 9, 2021 at 9:00 a.m.**

**Video and Teleconference Meeting During COVID-19 Emergency:** As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, this meeting will occur solely via remote presence. The meeting Agenda and remote participation information is available at the Colorado River Basin Water Board's website at:

[https://www.waterboards.ca.gov/coloradoriver/board\\_info/agenda/](https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/)

- For those who only wish to watch the meeting, the customary webcast remains available at <https://video.calepa.ca.gov/> and should be used UNLESS you intend to comment.
- For those who wish to comment on an agenda item, additional information about participating via video, or telephonically is available here: [https://www.waterboards.ca.gov/coloradoriver/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/coloradoriver/board_info/remote_meeting/)

Supporting documents for agenda items to be considered by the Colorado River Basin Water Board are posted on our website. To view or download documents, go to:

[https://www.waterboards.ca.gov/coloradoriver/board\\_info/agenda/index.html](https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/index.html).

More detailed information concerning the Colorado River Basin Water Board's meeting procedures is attached to the end of this agenda.

- Pledge of Allegiance
- Roll Call
- Public Forum

Any person may address the Colorado River Basin Water Board at this time regarding any matter within the Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to three (3) minutes, unless otherwise directed by the Board Chair.

1. Approval of Meeting Minutes

Minutes of February 9, 2021 Board Meeting.

2. State Water Board Liaison Update [*Laurel Firestone, State Water Board Liaison*]

**Contested and Discussion Items**

3. R7-2021-0008 – Consideration of adoption of Waste Discharge Requirements for CalEnergy Operating Corporation et al., Region 1 Salton Sea Power Plant Units 1-5, Calipatria, Imperial County [*Zak Owens, EG*]

- [Order R7-2021-0008](#)

4. R7-2021-0009 – Consideration of adoption of Conditional Settlement Offer for Kent SeaTech, LLC, Kent SeaTech Corporation Fish Farm, Riverside County [*Maribel Pizano, SEA*]

- [Order R7-2021-0009](#)

5. R7-2021-0014 – Consideration of adoption of Stipulated Administrative Civil Liability Order in the Matter of NCA Management Co., LLC, San Bernardino County [*Cassandra Owens, AEO*]

- [Order R7-2021-0014](#)

**Informational Items**

6. Colorado River Basin Water Board Executive Officer's Report [*Paula Rasmussen, EO*]

7. Colorado River Basin Water Board Member Comments

8. Colorado River Basin Water Board Chair's Report

**Closed Session**

9. The Board may meet in closed session to:

- (a) Consider the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaints or charges brought against a public employee by another person, unless the employee requests a public hearing. [*Authority: Gov. Code, § 11126, subd. (a).*]

- (b) Consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence. [*Authority: Gov. Code, § 11126, subd. (c)(3).*]
- (c) Discuss litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation. [*Authority: Gov. Code, § 11126, subd. (e).*]
  - a. *Coachella Valley Water District v. State Water Resources Control Board et al., Riverside Super. Ct. Case No. CVPS2100333*”

## **Adjournment**

## **Next Board Meeting**

April 13, 2021 – 9:00 a.m.

## Procedures

**General Statement**—The primary duty of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board or Board) is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Colorado River Basin Water Board and the State Water Resources Control Board are specified in the Porter-Cologne Water Quality Control Act (commencing with section 13000 of the Water Code) and implementing regulations in titles 23 and 27 of the California Code of Regulations.

The purpose of the Board public meeting is for the Board to obtain testimony and information from concerned and affected parties and make decisions after considering the information received.

**Written Comments, Oral Comments and Presentations**—Persons who want to submit written comments or evidence on any agenda item must comply with the Board’s Meeting Procedures. These procedures can be viewed on our website at:  
[https://www.waterboards.ca.gov/coloradoriver/board\\_info/agenda/docs/bm\\_procedures.pdf](https://www.waterboards.ca.gov/coloradoriver/board_info/agenda/docs/bm_procedures.pdf).

Persons wishing to speak at the Board meeting should complete a speaker request card and provide it to staff. You may also wish to sign in on the attendance sheet that will be provided. Although signing in is voluntary, we appreciate knowing who attended to help us evaluate the level of public interest.

The Board and staff welcome information on pertinent problems, but comments at the Board meeting should be brief and specific. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally.

During the public forum part of the meeting, any member of the public may address the Board and ask questions relating to any matter within the Board’s jurisdiction. This need not be related to any item on the agenda, and the presentation should normally be limited to three (3) minutes. If the matter relates to an item that is listed on the agenda, the presentation to the Board should be made at the time that the particular item is taken up by the Board.

It is the policy of the State and Regional Water Boards to discourage the introduction of surprise testimony and exhibits. Pursuant to California Code of Regulations, title 23, section 648.4, the Board may refuse to admit into evidence written testimony pertaining to agenda items if it is not submitted to the Board in a timely manner and shall refuse to do so where there is a showing of prejudice to any party or the Board. This rule may be modified where a party demonstrates that compliance would create severe hardship.

**Uncontested Items**—(Cal. Code Regs., tit. 23, § 647.2). Consent or uncontested agenda items are items for which there appears to be no controversy, and which can be acted upon without discussion. Such items have been properly noticed, and all interested parties consent to the staff recommendation. All items appearing under the “Uncontested Items” calendar will be acted upon by the Board in one motion without discussion. Should any Board member or other person request that an item be considered separately that item will be taken up at a time determined by the Board Chair.

**Contested Items**—Non-consent or contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Colorado River Basin Water Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

Persons applying for or actively opposing Waste Discharge Requirements or National Pollutant Discharge Elimination System (NPDES) permits must comply with legal requirements if they or their agents have contributed or propose to contribute more than \$250 to a Board member for an election campaign. Contact the Board office for details if you believe that you fall into this category.

**Petition Procedure**—Any person adversely affected by a decision of the Board may petition the State Water Resources Control Board (State Water Board) to review the decision. The petition must be received by the State Water Board within thirty (30) days of the Board’s meeting at which the action was taken. Copies of the laws regarding the filing of petitions will be provided upon request to the Board, or may be obtained at:

[https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/index.html](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.html).

**Section 401 Certifications**—A listing of pending applications for Water Quality Certifications, pursuant to section 401 of the federal Clean Water Act, may be obtained from the Board’s website at: [https://www.waterboards.ca.gov/coloradriver/water\\_issues/programs/401\\_certification/](https://www.waterboards.ca.gov/coloradriver/water_issues/programs/401_certification/) or by calling Kai Dunn at (760) 776-8986.

**Agendas and Supporting Documents**—Board agendas and supporting documents to be considered by the Board are posted on our website ten (10) days prior to a scheduled meeting. To view or download documents go to:

[https://www.waterboards.ca.gov/coloradriver/board\\_info/agenda/index.html](https://www.waterboards.ca.gov/coloradriver/board_info/agenda/index.html).

**Accessibility and Language Needs**—The meeting facility is accessible to people with disabilities. Individuals requiring special accommodations or interpreter services are requested to contact Mary Castaneda at (760) 776-8945 or via email [Mary.Castaneda@waterboards.ca.gov](mailto:Mary.Castaneda@waterboards.ca.gov) at least ten (10) days prior the scheduled meeting to notify us that you will be utilizing these services. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**Inquiries**—Inquiries concerning individual agenda items should be directed to Mary Castaneda at (760) 776-8945 or to [Mary.Castaneda@waterboards.ca.gov](mailto:Mary.Castaneda@waterboards.ca.gov). Ms. Castaneda is available to answer general questions and to direct your call to the appropriate staff person to answer your specific questions.