



EXECUTIVE OFFICER'S REPORT North Coast Regional Water Quality Control Board

May 2013

Update on the Agricultural Lands Discharge Program

Rebecca Fitzgerald

Background

Regional Water Board staff continue to develop the Water Quality Compliance Program for Discharges from Agricultural Lands in the North Coast Region. Discharges from agricultural lands can affect water quality by transporting pollutants including sediment, nutrients, pesticides, salts, pathogens, and heavy metals into surface waters and groundwaters, and by raising water temperatures through warm tailwater return flows and impacts on riparian vegetation. Staff are developing the Agricultural Lands Discharge Program to include a general conditional waiver of waste discharge requirements (WDRs), options for individual WDRs, and an outreach and education component.

A lot of progress has been made over the last several months. The following are some highlights.

Advisory Group Meetings in October 2012

Another round of sub-regional Advisory Group meetings took place in October, with one meeting each in Santa Rosa, Eureka, Klamath Falls, and Yreka. Discussion focused on waiver performance standards, possible discharge prohibitions, and elements and options for developing water quality management plans. There was good attendance by Advisory Group Members and lively conversation. Meetings summaries are

available at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/.



Humboldt/Trinity/Del Norte Advisory Group Meeting. Photo by Rebecca Fitzgerald.



Tulelake/Butte Valley Advisory Group Meeting. Photo by Rebecca Fitzgerald.

Tulelake Irrigation District Tour

Staff of the Tulelake Irrigation District generously hosted a tour of their facilities and water bodies in the Tule Lake watershed.

Highlights included the Lost River, the Tule Lake sumps, wildlife refuges, irrigation water supply canals, irrigation drains, water movement practices, farming practices, and the wetland restoration program known as walking wetlands.



Irrigation drains and access roads in Tule Lake Watershed. Photo by Rebecca Fitzgerald.



Walking wetland in Tule Lake Watershed. Photo by Rebecca Fitzgerald.

Lily Bulb Tour

Members of the Easter lily bulb agricultural community also generously hosted a tour for Regional Water Board staff. Easter lily bulbs are grown in a small area of Del Norte County on the plain bordering the Smith River estuary. Highlights included a presentation on growing practices and timing, pesticide use, and monitoring history followed by a field visit of planted fields, rotational grazing fields, best management practices, and receiving water bodies.



Lily bulb fields and tractor turn around area. Photo taken by Ben Zabinsky



Lily bulb fields with straw residue check dams in the furrows, irrigation pipe, and rotational grazing field (on the far side of the fence). Photo by Rebecca Fitzgerald.

Frequently Asked Questions & April Webinar

In order to provide clarity and written responses to questions that have been raised by Advisory Group members, Regional Water Board staff developed two frequently asked questions, or FAQ documents. One FAQ focuses the Regional Water Board's jurisdiction, permitting authority, and policies concerning nonpoint source pollution. The second FAQ focuses on questions pertaining to the development of the Agricultural Lands Discharge Program, with answers that reflect staff's current thinking on the content of the Program. Staff hosted a webinar on April 3, 2013, to share and discuss the FAQs with Advisory Group members.

The Frequently Asked Legal/Policy Questions document is available at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/pdf/130328/Frequently_Asked_Legal-Policy_Questions.pdf

The Agricultural Lands Discharge Program Development Questions FAQ is at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/pdf/130328/Program_Development_Questions.pdf

For More Information

Additional information, details on the scope of the program, meeting summaries, comment letters, and reference information are available on the program's webpage at http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/.

Ben Zabinsky, lead staff for the program, is available at 707-576-6750 or bzabinsky@waterboards.ca.gov.

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Scott River and Shasta River TMDL Conditional Waivers Update

Bryan McFadin and Andy Baker

On October 4, 2012, the Regional Water Board adopted the Scott River and Shasta River TMDL conditional waivers. At the time of adoption, the Regional Water Board requested that staff develop fact sheets detailing the approach for implementing the waivers. Staff have prepared individual fact sheets for implementing the Scott and Shasta TMDL waivers and posted them to the Regional Water Board website, as requested by the Board. The fact sheets provide background information regarding the TMDLs and the waiver implementation programs, specifics on how to qualify and

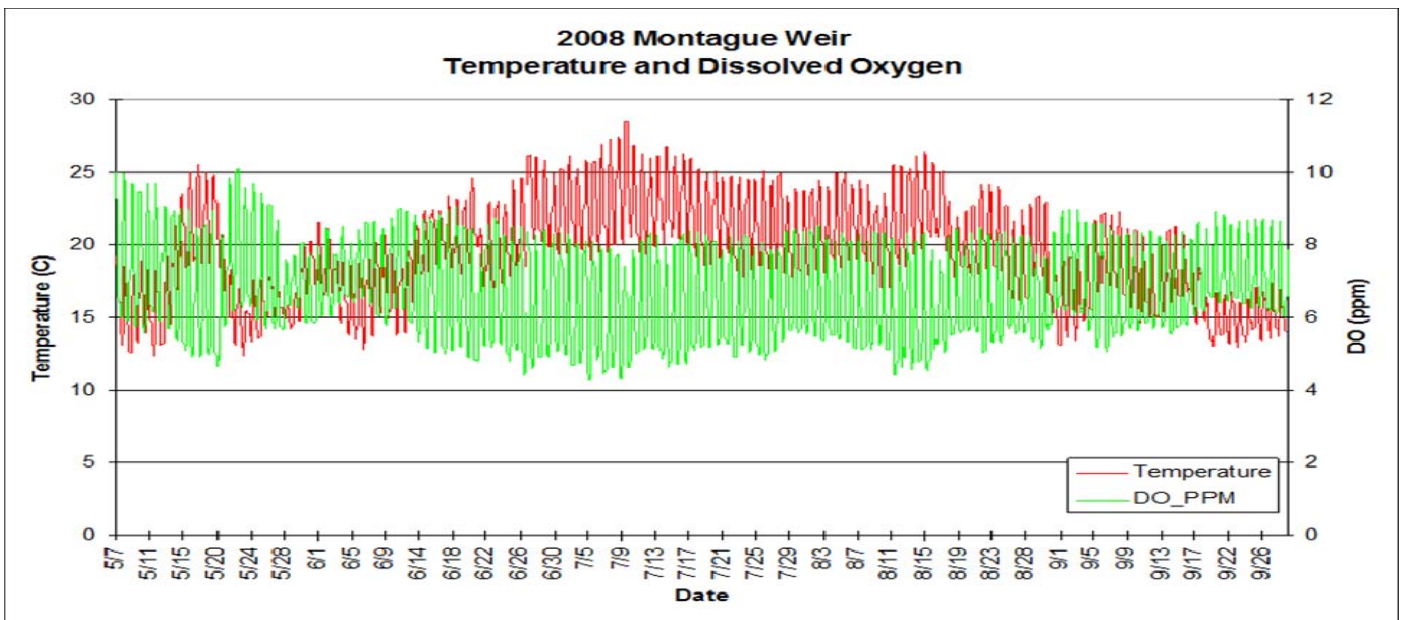
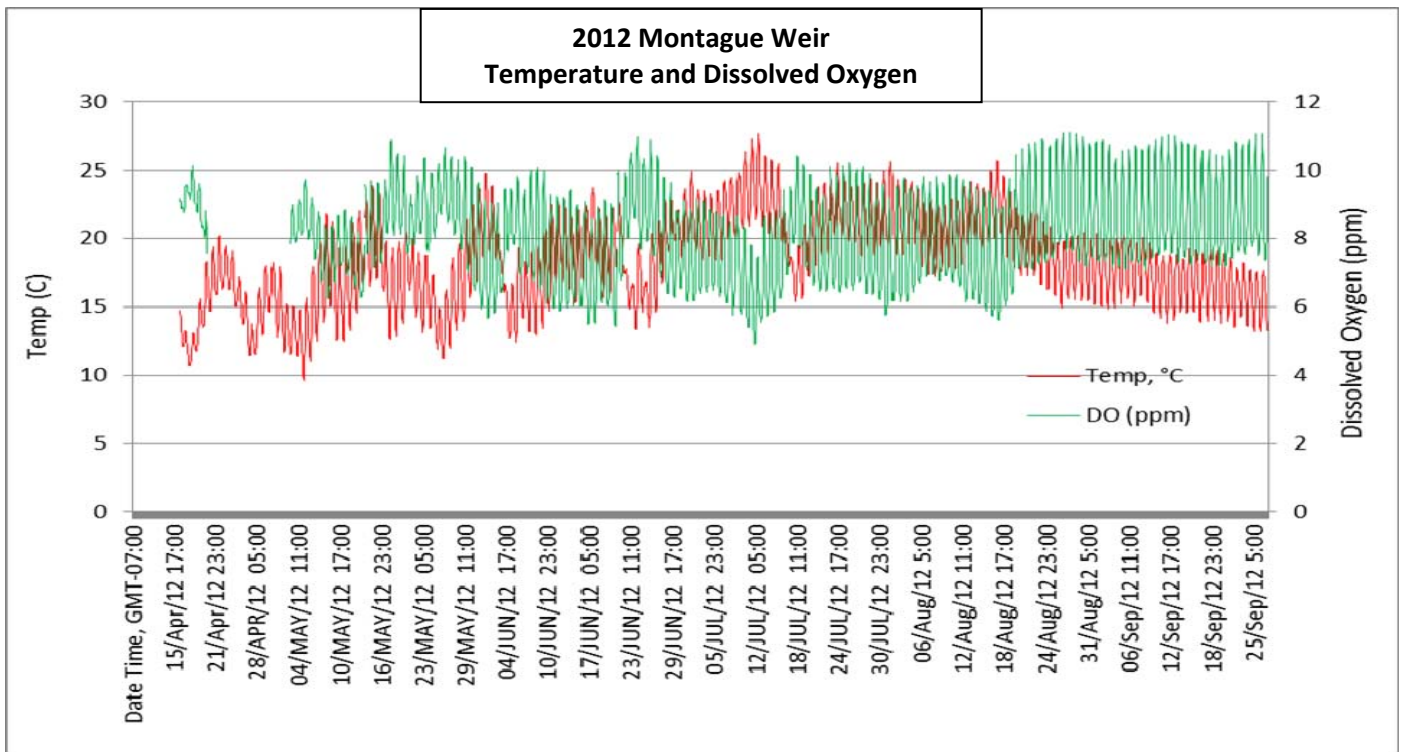
maintain waiver coverage, and answers to anticipated questions regarding the approaches for implementing the waiver programs.

Staff has taken steps to begin water quality protection assessments as the irrigation season gets under way in the Scott and Shasta valleys. Staff has been preparing and testing a standardized field assessment checklist and will be developing a tracking database. Template letters are being developed which will be used to inform individual landowners of their TMDL compliance status following field assessments.

Staff has developed contracts with the Siskiyou and Shasta Valley RCDs that will fund ranch planning assistance programs, which, while not a part of the waiver program, are expected to assist some landowners with waiver compliance. Staff has been engaged with both RCDs in reviewing and developing ranch plan templates adapted to the specific water quality related issues in each of the valleys.

Staff has also been working with the RCDs on 319(h) grant deliverables and inspections in both watersheds. These grants are currently funding tailwater reduction projects and riparian protection/restoration projects in the Shasta River watershed and riparian planting and groundwater data collection in the Scott River watershed.

Recent water quality monitoring data collected by the Shasta Valley RCD are showing improved water quality conditions for temperature and dissolved oxygen in the Shasta River, as shown in the following graph. Other monitoring stations are also showing encouraging indications of water quality improvements. These results indicate the hard work and improvements already made by the Shasta Valley RCD and the valley ranchers.



Graph shows comparison of temperature and dissolved oxygen at the Montague Weir for the years 2008 and 2012

According to California Department of Fish and Wildlife, Chinook salmon that return to spawn in the Shasta are also increasing. Nearly 30,000 spawners returned to the Shasta River last fall as compared to approximately 6,000 that have returned each year on average since 1978.

The Scott River TMDL Conditional Waiver and Fact Sheet can be found on the Scott River TMDL webpage: http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/scott_river/

The Shasta River TMDL Conditional Waiver and Fact Sheet can be found on the Shasta River TMDL webpage: http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/shasta_river/

Enforcement Report for May 2013 Executive Officer's Report

Diana Henriouille

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|-----------------------------|-------------|--|-----------------------------|
| 12/27/12 | Lands of MK Old Redwood LLC | NOV | Violations of General Construction Stormwater permit | Resolved |

Comments: On December 27, 2012, the Regional Water Board Watershed Protection Division Chief issued a Notice of Violation (NOV) to Lands of MK Old Redwood LLC for failure to implement erosion or sediment control best management practices (BMPs) on approximately 3 acres of exposed soil. Staff noted evidence of sediment discharges to an adjacent drainage ditch at several locations. The NOV required submittal of an updated Stormwater Pollution Prevention Plan (SWPPP) within 10 days.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|--------------------------------|-------------|--|-----------------------------|
| 12/27/12 | Santos Residential Subdivision | NOV | Violations of General Construction Stormwater permit | Resolved |

Comments: On December 27, 2012, the Regional Water Board Watershed Protection Division Chief issued an NOV to Santos Residential Subdivision for failure to implement erosion or sediment control BMPs for a portion of the subdivision, allowing sediment to discharge and/or threaten to discharge into waters of the State. The NOV required submittal of an updated SWPPP within 10 days.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---|-------------|--|-----------------------------|
| 1/8/13 | David Reed Residential Construction Project | NOV | Violations of General Construction Stormwater permit | Resolved |

Comments: On January 8, 2013, the Regional Water Board Watershed Protection Division Chief issued an NOV to David Reed for failure to implement adequate erosion or sediment control BMPs for his residential construction project, allowing sediment to discharge to a small tributary to Mark West Creek. Erosion of the hillside and the access road was evident. The NOV required submittal of an updated SWPPP within 10 days.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|--|----------------|--|-----------------------------|
| 1/15/13 | Don Roberts/ Steve and Taylor Whitley | CAO & 13267(b) | Clean Water Act and Basin Plan violations associated with unauthorized road construction through wetland, pond and series of streams | Ongoing |

Comments: On January 15, 2013, the Regional Water Board Executive Officer (EO) issued Cleanup and Abatement Order and 13267(b) Order No. R1-2013-0007 to Don Roberts and Steve G. and Taylor

Whitley for unauthorized road construction through wetlands and streams near Laytonville, in Mendocino County. The Order requires the Dischargers to develop and implement an interim erosion control plan, develop a technical report with details on road construction, and develop and implement a restoration plan to remove all illegally placed earthen material and restore the functionality of the damage wetlands, streams, and pond(s).

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---|-------------|---|-----------------------------|
| 2/14/13 | Gholami Michael Mohammed & Nahid A Trust DBA Arco A & M Mini Mart | CAO | California Water Code and Basin Plan violations associated with underground storage tanks | Ongoing |

Comments: On February 14, 2013, the Regional Water Board issued Cleanup and Abatement Order No. R1-2013-0018 to Gholami Michael Mohammed & Nahid A Trust DBA Arco A & M Mini Mart for non-compliance with their Monitoring and Reporting Order and failure to clean up the site. The Order requires submittal of a site model and workplans, then to implement workplans.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|----------------|-------------|--|-----------------------------|
| 2/20/13 | Ferreira Dairy | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On February 20, 2013, the Regional Water Board EO issued an NOV to Ferreira Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|------------------------------|-------------|--|-----------------------------|
| 2/25/13 | John Mattos Dairy-Pepper Rd. | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On February 25, 2013, the Regional Water Board EO issued an NOV to John Mattos Dairy – Pepper Road for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|-------------------------------|-------------|--|-----------------------------|
| 2/25/13 | John Mattos Dairy-Hammel Road | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On February 25, 2013, the Regional Water Board EO issued an NOV to John Mattos Dairy – Hammel Road for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|-------------|-------------|--|-----------------------------|
| 2/25/13 | Jones Dairy | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On February 20, 2013, the Regional Water Board EO issued an NOV to Jones Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|------------------|-------------|--|-----------------------------|
| 2/25/13 | Lois Byrns Dairy | NOV | Failure to Submit a Water Quality Plan | Unresolved |

Comments: On February 25, 2013, the Regional Water Board EO issued an NOV to Lois Byrns Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---------------------|-------------|--|-----------------------------|
| 2/25/13 | Morrison Bros Dairy | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On February 25, 2013, the Regional Water Board EO issued an NOV to Morrison Bros Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---------------------|-------------|--|-----------------------------|
| 2/25/13 | Moreda Valley Dairy | NOV | Failure to Submit a Water Quality Plan | Unresolved |

Comments: On February 25, 2013, the Regional Water Board EO issued an NOV to Moreda Valley Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by March 25, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|----------------------|-------------|--|-----------------------------|
| 3/7/13 | Coppini Lane Jerseys | NOV | Failure to Submit a Water Quality Plan | Resolved |

Comments: On March 7, 2013, the Regional Water Board EO issued an NOV to Coppini Lane Jerseys for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by April 8, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|--------------|-------------|--|-----------------------------|
| 3/7/13 | Duncan Dairy | NOV | Failure to Submit a Water Quality Plan | Ongoing |

Comments: On March 7, 2013, the Regional Water Board EO issued an NOV to Duncan Dairy for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by April 8, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---------------------------|-------------|--|-----------------------------|
| 3/7/13 | Joe Mattos Cheese Factory | NOV | Failure to Submit a Water Quality Plan | Ongoing |

Comments: On March 7, 2013, the Regional Water Board EO issued an NOV to Joe Mattos Cheese Factory for failure to submit a Water Quality Plan. The NOV requests that the Water Quality Plan be submitted by April 8, 2013.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---------------------------------|-------------|---|-----------------------------|
| 3/8/13 | Spring Hill Jersey Cheese, Inc. | NOV | Failure to Submit an Annual Report under General Waste Discharge Requirements | Ongoing |

Comments: On March 8, 2013, the Regional Water Board EO issued an NOV to Spring Hill Jersey Cheese, Inc. for failure to submit an Annual Report as required by the North Coast Regional Water Quality Control Board General Waste Discharge Requirements for existing cow dairies in the North Coast Region. The NOV advises the Discharger that staff propose to inspect the facility to review compliance with the GWDR.

| Date Issued | Discharger | Action Type | Violation Type | Status as of March 26, 2013 |
|-------------|---|-------------|-----------------------------------|-----------------------------|
| 3/12/13 | North Coast Railroad Authority and Union Pacific Railroad Co. | CAO | Update CAO 97-47 and requirements | Ongoing |

Comments: On March 12, 2013, the Regional Water Board issued Cleanup and Abatement Order No. R1-2013-0022 to North Coast Railroad Authority and Union Pacific Railroad Company to revise, amend, and reissue CAO No. 97-47. The revised order requires that the discharger submit a site model, remedial action plan, and other requested information, and then to implement workplans.

