





within the context of a Humboldt Bay Watershed Stewardship framework.

**Elk River**

In the last several months, as described at the February 2019 Board meeting, the 5-year effort to complete the Elk River Recovery Assessment (ERRA) and Recovery Framework is now complete. The report is available on the agency’s website, numerous hard copies have been provided to Elk River residents and agency personnel, and the ERRA team is now working through the Elk River Watershed Stewardship Program to meet with individual and small groups of landowners to interpret the material and evaluate possible projects. In addition, the permitting process for the two Sediment Remediation and Channel Rehabilitation Pilot Projects persists in earnest. Staff and the ERRA team have been meeting frequently with California Department of Fish and Wildlife and NOAA-NMFS staff members – and all landowners have now signed the necessary permits to move forward. The Regional Water Board serves as Lead CEQA agency for this project, and construction is planned to take place over the next two summers. The Elk River Waste Discharge Requirements (WDR), which includes the regulatory provisions for implementing the Upper Elk River Sediment TMDL is administered by Regional Water Board timber staff, with increasing coordination with the Stewardship Program.

**Elk River Estuary and Martin Slough**

Two exciting projects in the Elk Estuary have made great strides in recent months - Martin Slough Fish Passage and Marsh Enhancement, led by the Northcoast Regional Land Trust (NRLT); and the City of Eureka’s Elk River Estuary, Tidal Wetlands Enhancement and Coastal Access Trail Project.

NRLT purchased the 43-acre Martin Slough property in 2011 with the goals of restoring riparian and wetlands habitats, improving fish access and habitat quality, reducing upstream flooding, and maintaining traditional agricultural production. Late Summer of 2014 saw the successful installation of the new, state-of-the-art

tide gate at the confluence of Martin Slough and Swain Slough.

The remaining phases of the project enhance available salmon habitat and improve flood containment. Both of these goals will be met by expanding the slough channel in strategic locations on NRLT property, creating a series of ponds (three located upstream on the Eureka Municipal Golf Course and two downstream on NRLT property), expanding an existing pond, which consistently supports a high number of juvenile coho salmon annually on the Eureka Municipal Golf Course, repairing a vulnerable dike along Swain Slough, and the planting of native riparian, wetland and salt marsh plants in restored areas.

The last Martin Slough Stewardship Day, in partnership with the Redwood Community Action Agency, occurred on May 25, 2019. Additional information on this project may be found at: <http://ncrlt.org/restoration>.



**Martin Slough Enhancement Project Map**

The Elk River Estuary and Inter-Tidal Wetlands Enhancement Project is a multi-phase, multi-year project to expand the estuary on Elk River and enhance inter-tidal function of Buhne Slough and nearby tidal channels connecting to the South Humboldt Bay. There are two components to the City of Eureka’s planning grant from the State Coastal Conservancy: expand Elk River’s estuary; and enhance inter-tidal wetlands. The project area





# Enforcement Report for June 2019 Executive Officer's Report

*Diana Henriouille & Caila Heintz*

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
03/26/2019	Danny Kuehl	NOV	Failure to comply with requirements of the Construction General Permit Order No. 2012-0006 DWQ and the Regional Cannabis Order No. R1-2015-0023	Ongoing

**Comments:** On March 26, 2019, Assistant Executive Officer (AEO) Claudia Villacorta issued a Notice of Violation (NOV) to Danny Kuehl for the unlawful discharge of earthen materials into waters of the state and failure to comply with the requirements in the Construction General Permit Order No. 2012-0006 DWQ and the Regional Cannabis Order No. R1-2015-0023. The NOV pertains to water quality violations observed by Regional Water Board staff during a June 9, 2017, inspection. Violations were associated with development of a site for cannabis cultivation, with large scale land disturbance, placement of earthen materials on steep slopes (estimated 75%-85% slope) with the potential to discharge into nearby surface water, unauthorized construction of a watercourse crossing and disturbance of the riparian area of a Class III stream. The property is located in Lewiston, in the Trinity River watershed. Staff provided the Discharger with a copy of the inspection report on August 23, 2018. The NOV delineated violations identified in the inspection report, acknowledged efforts made by the Discharger to date to comply with applicable requirements/recommendations, and encouraged the Discharger to continue to correct violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/02/2019	Gary VanDenBerghe	NOV	Discharge of earthen materials to waters of the state	Ongoing

**Comments:** On April 2, 2019, the Enforcement Unit Supervisor issued a NOV to Gary VanDenBerghe for the unlawful discharge of earthen materials to waters of the state and failure to comply with standard conditions in the Regional Cannabis Order No. 2015-0023. The property has been enrolled for coverage under the Regional Cannabis Order since July 3, 2017. On April 3, 2018, Regional Water Board staff inspected the property, located in the Spy Rock Hydrologic Subarea of the Eel River watershed, and observed features and conditions violating the Basin Plan, Water Code, and Regional Cannabis Order. The NOV requested a Water Resource Protection Plan for the enrolled property which includes a proposed schedule to correct the violations discussed in the inspection report issued by staff within 30 days. As of May 24, 2019, the discharger has not submitted the requested information. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/16/2019	Richard Davis-Lowell, Tr., William J. Lowell Tr., and William J. Lowell Tr.	CAO	Unauthorized discharges of waste to receiving waters	Ongoing

**Comments:** On April 16, 2019, the Executive Officer (EO) issued a Cleanup and Abatement Order R1-2019-0025 to Richard Davis-Lowell, Tr., William J. Lowell Tr., and William J. Lowell Tr., for the discharge and threatened discharge of waste into Austin Creek through the unmitigated installation of rock and mixed size aggregate within waters of the state for bank stabilization. The property is in Sonoma County in Cazadero. Austin Creek is a tributary to the lower Russian River. On September 22, 2016, the Regional Water Board staff issued a 401 Certification to Richard Thomas David for his bank stabilization project, which specified that no rip rap would be placed into the watercourse channel. During a May 10, 2018, inspection, after work had been completed, staff observed the project area devoid of vegetation, a heavy equipment access route at an unauthorized location causing continuing impacts to the riparian area and function, rock and mixed rock aggregated placed in areas unauthorized for rip rap, and smaller-diameter materials that had migrated downslope to the watercourse. The CAO requires the discharger to clean up, abate, and mitigate the effects of discharging rock and mixed sized aggregate into Austin Creek and to eliminate the threat of future discharge. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/17/2019	Patrick Imbimbo, Conde Associates Encore Event Rentals	NOV	Unauthorized discharge of sediment-laden storm water	Ongoing

**Comments:** On April 17, 2019, the Construction Storm Water Unit Supervisor issued a NOV to Patrick Imbimbo, Conde Associates, for the unauthorized discharge of sediment-laden storm water and other materials to the municipal storm water sewer system. The project site is in Windsor, and drains to the Town of Windsor's municipal separate storm sewer system (MS4), and thence to Pool Creek and Windsor Creek, tributaries to Mark West Creek and the Russian River. The site is enrolled for coverage under the Construction General Storm Water Permit. On November 21, 2018, Regional Water Board staff inspected the project site during a rain event, and observed a concrete pump truck operator washing concrete out of the pump hose and rinsing concrete contact water directly onto unpaved surfaces. Staff also observed bare/erodible soil with no erosion control BMPs; insufficient sediment control BMPs; turbid stormwater flowing from the site into the storm drains; and poor housekeeping on the site. The NOV provided recommendations for the project site to come into compliance with the Construction General Permit. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/19/2019	Juliet and Boden Hegdal	CAO	Unauthorized dredge/fill in surface water	Ongoing

**Comments:** On April 10, 2019, the EO issued a Cleanup and Abatement Order (CAO) No. R1-2019-0026 to Juliet and Boden Hegdal for the discharge and threatened discharge of waste to receiving waters associated with construction of a pond and earthen berm in two Class III watercourses and an area of probable wetlands. Surface waters on the site are tributary to Redwood Creek, in the South Fork Eel River watershed. Regional Water Board staff inspected the site on December 7, 2018, during a watershed-wide cannabis enforcement effort in Redwood Creek. Observations made by staff during that inspection, as well as observations and reported observations made following this inspection suggested potential for imminent failure of pond containment, warranting immediate preventive efforts, to be followed by longer term cleanup/restoration. The CAO requires the discharger to immediately minimize inflow to the pond, minimize turbid discharges to surface waters, provide an Interim Site Stabilization Plan, and monitor the effectiveness of implemented actions. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/22/2019	Francesco Galofaro, Contadino Properties, LLC	NOV	Failure to comply with the Regional Cannabis Order No. 2015-0023	Ongoing

**Comments:** On April 22, 2019, the Enforcement Unit Supervisor issued a NOV to Francesco Galofaro, Contadino Properties, LLC., for failure to comply with the Regional Cannabis Order, under which their property has been enrolled since July 3, 2017. On July 23, 2018, staff from the Regional Water Board inspected the property, in the Sequoia Hydrologic Subarea of the Eel River Watershed, in Humboldt County. During the inspection, staff observed several features that failed to comply with the standard conditions in the Regional Cannabis Order. The NOV accompanied an inspection report, providing recommendations to correct the violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/01/2019	Dean Soiland, President of BoDean Company, Inc.	NOV & 13267	Failure to comply with the Industrial General Storm Water Permit (IGP)	Ongoing

**Comments:** On May 1, 2019, the AEO issued a NOV and 13267 Investigative Order R1-2019-0029 to Dean Soiland, president of BoDean Company, Inc., for failure to comply with the requirement of the Industrial General Permit Order No. 2014-0057 at the Mark West Quarry project site in Sonoma County. On several inspections of the site and surrounding areas in late 2018 and early 2019,



Regional Water Board staff observed discharges and evidence of discharges of sediment-laden runoff from the site into Porter Creek. On January 9, 2019, during a rain event, staff from the Regional Water Board inspected the site and observed sediment-laden storm water flowing from the site into Porter Creek. Staff collected TSS samples during the inspection, which documented increased levels of TSS in Porter Creek. Staff from the Regional Water Board inspected the site again on January 16, 2019 and February 13, 2019, collecting samples at the same location as the January 9, 2019 inspection. The NOV identifies violations of IGP discharge prohibitions, effluent limitations, and receiving water limitations, as well as Clean Water Act violations for unauthorized discharges. The Investigative Order was issued concurrent with the NOV and directs the discharger to provide technical and monitoring information. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/02/2019	Juliet and Boden Hegdal	NOV	Failure to enroll for coverage under the State Cannabis Order WQ 2019-0001-DWQ	Ongoing

**Comments:** On May 2, 2019, the Northern Cannabis Regulatory Unit Supervisor, issued a NOV to Juliet and Boden Hegdal for failure to enroll for coverage under the State Cannabis Order WQ 2019-0001-DWQ. The NOV requires the discharger to enroll for coverage under the statewide cannabis Order. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/03/2019	Marshall Speck	NOV	Cannabis cultivation without regulatory coverage; Basin Plan prohibition violations	Ongoing

**Comments:** On May 3, 2019, the Enforcement Unit Supervisor issued a NOV to Marshall Speck for observed Basin Plan prohibition violations at several locations on his property in the Mattole River watershed. Staff also observed cannabis cultivation of sufficient scope to require coverage under the State Cannabis Order WQ 2019-0001-DWQ. The NOV requires the discharger to enroll for coverage under the statewide cannabis Order. This matter is ongoing.

## **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 June and August Board meetings in 2019. **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.

### **August 14 – 15, 20-19 (Santa Rosa, CA)**

- County of Sonoma LAMP (*Charles Reed*) [A]
- Russian River Pathogen TMDL Action Plan (*Alydda Mangelsdorf and Charles Reed*) [A]
- GWDR for Dairies in the North Coast Region (*Cherie Blatt*) [A]
- Comprehensive Flow Workshop (*Bryan McFadin*) [W]
- Klamath Basin Update (*Clayton Creager*) [I]
- FY 2019/2020 Work Plans (*Matt St. John*) [I]

### **October 16 – 17, 2019 (Weaverville, CA)**

- Town of Scotia WWTP NPDES (*Justin McSmith*) [A]
- Humboldt State University Telonicher Lab NPDES Permit (*Cathy Goodwin*) [A]
- Arcata NPDES (*Justin McSmith*) [A]
- Adoption of the Supplemental Environmental Project List (*Diana Henriouille*) [A]
- Update on Status of Implementation of the Scott & Shasta River TMDL Waivers (*Eli Scott*) [I]
- Draft Integrated 303(d)/305(b) Report (*Katharine Carter*) [I]

[U] = Uncontested Item

[A] = Action Item

[W] = Workshop Item

[I] = Information Item