

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
SEPTEMBER 16, 2008**

ITEM 6

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE AN ADDITIONAL \$329,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (REGIONAL WATER BOARD) TO COMPLETE THE DEVELOPMENT AND IMPLEMENTATION OF AN EROSION CONTROL PLAN (ECP) FOR THE DREIFUSS SITE, MENDOCINO COUNTY

DISCUSSION

The Regional Water Board requests funding in the amount of \$329,000 to complete the development and implementation of an ECP for the Dreifuss Site in Mendocino County. This request will supplement a previous emergency CAA allocation of \$100,000 for this Project approved in early July by the Division of Financial Assistance.

The Dreifuss Site is a steep, 10-acre parcel in the upper Middle Fork Eel River watershed that has been heavily disturbed and is undergoing severe uncontrolled erosion. During last year's relatively mild winter, the site delivered 100-125 tons of sediment to local creeks. Rapid deployment of resources is necessary to stabilize this site prior to the 2008-09 rainy season to avoid or substantially reduce erosion and subsequent impacts to the sensitive downstream beneficial uses, which include Steelhead trout and Chinook salmon habitat. Both species are listed as threatened under the federal Endangered Species Act.

This request is to complete funding to implement the ECP required under Cleanup and Abatement Order (CAO) No. R1-2007-0090. The owner of the property is no longer responding to the order, and immediate action needs to be taken to ensure that the site is adequately stabilized prior to the 2008/2009-winter period.

Sediment discharges and the subsequent deposition of sediment are known to contribute to poor spawning success, poor young of the year survivability, low adult returns, and population decline of the species. Salmon season was closed this year due to low numbers of returning adults. The reduction in adult returns is linked to cumulative watershed effects, which include but are not limited to excessive sedimentation.

The requested allocation is consistent with the purposes of California Water Code (CWC) §13442. CWC §13442 provides that the State Water Board may order moneys to be paid from CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist in cleaning up the waste or abating its effects on waters of the state."

The State Water Board is authorized to pursue recovery of CAA funds expended for the cleanup and abatement of a waste from appropriate dischargers.

POLICY ISSUE

Should the State Water Board:

Approve additional funds of \$329,000, from the CAA to the Regional Water Board to complete the development and implementation of an ECP for the Dreifuss Site in Mendocino County?

FISCAL IMPACT

The CAA has an uncommitted balance of \$10,846,522 as of August 1, 2008.

REGIONAL WATER BOARD IMPACT

Yes. North Coast Regional Water Quality Control Board.

STAFF RECOMMENDATION

That the State Water Board approve additional funds of \$329,000, from the CAA to the Regional Water Board to complete the development and implementation of an ECP for the Dreifuss Site in Mendocino County.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

ALLOCATE AN ADDITIONAL \$329,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (REGIONAL WATER BOARD) TO COMPLETE THE DEVELOPMENT AND IMPLEMENTATION OF AN EROSION CONTROL PLAN (ECP) FOR THE DREIFUSS SITE, MENDOCINO COUNTY

WHEREAS:

1. The Regional Water Board requests funding in the amount of \$329,000 to complete the development and implementation of an ECP for the Dreifuss Site in Mendocino County. This request will supplement a previous emergency CAA allocation of \$100,000 for this Project approved in early July by the Division of Financial Assistance;
2. The Dreifuss Site is a steep, 10-acre parcel in the upper Middle Fork Eel River watershed that has been heavily disturbed and is undergoing severe uncontrolled erosion. During last year's relatively mild winter, the site delivered 100-125 tons of sediment to local creeks. Rapid deployment of resources is necessary to stabilize this site prior to the 2008-09 rainy season to avoid or substantially reduce erosion and subsequent impacts to the sensitive downstream beneficial uses, which include Steelhead trout and Chinook salmon habitat. Both species are listed as threatened under the federal Endangered Species Act;
3. This request is to complete funding to implement the ECP required under Cleanup and Abatement Order (CAO) No. R1-2007-0090. The owner of the property is no longer responding to the order, and immediate action needs to be taken to ensure that the site is adequately stabilized prior to the 2008/2009-winter period;
4. Sediment discharges and the subsequent deposition of sediment are known to contribute to poor spawning success, poor young of the year survivability, low adult returns, and population decline of the species. Salmon season was closed this year due to low numbers of returning adults. The reduction in adult returns is linked to cumulative watershed effects, which include but are not limited to excessive sedimentation; and
5. The requested allocation is consistent with the purposes of California Water Code (CWC) §13442. CWC §13442 provides that the State Water Board may order moneys to be paid from CAA to a public agency with authority to cleanup or abate the effects of a waste in order "to assist in cleaning up the waste or abating its effects on waters of the state."

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves additional funds of \$329,000, from the CAA to the Regional Water Board to complete the development and implementation of an ECP for the Dreifuss Site in Mendocino County; and
2. The funds will be available until June 30, 2011. Any unexpended funds, as of June 30, 2011, shall revert to CAA, unless the Deputy Director or Assistant Deputy Director of the Division of Financial Assistance authorizes an extension.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resource Control Board held on September 16, 2008.

Jeanine Townsend
Clerk to the Board