



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

February 3, 2022

Executive Officer's 2022 Water Quality Stewardship Awards – the “Retirement Edition” *Matt St. John*

The Executive Officer's Water Quality Stewardship Award is an annual award given to individuals or groups whose exceptional work contributes to the preservation and enhancement of surface water and groundwater quality in the North Coast Region. The Regional Water Quality Control Board and its staff spend much of its time and energy focused on the task of controlling waste discharges to the region's waters. This award is designed to acknowledge and honor our partners in water quality protection who augment the Regional Water Board's work with their own efforts in pollution prevention, waste minimization, water quality enhancement, and beneficial use restoration.

This year's awards go to five exceptional individuals who have recently entered retirement following incredibly productive and impactful careers which all contributed significantly to advancing the mission of the Regional Water Board. This year's awards, the “retirement edition”, goes to these five amazing water professionals - two North Coast Regional Water Board staff, a colleague from a sister-agency, a scientist from a non-governmental science organization, and a consulting engineer - each of whom I have had the great pleasure of working with and learning from.

Pete Cafferata retired on August 1, 2021 after a long and distinguished career at the California Department of Forestry and Fire Protection, and leader of CAL FIRE's Watershed Protection Program. Pete leaves a lasting legacy as one of the forestry profession's preeminent forest/disturbance hydrologists. While his 40 years of service is impressive, his professionalism, productivity, and collaborative personality has made him an incredibly respected figure in state government. As a hydrologist on the Jackson Demonstration State Forest in the 80's and 90's, Pete was heavily involved with the Caspar Creek Experimental Watershed studies. Later Pete joined CAL FIRE's Forest Practice Program, where he was instrumental in assessing the effectiveness of the Forest Practice Rules in preventing water quality-related impacts. More recently, Pete served as co-Chair, with the Regional Water Board's Jonathan Warmerdam, of the Wood for Salmon Working Group. Pete leaves state service as a mentor and friend to many, and his name will be known to those that work in forest hydrology and watershed protection circles for decades to come.

Dr. Josh Collins, Chief Scientist with the San Francisco Estuary Institute & The Aquatic Science Center retired on December 15, 2021 after a prolific career advancing watershed science. Josh is a landscape ecologist and regional ecological planner with special expertise in wetland ecosystems. He received his Doctorate in Entomological Sciences at the University of California at Berkeley and did post-doctoral work in Geography and Ecology

at the UC Berkeley and UC Davis. As an ecologist in the public utilities industry, Josh assessed the impacts of power plants on marine, estuarine, and riverine ecosystems. As a consulting ecologist in private practice, he designed stream and wetland restoration projects and developed methods to assess their performance. For over three decades at SFEI, Josh applied visionary science concepts and developed new GIS technology and tools to inform and empower wetlands resource managers and policy makers among agencies and elected leaders. He has tackled the largest wetlands issues in California, for regional, state and federal policy makers. Josh was an early “architect” of Wetlands Monitoring Programs and provided invaluable expertise and guidance in the development of the Russian River Regional Monitoring Program. We do not expect Josh to fade quietly into retirement; his lasting influence on watershed assessment and protection in the North Coast and beyond will shine bright for a very long time.

Dr. Dave Smith, Principal and owner of Merritt Smith Consulting retired in August 2021 following an expansive career which shaped wastewater treatment and water recycling in the Russian River watershed and beyond. Dave received his Doctorate in Environmental Engineering from UC Berkeley and a BS in Aquatic Ecology from UC Davis. In addition to assisting numerous other clients throughout the state, Dave provided critical consulting services for the City of Santa Rosa’s Water Department since 1986, helping to guide the City’s innovative recycled water project which eventually led to the expansion of agricultural and urban reuse, and the creation of the Geysers Project. Also in this capacity as a consultant for the City of Santa Rosa, Dr. Dave, as we respectfully call him, supported science-based decision making and the development of innovative solutions for regulatory compliance. Dave’s legacy in the world of water recycling will be lasting, in the Russian River watershed and beyond.

Cheryl “Cherie” Blatt retired from the North Coast Regional Board in December 2021 after a long career with the Water Boards that

began after being hired at the Lahontan Regional Water Board by the beloved Dr. Ranjit Gill. While earning a degree in Environmental Engineering from Humboldt State University, Cherie worked as a Student Assistant at the Lahontan Regional Board. Career highlights at the Lahontan Regional Board included the Tahoe Keys aquatic weed abatement program, as well as working on timber harvest, Basin Planning, and the Nonpoint Source Program. In 1999 Cherie and her husband Fred were hired at the North Coast Regional Board, a major win for the region, where Cherie developed a reputation as a firm, but fair and very personable regulator. In 2010, Cherie became the Region’s Dairy Program Manager and led the development of a comprehensive Dairy Program for the North Coast Region, which now serves as a model for agricultural-based nonpoint source regulatory programs. Our own “Dairy Queen”, Cherie leaves big shoes to fill.

Cathleen “Cathy” Goodwin also retired from the North Coast Regional Board in December 2021 after an impressive career with the Water Boards that began as a Student Assistant at the Central Coast Regional Water Board. After graduating from Cal Poly Cathy started her career with the North Coast Regional Water Board in 1985, coincident with a significant regional wastewater spill. In response, Cathy spent initial months working with Cal OES on public outreach and response to the spill, an experience that likely spawned her longstanding interest and evolving expertise in the regulation of municipal wastewater. In the last few years of her career Cathy worked closely with the Division of Drinking Water, providing a critical role in shaping the region’s water recycling program. Along the way Cathy worked in numerous programs and projects, including timber harvest, the 205(j) program, surveillance and monitoring, including early development of the North Coast Region’s aquatic bioassessment monitoring program, and many years in the core regulatory program writing WDRs and extending her talents to the NPDES program. Among these achievements, Cathy will be respectfully

remembered for her work providing compliance assistance to small communities and serving as a mentor to junior staff.

To Pete, Josh, Dave, Cherie, and Cathy – thank you so much for your important work; the waters of the North Coast are cleaner because of you. You each serve as an inspiration to us working stiffs.

Respectfully, Matt

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### **Development of a Racial Equity Resolution for the North Coast Region** *Devon Jorgenson*

On November 16, 2021, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2021-0050, *Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism*. The resolution in part acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water, committed to advancing racial equity within the Water Boards and the communities they serve, and directed its staff to develop a racial equity action plan.

In a parallel effort, the North Coast Regional Water Quality Control Board (Regional Water Board) identified in its Fiscal Year 2021-2022 Work Plan that its staff will be developing a region-specific racial equity resolution for Regional Water Board consideration for adoption. In December 2021, Regional Water Board staff outlined the scope, key components, and preliminary schedule for the development of a racial equity resolution for the North Coast Region (Project).

The goals of the Project are to identify how Regional Water Board requirements and processes cause or contribute to racial inequity and environmental injustice in the North Coast Region and to develop a

resolution that outlines specific actions that the Board and its staff will take to remediate these issues. The content of the resolution will be largely informed by input received from members of the public throughout the North Coast Region during several listening sessions hosted by Regional Water Board staff, and direct engagement with Black, Indigenous, People of Color, and disadvantaged communities and related organizations. Through these engagement efforts, staff will seek to hear the experiences, perspectives, and priorities for addressing racial inequity and environmental injustice in the Regional Water Board’s work from the North Coast public. In addition to supporting resolution development, Regional Water Board staff seek to build and foster meaningful, enduring relationships and partnerships with Black, Indigenous, People of Color, and disadvantaged communities through these efforts.

Staff plan to conduct listening sessions and direct engagement from spring to fall 2022 and then develop the draft resolution from fall 2022 to winter 2022/23. Staff anticipate posting the draft resolution on the Regional Water Board’s webpage for a public review period in winter 2022/23 and to bring the draft resolution before the Board for consideration for adoption in spring 2023.

For Project updates, including the timing and details of listening sessions, direct engagement, and the draft resolution comment period, please subscribe to the **Racial Equity email list** by navigating to [https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg1\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.html), entering your name and email address under "Signup Details," and selecting the "Racial Equity" box, or contact Devon Jorgenson at: [Devon.Jorgenson@waterboards.ca.gov](mailto:Devon.Jorgenson@waterboards.ca.gov).

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North Coast Regional Board Pilots New CEQA Statutory Exemption for Restoration Projects

Jake Shannon

In late December 2021, the North Coast Regional Water Board partnered with the California Department of Fish and Wildlife (CDFW) to authorize the first pilot project under the recently unveiled CEQA Statutory Exemption for Restoration Projects (SERP) process. The Executive Officer of the North Coast Water Board, as lead agency, submitted a request to the CDFW Director for concurrence that The Nature Conservancy's Garcia River Estuary Enhancement Project should be approved as a statutorily exempt restoration project under CEQA. On December 28, 2021, CDFW Director Charlton Bonham provided his [concurrence](#)¹.

This marks an important milestone and step forward in the state's approach to regulating restoration actions; ushering in a valuable new CEQA compliance pathway to support beneficial ecological restoration projects. With this piloting effort, the North Coast Water Board continues its ongoing legacy of being at the forefront of progressive regulation and advocacy for restoration actions.

Governor Newsom signed Senate Bill 155 on September 23, 2021, adding Section 21080.56 to California Public Resources Code, which provides the new CEQA statutory exemption. For a project to qualify for the SERP, the CEQA lead agency must make an independent determination that the statutory exemption applies and then file a request of concurrence from the CDFW Director. Section 21080.56 outlines specific criteria that a project must meet to qualify, which can be found [here](#)². The SERP will remain in effect until January 1, 2025, at which point it is slated to be repealed.

The SERP process is a CEQA compliance pathway for qualifying restoration projects. It is

not a "go-around" to avoid CEQA, but rather a streamlined process to better facilitate actions with the sole purpose of ecological restoration. Likewise, it is not a permitting pathway. Projects that gain SERP coverage are still required to obtain all relevant permits, including those from a regional water quality control board and CDFW.

The SERP process involves close collaboration between the lead agency and CDFW. Following pre-consultation, the lead agency develops a SERP Concurrence Request and submits it to the CDFW Director via their Environmental Permit Information Management System (EPIMS) Document Repository. Then CDFW staff review the request and work with the lead agency, as necessary, to resolve any CEQA compliance or informational needs, and then prepares a draft concurrence for the CDFW Director for review, signature, issuance, and posting on their webpage.

North Coast Water Board staff were under a very tight timeline for our piloting effort because CDFW made the ambitious goal of implementing the new process by the end of 2021. Fortunately, close collaboration and longstanding partnerships made the process go smoothly and the team met the goal, developed a great example for other lead agencies and practitioners statewide to rely on, and most importantly, supported a critical restoration project on the North Coast.

The Nature Conservancy's Garcia River Estuary Enhancement Project was a great fit for the SERP process because the project's sole purpose is restoration and it meets the eligibility criteria outlined in Section 21080.56 perfectly. Over the years, North Coast Water Board staff have partnered with The Nature Conservancy to support many of their restoration projects along the coastal tributaries of the Mendocino Coast. Their data-driven approach to restoration, professionalism, and track record are second

¹

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197048&inline>

²

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB155

to none and partnering with them for the SERP process provided an opportunity to align our respective resources and capabilities to achieve something that neither organization could have accomplished singlehandedly.

The Garcia River Estuary Enhancement Project will restore complex salmonid rearing habitat in the 0.5-mile-long middle estuary zone of the Garcia River. The interface between fresh water and saline tidal inflows in the middle estuary provides the food-rich environment and water quality conditions that salmonid smolts need during their biophysical transition to the ocean. The goal of the project is to create sufficient winter and spring rearing habitat in the middle estuary to support up to 54,000 juvenile coho salmon, which is what is needed to provide winter rearing habitat commensurate with the watershed’s summer rearing capacity.

Currently, the Garcia River is disconnected from its floodplains except during large storm events. This lack of floodplain connectivity does not provide the long-duration inundation needed to develop biotic productivity or provide high-velocity refugia to juvenile salmon. The project aims to address these problems and restore complex rearing habitat in the middle estuary by reconnecting and recreating seasonally flooded wetlands on the floodplains to provide long-duration inundated habitat for high-velocity refugia and floodplain feeding opportunities, installing ten engineered log jams and six habitat structures to provide complex low-flow shelter elements that juvenile salmon need during their estuary rearing period, and installing two engineered log jams to guide the river and create complex flow paths and connectivity to the floodplain inlets and habitat structures.

With the new CEQA Statutory Exemption for Restoration Projects process enacted and successfully piloted, North Coast Water Board staff intend to rely on it to provide CEQA coverage to qualifying restoration projects when other compliance pathways are not applicable. The CEQA Categorical Exemption for Small Habitat Restoration Projects (class 33) remains in effect and is a more

streamlined process for CEQA compliance, albeit with size constraints.

The State Water Board’s General Water Quality Certification for Small Habitat Restoration Projects relies on class 33 and is an established and successful streamlined permit for small restoration projects. Additionally, the State Water Board’s forthcoming Statewide Restoration General Order will provide another permitting and CEQA compliance pathway for large-scale restoration actions. The SERP, in conjunction with these existing and forthcoming restoration permitting pathways, furnishes North Coast Water Board staff with a functional suite of tools to continue to provide effective regulation and support to restoration projects and practitioners across the North Coast.

For more information about the CEQA Statutory Exemption for Restoration Projects, the Garcia River Estuary Enhancement Project, or how the North Coast Water Board supports ecological restoration, please contact Jake Shannon at:

Jacob.Shannon@waterboards.ca.gov.



Looking downstream (west) at the Garcia River Estuary Enhancement Project site. Photo by Carrie Lukacic of Prunuske Chatham, Inc.

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# North Coast Region's Agricultural Lands Regulatory Program Vineyard Permit Development

*Lynette Shipsey*

## Background

There are approximately 360,000 acres of productive non-cannabis related agricultural lands in the North Coast Region (Figure 1). These lands are spread throughout the region in distinct geographic and commodity groupings. Agricultural lands have the potential to discharge pollutants to surface water and groundwater through the application of fertilizers and pesticides, human-caused erosion of sediment, and the removal and suppression of riparian vegetation. The North Coast Regional Board's Agricultural Lands Discharge Program includes several commodity-specific or geographic-specific permits to address the highest priority agricultural operations in the region. This update focuses on recent efforts to develop the General WDRs for Vineyard Properties (Vineyard Permit) in the North Coast Region. The Vineyard Permit will address impacts to water quality and meet the requirements of the California Water Code, the State Nonpoint Source Policy, the State Irrigated Lands Regulatory Program, and the Water Quality Control Plan for the North Coast Basin (Basin Plan).



Slusser Road at Laughlin Road Crossing, Santa Rosa, CA. Photo taken by Lynette Shipsey.

A summary of recent activities and key next steps in the Vineyard Permit development is provided below.

## Draft Vineyard Permit Technical Requirements

Five land management activity types are currently planned for regulation within the Vineyard Permit. Potential nonpoint source pollution associated with the land management activity types include the discharge of sediment, nutrients, pesticides, and chemicals to water courses; and impacts to controllable factors within riparian areas that adversely affect water quality. A description of the land management activities planned for regulation within the Vineyard Permit include:

1. Ground Disturbing Activities, including any changes of land which may result in soil erosion from water or wind and the movement of sediment, including but not limited to clearing, grading, excavation, and backfilling of roads, farm areas, and unstable slopes.
2. Riparian Area Vegetation Management, including the preservation or maintenance of intact riparian areas by allowing the natural establishment, growth, and persistence of native vegetation, control of invasive species, and installation of temporary fencing to protect the vegetation from foragers; restoration of disturbed riparian areas by the planting of trees, shrubs, and grass; reestablishment of pre-disturbance riparian functions and related chemical, physical, and biological linkages between aquatic and terrestrial ecosystems; and the stabilization of streambanks including installation of streambank protection materials such as willow root wads, geo-textiles, and or rock; recruitment of large woody debris; and locating staging areas for vineyard maintenance, harvest, and pruning away from streams and riparian areas.

3. Irrigation Management, including the implementation of water conservation measures, equipment, and soil moisture retention practices such as rainwater catchment systems, drip irrigation, mulching, cover crops, or irrigation water recycling to reduce water use.
4. Pesticide Management, including the application of organic and/or chemically based products, beneficial insects, and best management practices (BMPs) to control the lifecycle of pests.
5. Nutrient Management, including the implementation of BMPs that link soil, crop, weather, and hydrologic factors to achieve optimal nutrient use and agronomic rates of application.

Implementation actions that may be necessary to comply with the requirements of the Vineyard Permit include a range of compliance measures in the following categories: measures to restore and maintain site potential shade<sup>3</sup>, aquatic ecosystems, and stream flows; measures to control sediment, nutrient, chemical, and pesticide discharges; measures to control stormwater runoff and attenuate peak flows; and measures to control water use.

### **Stakeholder Outreach and Next Steps**

Staff continue to work with vineyard property owners, environmental interest groups, and other interested parties to discuss the Vineyard Permit contents including water quality risks associated with vineyards and BMPs to mitigate these risks. To help develop an effective and viable permit, staff will be convening a Technical Advisory Committee (TAC) with representatives from the vineyard industry, partnering agencies and organizations, and environmental interest groups. The committee's purpose is to provide input to Regional Water Board staff on the

different elements within the permit during its development. Staff are working to bring a draft permit and monitoring plan to the TAC by early spring 2022. In addition, staff are preparing to conduct outreach and consultation with Tribal Nations by early spring 2022 to assess potential permit requirements and mitigations associated with potential impacts to tribal cultural resources and to satisfy the California Environmental Quality Act (CEQA) requirements.

Staff continue to coordinate with the San Francisco Bay Region to establish requirements for the Vineyard Permit that are consistent with the existing San Francisco Bay Region General WDRs for Vineyards in the Napa River and Sonoma Creek Watersheds. For example, consistent with the San Francisco Bay Region's WDR, the draft Vineyard Permit plans to require vineyard property owners/operators to develop water quality management plans, implement BMPs to prevent and minimize discharges, and conduct water quality monitoring and reporting to ensure compliance; and to allow for approved third party programs to assist vineyard owners with compliance. Staff also continue to work with third party programs to get their input in order to develop efficient enrollment, monitoring, and reporting options for vineyard owners and to align, as best as possible, existing third party program elements with draft permit requirements.

As drafted, permit compliance will be based on the appropriate use of vineyard management practices and implementation of the monitoring and reporting program to ensure BMP effectiveness and to achieve water quality objectives. Staff look forward to stakeholder input on these issues. A draft permit and CEQA documents are planned for public review and comment in the late summer/fall of 2022. The Regional Water Board public hearing to consider adoption of the Vineyard Permit is planned for 2023.

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<sup>3</sup> The removal of vegetation that provides shade to a waterbody is a controllable water quality factor. Riparian shade-related temperature TMDL load

allocations are based on the concept of "site-specific potential effective shade," which means the shade equivalent to that provided by topography and potential vegetation conditions at a site.

| Upcoming Key Vineyard Permit Development Milestones    | Target Date           |
|--------------------------------------------------------|-----------------------|
| TAC Meetings                                           | Early Spring 2022     |
| Tribal Outreach                                        | Early Spring 2022     |
| Draft Permit and CEQA Documents for Public Review      | Late Summer/Fall 2022 |
| Public Hearing to Consider Adoption of Vineyard Permit | 2023                  |

For additional information on the North Coast Regional Water Board’s Water Quality Compliance Program for Discharges from Agricultural Lands and the Vineyard Permit, please see the following website or contact Lynette Shipsey at:

[Lynette.Shipsey@waterboards.ca.gov](mailto:Lynette.Shipsey@waterboards.ca.gov)

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/)

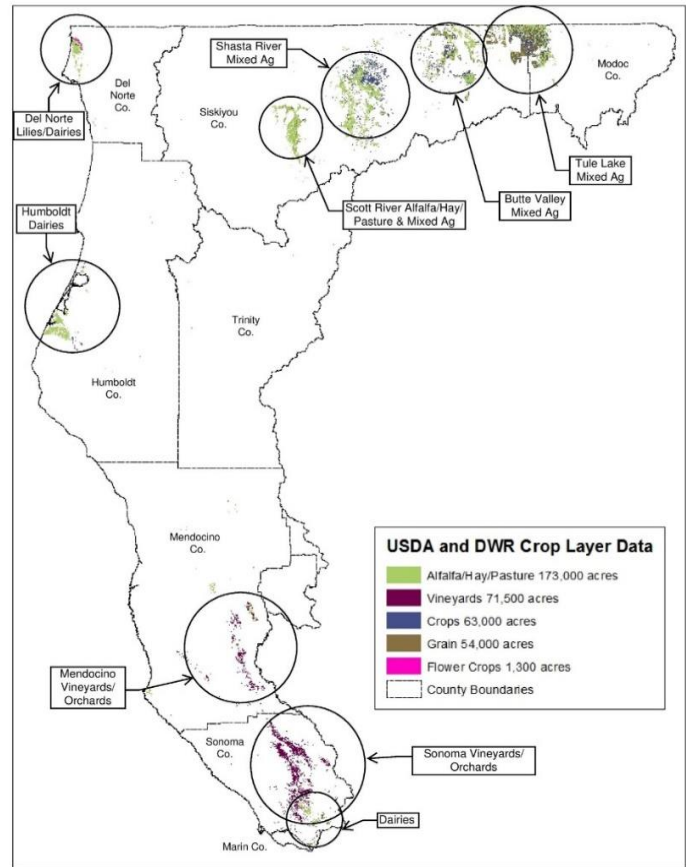


Figure 1: Agricultural Lands in the North Coast Region





## **Projected List of Future Regional Water Board Agenda Items**

The following is a list of Regional Water Board agenda items that staff are planning for the next two Board meetings. **This list of agenda items is intended for general planning purposes and is subject to change.** Questions regarding the listed agenda items should be addressed to the identified staff person.

### **April 7 & 8, 2022**

- Multi-Party Rescission Order (*Nicholas Colbrunn*) [A]
- Gualala PUD WDRs (*Matt Herman*) [A]
- Findings of Benthic Cyanobacteria and Cyanotoxin Monitoring in Northern California Rivers, 2016-2019 (*Rich Fadness & Mike Thomas*) [I]
- Humboldt Redwood Company (HRC) 5-Year Elk River Synthesis Report (*HRC Rep.*) [I]

### **June 9 & 10, 2022**

- Bodega Bay PUD WDRs (*TBD*) [A]
- Happy Camp WWTP WDRs (*Roy O'Connor*) [A]
- City of Point Arena WWTP (*Ben Zabinsky*) [A]
- Sonoma County Central Disposal Site WDRs (*Terri Cia*) [A]
- Eureka WWTP (*Justin McSmith*) [A]
- Pump & Treat NPDES WDRs (*Craig Hunt*) [A]
- Mendocino City NPDES Revisions (*Matt Herman*) [A]
- Update on Environmental Flows Framework (*Bryan McFadin*) [I]
- Elk River TMDL 5-year Review of TMDL: (*Lisa Bernard & Alydda Mangelsdorf*) [I]
- Post-Fire Timber Salvage Operations, Wildfire Remediation, and Monitoring (*Jonathan Warmerdam*) [I]
- Enforcement Program Update (*Diana Henriouille*) [I]

## **Enforcement Report for February 2022 Executive Officer's Report**

*Diana Henriouille, Zane Stromberg, and Jordan Filak*

| <b>Date Issued</b> | <b>Discharger</b>       | <b>Action Type</b> | <b>Violation Type</b>                                                                                                   | <b>Status as of January 21, 2022</b> |
|--------------------|-------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| November 17, 2021  | Jesse Payne<br>NWE4 LLC | NOV                | -California Water Code Section 13304, and 13376<br>-Basin Plan Section 4.2.1.<br>-Clean Water Act sections 401, and 404 | Ongoing                              |

**Comments:** On November 17, 2021, The Northern Nonpoint Source and 401 Certification Unit senior issued a Notice of Violation (NOV) to Jesse Payne of NWE4 LLC for violations associated with property located in Del Norte County, within the Klamath Glenn hydrologic subarea of the Lower Klamath River hydrologic area. On October 14, 2021, staff of the California Department of Fish and Wildlife (CDFW) notified Regional Water Board staff of activities involving heavy equipment entering High Prairie Creek, driving in the creek channel, exiting the channel, and grading on the NWE4 LLC

property. On October 25, 2021, during an interagency inspection, Regional Water Board staff observed evidence of heavy equipment use in and adjacent to High Prairie Creek and riparian vegetation clearing in potential wetlands. The NOV requires the dischargers to submit a Restoration Plan by March 31, 2022 and submit evidence of the complete implementation of the restoration plan by October 15, 2022. This matter is ongoing.

| Date Issued       | Discharger                         | Action Type | Violation Type                                                                       | Status as of January 21, 2022 |
|-------------------|------------------------------------|-------------|--------------------------------------------------------------------------------------|-------------------------------|
| November 23, 2021 | Redway Community Services District | ACLO        | NPDES permit Effluent Limit Violations subject to Mandatory Minimum Penalties (MMPs) | Adopted; project underway.    |

**Comments:** On November 23, 2021, the Executive Officer adopted Administrative Civil Liability Order (ACLO) No. R1-2021-0043, approving a settlement agreement between the Regional Water Board Prosecution Team and Redway Community Services District (RCSD), resolving NPDES permit violations reported by RCSD over the period from March 18, 2014 to November 30, 2018. The ACLO assessed \$30,000 in MMPs. RCSD proposed to apply the entire liability towards a Compliance Project (CP) comprised of 1) purchase and installation of a sewer camera crawler; 2) review of lift station pumping data to identify and prioritize collection system zones receiving the highest infiltration and inflow of stormwater; and 3) conduct dye tracer studies to identify specific collection system features/elements associated with stormwater infiltration/inflow. The CP is currently underway.

| Date Issued      | Discharger                       | Action Type | Violation Type                                                                                                        | Status as of January 21, 2022 |
|------------------|----------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------|
| December 7, 2021 | Pacific Gas and Electric Company | NOV         | -California Water Code Section 13260, and 13264<br>-Basin Plan Section 4.2.1.<br>-Clean Water Act section 401 and 404 | Ongoing                       |

**Comments:** On December 7, 2021, The Northern Nonpoint Source and 401 Certification Unit senior issued a Notice of Violation to Pacific Gas and Electric Company (PG&E) for violations associated with project site located in Bridgeville within the Bridgeville hydrologic subarea of the Van Duzen River hydrologic area. On October 11, 2021, PG&E notified Regional Water Board staff of drainage and soil disturbances caused by a PG&E crew that had constructed a road through a watercourse and removed riparian vegetation in September or October 2021. On October 14, 2021, after consulting with Regional Water Board staff, PG&E stabilized the drainage and soil disturbances, recontouring disturbed areas to match the existing topography, removing sediment and debris from the channel, installing fiber rolls, and dispersing native seed. The NOV requires that PG&E submit an application for a Clean Water Act section 401 Water Quality Certification by March 31, 2022 describing restoration completed, additional restoration work needed, and monitoring. This matter is ongoing.

| Date Issued       | Discharger                                                         | Action Type | Violation Type                                    | Status as of January 21, 2022 |
|-------------------|--------------------------------------------------------------------|-------------|---------------------------------------------------|-------------------------------|
| December 17, 2021 | City Ventures Homebuilding Inc.<br>Gregory Clisby<br>Grove Village | NOV         | -Construction General Permit (several provisions) | Ongoing                       |

**Comments:** On December 17, 2021, the NPDES Unit senior issued a Notice of Violation to Gregory Clisby of City Ventures Homebuilding Inc. for violations associated with City Ventures' 18.5-acre housing construction site located on Stony Point Road, Santa Rosa within the Santa Rosa hydrologic subarea of the Middle Russian River hydrologic area. The project is enrolled for coverage under the Construction General Stormwater Permit (CGP). Staff inspected the property on October 24, 25, and 29 and observed nearly 20 acres of disturbed soil with no evidence of the minimum sediment and erosion control best management practices in preparation for or during a forecasted precipitation event, resulting in unauthorized discharge of sediment-laden stormwater to waters of the United States. The NOV requires the discharger to provide a written response indicating their intentions, plan, and schedule to come into compliance with the CGP by December 27, 2021. The discharger has maintained communication with the RWB and has since updated their SWPPP and site conditions with their stormwater consultants. This matter is ongoing.

| Date Issued       | Discharger                             | ActionType                             | Violation Type                                                | Status as of January 21, 2022 |
|-------------------|----------------------------------------|----------------------------------------|---------------------------------------------------------------|-------------------------------|
| December 30, 2021 | Phillips Louis Vivuvos and Bobby Marks | Notice of Non Compliance (NNC) and NOV | Failure to submit reports and payments required under the IGP | Ongoing                       |

**Comments:** On December 30, 2021, the NPDES Unit senior issued a Notice of Non Compliance and Notice of Violation to Phillips Louis Vivuvos and Bobby Marks of Thrifty Auto for violations associated with property located in Bridgeville, within the Bridgeville hydrologic subarea of the Van Duzen River hydrologic area. The property is currently enrolled for coverage under the Industrial General Stormwater Permit (IGP). The dischargers have failed to submit annual reports for the 2017, 2018, 2019 and 2020 fiscal years, and have also failed to pay the annual permit fees for the 2019, 2020 and 2021 fiscal years. The NNC/NOV requires the dischargers to submit the outstanding annual reports and fees by February 28, 2022 to avoid a penalty. This matter is ongoing.

| Date Issued                          | Discharger                                    | ActionType               | Violation Type | Status as of January 21, 2022    |
|--------------------------------------|-----------------------------------------------|--------------------------|----------------|----------------------------------|
| December 3, 2021/<br>January 6, 2022 | TForce Freight<br>Santa Rosa<br>Kenneth Recke | First and Second<br>NNCs | Non-filer, IGP | Resolved<br>NOI receipt received |

**Comments:** On December 3, 2021 and January 6, 2022, respectively, the NPDES Unit senior issued first and second Notices of Non-Compliance (NNC) to Kenneth Recke of TForce Freight Santa Rosa directing that he enroll the TForce Freight facility on Frances Street, Santa Rosa for coverage under the IGP. The facility is located within the Santa Rosa hydrologic subarea of the Middle Russian River hydrologic area. Runoff from the facility drains to Santa Rosa Creek, a tributary of the Russian River. Activities at the facility warranting IGP coverage include freight loading/unloading, mobile fueling, material storage and handling, vehicle fluids replacement, and forklift maintenance. The facility had been enrolled for IGP coverage by its previous operator, UPS Ground Freight Inc. (UPS). UPS transferred the facility to new operator TForce on May 6, 2021 and filed a Notice of Termination to discontinue IGP coverage on September 21, 2021. On September 27, 2021, Regional Water Board staff inspected the facility, and informed onsite facility representatives of the need to obtain IGP coverage immediately. When the new operators failed to take timely action to obtain IGP coverage, Regional Water Board staff commenced the NNC process, which provides a discharger with two notifications over a 60-day period to apply for permit coverage or to demonstrate non-applicability. Failure by a discharger to comply within the 60-day period, subjects the discharger to penalties, including mandatory minimum penalties (MMPs). In this case, the discharger, TForce, responded within the 60-day period, submitting a complete Notice of Intent (NOI) on January 11, 2022. This matter is resolved.

| Date Issued      | Discharger    | ActionType | Violation Type                                                                                                                                 | Status as of January 21, 2022 |
|------------------|---------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| January 10, 2022 | Ken Bareilles | CAO        | -California Water Code sections 13260, 13264, and 13376<br>-Clean Water Act sections 301<br>-Basin Plan Section 4.2.1.<br>-Timber Harvest Plan | Ongoing                       |

**Comments:** On January 10, 2022, the Executive Officer issued a Cleanup and Abatement Order (CAO) to Ken Bareilles for violations associated with his property located southwest of Healdsburg in the Warm Springs hydrologic subarea of the Middle Russian River hydrologic area. On October 21, 2020, following the Glass fire, Mr. Bareilles filed a Notice of Emergency Timber Operations to CAL FIRE, covering 106 acres of a 160-acre parcel. On June 30, 2021, CAL FIRE staff informed Regional Water Board (RWB) staff of an unpermitted bridge installation located outside of the permitted Emergency Notice timber operations area. RWB staff inspected the property on July 8, 2021, September 16, 2021, and October 15, 2021 to observe the removal of the unpermitted bridge. On October 28, 2021, following a large precipitation event, CAL FIRE notified RWB staff of sediment deposits in the Watercourse and Lake Protection Zone of Felta Creek due to Mr. Bareilles's failure to install adequate erosion control. On October 29, 2021, CAL FIRE issued an NOV for these

violations, and Mr. Bareilles began installing emergency erosion control measures, using heavy equipment in saturated soil conditions. On November 4 and 9, 2021, RWB staff inspected the site, and observed evidence of significant discharges and threatened discharges of waste earthen material to receiving waters, exacerbated by the heavy equipment operations. The CAO requires Mr. Bareilles to take immediate steps to clean up and abate the effects of discharging soil and other earthen materials into Felta Creek and unnamed tributaries of the Russian River and to eliminate the threat of future discharges, directing him to submit an Interim Cleanup and Stabilization Plan by January 25, 2022. Upon RWB approval of the plan, the discharger must implement the plan within 20 days of approval and submit a completion report within 15 days of the plan's completion date. This matter is ongoing.

| Date Issued      | Discharger                                                           | Action Type | Violation Type                                               | Status as of January 21, 2022 |
|------------------|----------------------------------------------------------------------|-------------|--------------------------------------------------------------|-------------------------------|
| January 12, 2022 | City Ventures Homebuilding Inc.<br>Gregory Clisby Round Barn Village | NOV         | -Construction General Permit<br>-Clean Water Act Section 404 | Ongoing                       |

**Comments:** On January 12, 2022, Division Chief Charles Reed, on behalf of AEO Villacorta, issued a Notice of Violation to Gregory Clisby of City Ventures Homebuilding Inc. for violations associated with City Ventures' residential construction project site located on Round Barn Boulevard, within the Santa Rosa hydrologic subarea of the Middle Russian River hydrologic area. The project site is enrolled for coverage under the Construction General Permit as a Risk Level 3 due to a combination of a "high" sediment risk factor and a "high" receiving water factor. Receiving water risk is based on whether a project drains to a sediment-sensitive waterbody. A project that discharges to a waterbody that is listed on the CWA 303d list as impaired for sediment has a high receiving water risk. A project that can discharge over 75 tons/acre of soil is considered a high sediment risk.

On October 24 and 25, 2021, Regional Water Board staff inspected the facility, during and after a significant precipitation event, observing site disturbance nearly three times that indicated in permit enrollment information, with no evidence of minimum housekeeping, sediment, and erosion control best management practices. Staff observed turbid water flowing from the site, and evidence of erosion and sediment transport on the site. Onsite personnel informed staff the storm drainage system on the site is plumbed to connect to the City's storm drain system, with plugs installed to allow for capture and impoundment of onsite stormwater, and controlled release when stormwater meets pH and turbidity standards. However, during the October 24, 2021 storm event, onsite flows reportedly exceeded onsite storage capacity, and discharger personnel reportedly removed plugs, allowing sediment-laden stormwater to enter the City's storm drain system, which outfalls to tributaries to the Russian River. The NOV requires the discharger to provide a written response indicating intentions, plan, and schedule to come into compliance with the Construction General Permit by January 24, 2022. This matter is ongoing.

## **Cannabis Notices of Violation:**

Over the period covered by this report, the seniors of the Cannabis Regulatory and Enforcement Units issued ten (10) NOV's stemming from observations made during field inspections. The table on the next page provides a summary of relevant details regarding each NOV and the associated site.

**Cannabis NOVs Issued During the Period November 8, 2021 through January 21, 2022**

| Date Issued      | Owner/ Operator Name | Property County | Nearest Town | Watershed (Hydrologic Subarea, Hydrologic Area) | Inspection Date/Type (Warrant or Consent) | Violation Types                                                                                                                                                    | Required/Recommended Actions                                                                                                                                                                                                                                                                                                                                                                                             | Status as of January 20, 2022                                                                                                                              |
|------------------|----------------------|-----------------|--------------|-------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| November 9, 2021 | Carl Phelps          | Humboldt County | Alderpoint   | Sequoia Hydrologic Area                         | Warrant Inspection on October 13, 2021    | - Water Code section 13260                                                                                                                                         | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive (i.e., enroll property for coverage under Cannabis General Order, file Report of Waste Discharge, or provide written response explaining non-applicability.)</li> <li>➤ Contact staff within 30 days</li> <li>➤ Properly dispose of waste</li> </ul>                                                                                           | As of January 20, NOV returned to sender due to undeliverable address. Regional Water Board Staff will make further attempts to contact responsible party. |
| November 9, 2021 | Ivetta Mkrichian     | Humboldt County | Alderpoint   | Spy Rock Hydrologic Subarea                     | Warrant Inspection on October 13, 2021    | <ul style="list-style-type: none"> <li>- Water Code Sections 13260 and 13264</li> <li>- Clean Water Act Section 301</li> <li>- Basin Plan Section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive</li> <li>➤ Contact staff within 30 days</li> <li>➤ Engage licensed professional to develop plan to address discharges/threatened discharges</li> <li>➤ Comply with County requirements for onsite waste disposal system (OWTS)</li> <li>➤ Comply with CDFW &amp; Division of Water Rights requirements for surface water diversion.</li> </ul> | As of January 20, Discharger plans to cease cultivation and correct violations. Discharger needs to submit additional information.                         |

| Date Issued       | Owner/ Operator Name     | Property County  | Nearest Town | Watershed (Hydrologic Subarea, Hydrologic Area) | Inspection Date/Type (Warrant or Consent) | Violation Types                                                                                                                                      | Required/Recommended Actions                                                                                                                                                                                                                                                                                              | Status as of January 20, 2022                                                                                                     |
|-------------------|--------------------------|------------------|--------------|-------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| November 9, 2021  | Armando Medrano Martinez | Humboldt County  | Alderpoint   | Sequoia Hydrologic Area                         | Warrant Inspection on October 13, 2021    | <ul style="list-style-type: none"> <li>- Water Code Sections 13260 and 13264</li> <li>- Basin Plan Section 4.2.1</li> </ul>                          | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive</li> <li>➤ Contact staff within 30 days</li> <li>➤ Clean up and properly contain and/or dispose of materials/supplies and wastes</li> </ul>                                                                                                     | The Discharger plans to cease cultivation and submit additional information.                                                      |
| November 9, 2021  | Alejandro Gutierrez      | Mendocino County | Willits      | Outlet Creek Hydrologic Subarea                 | Warrant Inspection on October 11, 2021    | - Cannabis General Order                                                                                                                             | <ul style="list-style-type: none"> <li>➤ Contact staff within 30 days.</li> <li>➤ Engage licensed professional to assess site, modify enrollment to reflect site conditions, and prepare/submit Site Management Plan.</li> <li>➤ Clean up and properly contain and/or dispose of materials/supplies and wastes</li> </ul> | The Discharger has corrected some of the observed violations but has not submitted SMP or Application for Cannabis General Order. |
| November 16, 2021 | Thomas Bero              | Humboldt         | Garberville  | Benbow Hydrologic Subarea                       | Warrant Inspection on October 13, 2021    | <ul style="list-style-type: none"> <li>- Water Code section 13260</li> <li>- Water Code section 13264</li> <li>- Basin Plan section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive</li> <li>➤ Contact staff within 30 days</li> <li>➤ Engage licensed professional to develop plan to address discharges/ threatened discharges</li> </ul>                                                                                         | The Discharger plans to cease cultivation and correct all violations. Pending submission of additional information.               |

| Date Issued       | Owner/ Operator Name    | Property County | Nearest Town | Watershed (Hydrologic Subarea, Hydrologic Area) | Inspection Date/Type (Warrant or Consent) | Violation Types                                                                                                                                      | Required/Recommended Actions                                                                                                                                                                                                                                                                                                                                                                                    | Status as of January 20, 2022                                                                                                                            |
|-------------------|-------------------------|-----------------|--------------|-------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| November 24, 2021 | Pure Organic Medicinals | Sonoma          | Guerneville  | Guerneville Hydrologic Subarea                  | Consent Inspection on October 25, 2021    | <ul style="list-style-type: none"> <li>- Cannabis General Order, various provisions</li> <li>- Basin Plan section 4.2.1</li> </ul>                   | <ul style="list-style-type: none"> <li>➤ Contact staff within 30 days.</li> <li>➤ Engage licensed professional to assess site and develop/submit a SMP.</li> <li>➤ Obtain 401 coverage before engaging in instream work.</li> </ul>                                                                                                                                                                             | The discharger has responded to the Order, submitted a permit application, and has engaged a professional engineer to address violations on the property |
| November 24, 2021 | Daniel Young            | Mendocino       | Laytonville  | Laytonville Hydrologic Subarea                  | Consent Inspection on November 5, 2021    | <ul style="list-style-type: none"> <li>- Water Code section 13260</li> <li>- Water Code section 13264</li> <li>- Basin Plan section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive</li> <li>➤ Contact staff within 30 days</li> <li>➤ Improve, maintain, and monitor BMPs.</li> </ul>                                                                                                                                                                                                                                    | The Discharger has enrolled in Cannabis General Order and has implemented erosion controls to address violations. NOV Resolved.                          |
| December 3, 2021  | Richard Dorey Jr.       | Humboldt        | Bridgeville  | Bridgeville Hydrologic Subarea                  | Warrant Inspection on November 4, 2021    | <ul style="list-style-type: none"> <li>- Water Code section 13260</li> <li>- Water Code section 13264</li> <li>- Basin Plan section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Comply with enrollment directive</li> <li>➤ Contact staff within 30 days</li> <li>➤ Clean up and properly contain and/or dispose of materials/supplies and wastes</li> <li>➤ Comply with CDFW &amp; Division of Water Rights requirements for surface water diversion.</li> <li>➤ Comply with County requirements for hazardous material handling/disposal.</li> </ul> | NOV returned to sender due to undeliverable address. Regional Water Board Staff will make further attempts to contact discharger                         |



| Date Issued       | Owner/ Operator Name | Property County | Nearest Town | Watershed (Hydrologic Subarea, Hydrologic Area) | Inspection Date/Type (Warrant or Consent) | Violation Types                                                                                                                    | Required/Recommended Actions                                                                                                                                                                                                                                                                                                                                                                     | Status as of January 20, 2022                                                   |
|-------------------|----------------------|-----------------|--------------|-------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| December 21, 2021 | Mary Killion-Hurst   | Trinity         | Weaverville  | Weaver Creek Hydrologic Subarea                 | Consent Inspection on November 30, 2021   | <ul style="list-style-type: none"> <li>- Cannabis General Order, various provisions</li> <li>- Basin Plan section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Contact staff within 30 days</li> <li>➤ Submit a Disturbed Area Stabilization Plan (DASP)</li> <li>➤ Submit information to complete 401 WQC application</li> <li>➤ Implement appropriate erosion/sediment control BMPs</li> <li>➤ Maintain culverts</li> <li>➤ Clean up and properly contain and/or dispose of materials/supplies and wastes</li> </ul> | Discharger has responded to staff with a timeline to address compliance issues. |
| December 28, 2021 | Gary Haga            | Humboldt        | Honeydew     | Mattole River Hydrologic Area                   | Consent Inspection on December 7, 2021    | <ul style="list-style-type: none"> <li>- Cannabis General Order, various provisions</li> <li>- Basin Plan section 4.2.1</li> </ul> | <ul style="list-style-type: none"> <li>➤ Contact staff within 30 days.</li> <li>➤ Submit SMP</li> <li>➤ Submit 401 WQC application for stream crossing improvements</li> <li>➤ Implement road-related BMPs</li> <li>➤ Remove cultivation infrastructure from riparian setback</li> <li>➤ Discontinue use of water bladder</li> </ul>                                                             | Discharger has responded to staff with a timeline to address compliance issues  |

## Settlement Discussions Invited, Underway, or Completed

In the December 2021 Enforcement Report, staff began reporting on enforcement-related settlement discussions initiated and underway. The table below provides current status of settlement discussions underway. Staff issued no new invitations for settlement discussion issued over this reporting period.

| Discharger                                                | Program       | Violation Type                                         | Proposed Penalty Amount | Comments                                                                                                                                                                          | Status as of January 17, 2022                                                                                                                     |
|-----------------------------------------------------------|---------------|--------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Fortuna - Municipal Wastewater Treatment Facility | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs | \$ 45,000               | Draft Stipulated Order. Discharger to pay \$15,000 of the penalty to the State Water Board's Cleanup and Abatement Account (CAA), and apply the remaining \$30,000 towards an SEP | Draft Stipulated Order signed by discharger and AEO. Posted for 30-day public comment on January 7, 2022. Comment period ending February 7, 2022. |
| Crescent City - Wastewater Treatment Facility             | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs | \$ 48,000               | Invitation issued on 11/16/2021<br>Violation Period September 22, 2015 to December 31, 2021                                                                                       | Settlement Negotiations Underway                                                                                                                  |
| City of Eureka – Wastewater Treatment Plant               | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs | \$ 138,000              | Invitation issued on 11/16/2021<br>Violation Period July 3, 2017 to December 31, 2021                                                                                             | Settlement Negotiations Underway                                                                                                                  |
| City of Ferndale – Wastewater Treatment Plant             | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs | \$ 18,000               | Invitation issued on 11/16/2021<br>Violation Period April 13, 2017 to December 31, 2021                                                                                           | Settlement Negotiations Underway                                                                                                                  |
| City of Loleta – Wastewater Treatment Plant               | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs | \$ 180,000              | Invitation issued on 11/16/2021<br>Violation Period March 15, 2018 to December 31, 2021                                                                                           | Settlement Negotiations Underway                                                                                                                  |

|                                                                         |               |                                                                                                                                                                                                               |                                           |                                                                                          |                                                                                                                                               |
|-------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| City of Rio Dell – Wastewater Treatment Plant                           | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs                                                                                                                                                        | \$ 21,000                                 | Invitation issued on 11/17/2021<br>Violation Period May 1, 2016 to December 31, 2021     | Settlement Negotiations Underway                                                                                                              |
| City of Ukiah – Wastewater Treatment Plant                              | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs                                                                                                                                                        | \$ 75,000                                 | Invitation issued on 11/16/2021<br>Violation Period January 4, 2017 to December 31, 2021 | Settlement Negotiations underway                                                                                                              |
| City of Arcata – Wastewater Treatment Facility                          | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs                                                                                                                                                        | \$ 180,000                                | Invitation issued on 09/20/2021<br>Violation Period March 1, 2019 to December 31, 2021   | Settlement Negotiations Underway                                                                                                              |
| California Redwood Company – Korbelt Sawmill                            | NPDES Program | NPDES Permit Effluent Limit Violations subject to MMPs                                                                                                                                                        | \$ 48,000                                 | Invitation issued on 10/04/2021<br>Violation Period June 1, 2019 to December 31, 2021    | Settlement Negotiations Underway                                                                                                              |
| Russian River Community Services District (CSD) and Sonoma Water Agency | NPDES Program | Violations of the Sanitary Sewer Order including unauthorized discharge of 2.33 million gallons of raw sewage from the Russian River CSD collection system to the Russian River, a water of the United States | Statutory maximum penalty \$23.31 million | Invitation issued on June 15, 2021<br>Violation Period 2017 and 2019                     | Discharger accepted invitation to settle and parties have entered settlement negotiations<br>Next settlement meeting scheduled for March 2022 |
| Enclave, LLC- Marlow Commons Development Site                           | NPDES Program | Violation of Construction Stormwater General Permit requirements including failure to implement effective and                                                                                                 | \$46,200                                  | Invitation issued on August 2, 2021<br>Violation Period December 2019                    | Parties in settlement negotiations                                                                                                            |

|                                                 |                               |                                                                                                                                                                                                                                                                                                                          |               |                                                                                                     |                                                                                                   |
|-------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|                                                 |                               | adequate minimum Best Management Practices resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River, a water of the United States.                                                                                                     |               |                                                                                                     |                                                                                                   |
| Bo Dean Company, Inc.-<br>Mark West Quarry Site | NPDES Program                 | Violation of Industrial General Permit requirements including failure to implement effective and adequate minimum and advanced Best Management Practices resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River, a water of the United States | \$4.5 million | Administrative Civil Liability Complaint issued on September 10, 2021<br>Violation Period 2018-2020 | Parties in settlement negotiations                                                                |
| Rodney Strong Vineyards                         | WDR Program and NPDES Program | Up to 97,000 gallons of wine discharged into Reiman Creek, a tributary to the Russian River, a water of the United States, in violation of discharge prohibitions in the Industrial General Permit and Waste Discharge Requirement (WDR) Order No. 88-54                                                                 | \$116,400     | Invitation issued on September 14, 2021<br>Violation Period January 2020                            | Settlement invitation has been accepted by the discharger. Parties are in settlement negotiations |

|                                                                                 |                      |                                                                                                                                                                                                                                                                                                                                                                        |                                                         |                                                                                                               |                                                                                                                 |
|---------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <p>City Ventures<br/>Homebuilding, LLC-<br/>Fox Hollow Development<br/>Site</p> | <p>NPDES Program</p> | <p>Violation of Construction<br/>Stormwater General<br/>Permit requirements<br/>including failure to<br/>implement effective and<br/>adequate minimum Best<br/>Management Practices<br/>resulting in the<br/>unauthorized discharge of<br/>sediment laden<br/>stormwater to Peterson<br/>Creek, a tributary to<br/>Russian River, a water of<br/>the United States</p> | <p>Statutory maximum<br/>penalty<br/>\$2.83 million</p> | <p>Invitation issued on October<br/>27, 2021<br/>Violation Period<br/>2016 and 2017</p>                       | <p>Settlement negotiations<br/>underway. First settlement<br/>meeting scheduled for early<br/>February 2022</p> |
| <p>Town of Scotia</p>                                                           | <p>NPDES Program</p> | <p>NPDES Permit Effluent<br/>Limit Violations subject to<br/>MMPs</p>                                                                                                                                                                                                                                                                                                  | <p>\$96,000</p>                                         | <p>Invitation issued on<br/>08/30/2021<br/>Violation Period<br/>December 5, 2017 to<br/>December 31, 2021</p> | <p>Settlement Negotiations<br/>Underway</p>                                                                     |

