



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

June 13-14, 2024

In this Issue

- Update on Plans to Decommission the Potter Valley Hydroelectric Project.....1
- Update on the 305(b) and 303(d) Integrated Report.....3
- Enhancing Watersheds: A Look at Three Section 319(h) Nonpoint Source Grants.....5
- Enforcement Report.....10
- Projected List of Future Board Agenda Items.....23

Update on Plans to Decommission the Potter Valley Hydroelectric Project

Matt St. John

The Potter Valley Hydroelectric Project (Project) is located in the Upper Eel River and Russian River watersheds, in Lake and Mendocino counties (Figure 1). Since 1930 the Pacific Gas and Electric Company (PG&E) has owned and operated the Project. The main storage reservoir for the Project, Lake Pillsbury, is formed behind Scott Dam, which is located on the Eel River. Water captured and stored in Lake Pillsbury is released into the Eel River and then captured again in Van Arsdale Reservoir, an approximately 65-acre reservoir formed behind Cape Horn Dam. Water captured in Van Arsdale Reservoir is diverted and conveyed to the Potter Valley Powerhouse, which is located just north of Potter Valley. After generating power, water is discharged via canal into the East Branch Russian River, or into irrigation canals, used by the Potter Valley Irrigation District to provide irrigation water to farmers in the Potter Valley. The

water discharged to the East Branch Russian River is captured in Lake Mendocino, which is administered by the U.S. Army Corps of Engineers for flood protection, but also stores water used by the Sonoma County Water Agency (Sonoma Water) and other water users.

In 2019, PG&E determined that it would be contrary to the best interests of its electric ratepayers to continue relicensing the Project. The Federal Energy Regulatory Commission (FERC) Project license expired on April 14, 2022. On July 8, 2022, PG&E filed with FERC a proposed schedule for submittal of a license surrender application, which FERC approved on July 29, 2022. In November 2023, PG&E released for public review an Initial Draft Surrender Application and Conceptual Decommissioning Plan (Initial Draft Surrender Application) for the Project. Initial Draft Surrender Application Table 1-1 shows PG&E's Project license surrender application development and submittal schedule and is reproduced in Table 1.

Table 1. PG&Es FERC License Surrender Application Development Schedule

Process	Schedule
Distribution of Initial Draft Surrender Application	Nov 17, 2023
Deadline for Comments on Initial Draft Surrender Application	Dec 22, 2023
Initial Consultation with Resource Agencies and Tribes	Dec 2023 – Feb 2024
Distribution of Final Draft Surrender Application	Jun 3, 2024
Consultation with Resource Agencies and Tribes	Jun 2024
Deadline for Comments on Final Draft Surrender Application	Jul 18, 2024
Filing and Distribution of Final Surrender Application	Jan 29, 2025

Clean Water Act section 401 directs that water quality certifications (certifications) shall prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with any other appropriate requirements of state law. Decommissioning of Project facilities will result in a dredge or fill discharge to navigable waters and PG&E must obtain certification from the State Water Resources Control Board (State Water Board) as part of the FERC license surrender process. The State Water Board Division of Water Rights is the state agency responsible for issuing certifications for FERC hydropower and water rights related projects in California. The Regional Water Boards are the state agencies responsible for issuing certifications for most other types of dredge or fill projects within waters of the state. A certification issued by the State Water Board for Project decommissioning must ensure compliance with the applicable regional and state regulations and water quality control plans. The Water Quality Control Plan for the North Coast Region (Basin Plan) identifies

beneficial uses for the Lake Pillsbury and Coyote Valley Hydrologic Subareas (the Project area) and has established water quality objectives to support those beneficial uses. Water quality objectives identified in the North Coast Basin Plan that are applicable to Project decommissioning activities, include, but are not limited to chemical constituents, biostimulatory substances, dissolved oxygen, oil and grease, pH, sediment, settleable material, suspended material, temperature, toxicity, and turbidity.

Compliance with the California Environmental Quality Act (CEQA) is required as part of the certification process. The State Water Board is the public agency with the responsibility of issuing a certification for the Project’s license surrender and decommissioning and likely will act as the CEQA lead agency for the Project license surrender and decommissioning. If the State Water Board is the CEQA lead agency, the State Water Board plans to commence the CEQA process prior to PG&E submitting a certification application.

Regional Water Board staff are providing technical support to State Water Board staff on the certification and potential CEQA process for the Project. Regional Water Board staff participate in periodic Project meetings with State Water Board staff and representatives from PG&E, their consultants, and other federal, state, and tribal government agencies.

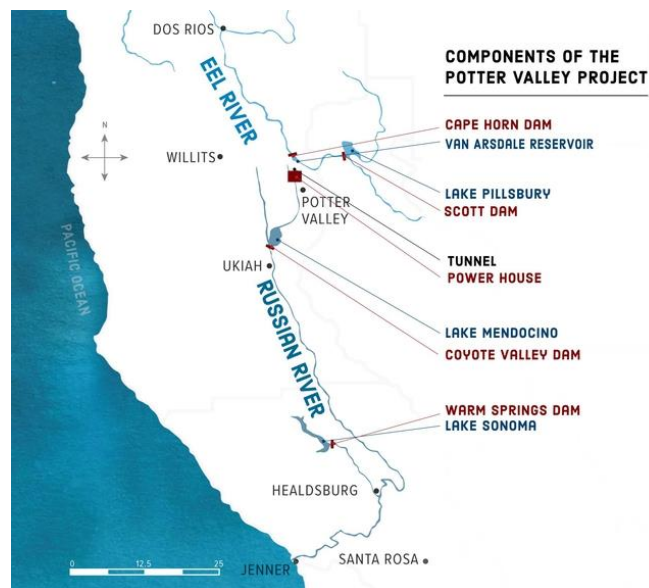
Some Project activities are expected to be considered construction activities subject to the State’s General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2022-0057-DWQ (Construction General Permit). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation outside of waters of the state, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The State and Regional Water Boards anticipate that the Final Draft Surrender

Application will inform whether enrollment and compliance with the Construction General Permit will be required or whether these activities will be addressed through the water quality certification for Project decommissioning. If enrollment and compliance with the Construction General Permit is required, Regional Water Board staff would oversee compliance with the terms of that permit.

In August of 2023 Sonoma Water, the Mendocino County Inland Water and Power Commission, and Round Valley Indian Tribes submitted a proposal to PG&E for the future of Cape Horn Dam and Van Arsdale Diversion. The proposal was revised in November of 2023 when the proposal was supported by a group of Proponents, including California Department of Fish and Wildlife, California Trout, Humboldt County, Mendocino County Inland Water and Power Commission, Round Valley Indian Tribes, Sonoma Water, and Trout Unlimited. In December 2023 the Eel-Russian Project Authority (ERPA) was formed as a joint powers authority by a joint exercise of powers agreement between the County of Sonoma, Sonoma Water, and the Mendocino County Inland Water and Power Commission. ERPA will have the power to negotiate with PG&E as the company moves ahead with its plans to surrender operations of the Project and to decommission the Scott and Cape Horn dams. The ERPA will have the legal capacity to own, construct and operate a new water diversion facility near the Cape Horn Dam. The proposal establishes that the Proponents are committed to the coequal goals of (1) improving fish migration and habitat on the Eel River with the objective of achieving naturally reproducing, self-sustaining, and harvestable native anadromous fish populations and (2) maintaining material and continued water diversion from the Eel River through the existing tunnel to the Russian River to support water supply reliability, fisheries, and water quality in the Russian River basin.

Regional Water Board staff will remain engaged through the life of Project and will continue to provide technical support to State Water Board staff as they work with PG&E and develop a certification for the Project. Updates will be provided to the Regional Water Board periodically.

Figure 1. Map of Potter Valley Hydroelectric Project



Update on Surface Water Quality Assessment – The 305(b) and 303(d) Integrated Report

Mary Bartholomew

Statewide Assessment Cycles

Section 305(b) of the Clean Water Act requires the state of California to prepare a comprehensive water quality assessment of its surface waters and Section 303(d) requires the state to identify all waters not meeting applicable water quality standards. The combined reporting of these two items is called the “Integrated Report” and is provided every two years by the State Water Resources Control Board (State Water Board) to the U.S. Environmental Protection Agency

(USEPA). The State Water Board divides water quality updates between the nine Regional Boards every two years, such that each Regional Board is “on cycle” to comprehensively assess surface water quality once every six years.

The 2018 Integrated Report contains the most recent data assessment update for the North Coast Region. These 303(d) listings were carried over to the current 2020/2022 Integrated Report (an additional two years were needed for the three participating 2020-cycle regions) and will continue to be carried over into the 2024 Integrated Report. The 2026 Integrated Report will include a water quality update for the waters of the North Coast Region.

While the 305(b) comprehensive water quality assessment report is submitted as part of the Integrated Report to USEPA for their review, the 303(d) report must be approved at the state and federal levels. Historically, a public review process occurred at both the Regional and State Water Boards after which the 303(d) list would be approved by each board. The 303(d) list approval process is now consolidated into a single State Water Board public review and board approval prior to seeking USEPA approval.

The 2026 Integrated Report

Mary Bartholomew of our staff is working closely with State Water Board staff to perform the comprehensive assessment of water quality data collected in the North Coast region for the 2026 Integrated Report (see Table 2 below for the 2026 Integrated Report schedule). Data has been organized, mapped, and lines of evidence assessing the data have been written. In May 2024, staff began to use the lines of evidence to make “decisions” about whether a pollutant supports the designated beneficial uses of each waterbody.

Table 2. 2026 Integrated Report schedule

Step	2022												2023											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Data Solicitation																								
Data Organization, Quality Review, and Mapping																								
Data Analysis for Lines of Evidence																								
Decisions																								
Prepare for Public Review																								
Public Review & Regional Workshop																								
Response to Public Comments																								
Prepare for State Board 303(d) List Hearing																								
State Board 303(d) List Hearing																								
Prepare to Submit 303(d) List to USEPA																								
Submit 303(d) List to USEPA																								

Step	2024												2025											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Data Solicitation																								
Data Organization, Quality Review, and Mapping																								
Data Analysis for Lines of Evidence																								
Decisions																								
Prepare for Public Review																								
Public Review & Regional Workshop																								
Response to Public Comments																								
Prepare for State Board 303(d) List Hearing																								
State Board 303(d) List Hearing																								
Prepare to Submit 303(d) List to USEPA																								
Submit 303(d) List to USEPA																								

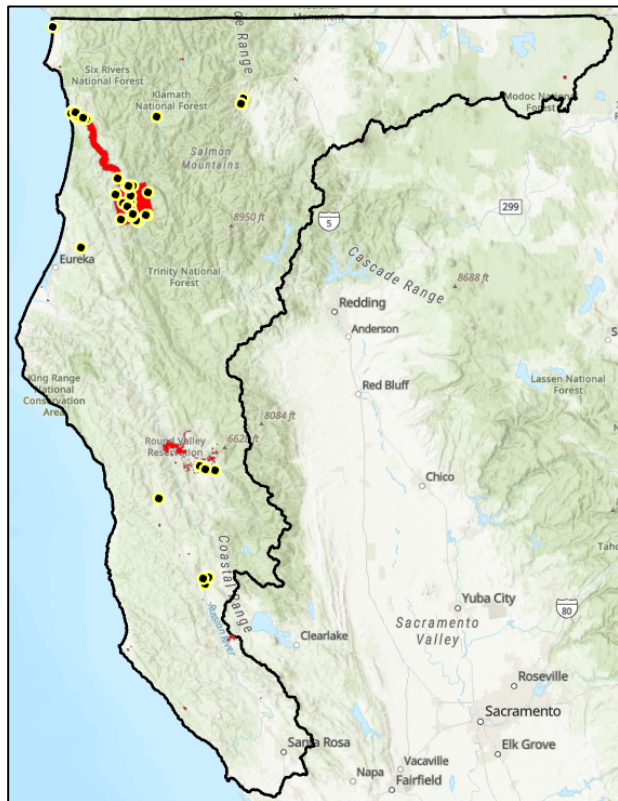
Step	2026											
	J	F	M	A	M	J	J	A	S	O	N	D
Data Solicitation												
Data Organization, Quality Review, and Mapping												
Data Analysis for Lines of Evidence												
Decisions												
Prepare for Public Review												
Public Review & Regional Workshop												
Response to Public Comments												
Prepare for State Board 303(d) List Hearing												
State Board 303(d) List Hearing												
Prepare to Submit 303(d) List to USEPA												
Submit 303(d) List to USEPA												

Data on Tribal Lands

Water quality data collected from waterbodies on Tribal land have traditionally been included in the Integrated Report assessments (see Figure 2 below for monitoring station locations on tribal land). Where waterbody-pollutant combinations indicated that beneficial uses were not supported, those instances were flagged for further USEPA review. There were a couple of flaws to this approach. The assessments were based on California water quality objectives instead of any applicable Tribal water quality standards. Additionally, USEPA would not act on the waterbody-pollutant combinations flagged as impaired and recently informed State Board staff that the USEPA does not accept assessments from tribal land. Due to these shortcomings, State and Regional Board staff decided to discontinue assessments of water quality data collected from Tribal land. Assessments of data collected from tribal land may be reconsidered if requested by a Tribe on a case-by-case basis but will not be submitted

to USEPA. Water quality data collected by Tribes outside of Tribal jurisdictions are still included in Integrated Report assessments. State and Regional Board staff plan to conduct targeted outreach and engagement to Tribes this summer.

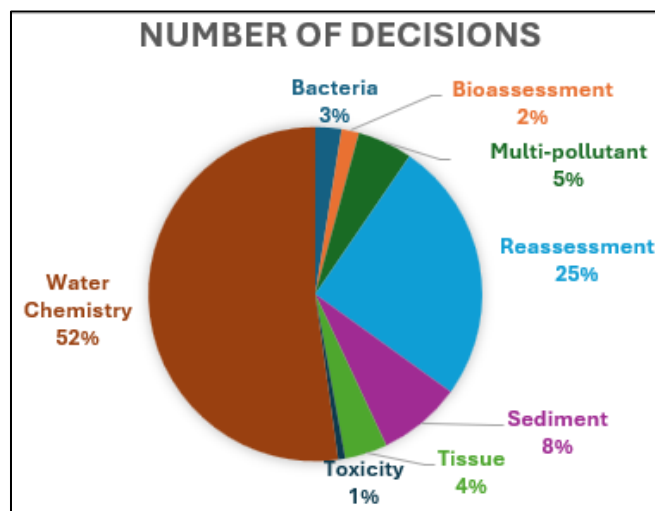
Figure 2. Sampling stations on Tribal land



Decisions by Pollutant

Figure 3 below summarizes the different data categories that are used to make decisions. Approximately half of the water quality decisions are made based upon water chemistry data. A quarter of the decisions are reassessments of existing data, which includes data where the evaluation threshold has changed. For multi-pollutant decisions, in past Integrated Report cycles, groups of metals and pesticides with no water quality objective exceedances were combined in Lines of Evidence and Decisions as a time-saving strategy. However, these multi-pollutant groupings are being phased-out as the pollutants are now given separate Lines of Evidence and Decisions. While this takes more staff time, it is a better way to organize and evaluate data.

Figure 3. Number of Decisions per data category



Staff expect to complete draft decisions by September 2024 and hold a Regional Board workshop to share the final draft results in early 2025.

For More Information

Information regarding the Integrated Report is available on our [website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/index.html) (https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/index.html) or by contacting Mary Bartholomew at 707-576-2662 or Mary.Bartholomew@waterboards.ca.gov.



Enhancing Watersheds: A Look at three Section 319(h) Nonpoint Source Grans closing in 2024
Michele Fortner

Each year, the United States Environmental Protection Agency (U.S. EPA) allocates a portion of its Clean Water Act (CWA) section 319 funds to water quality improvement projects throughout the State.

CWA section 319(h) grant funds are crucial to support restoration work addressing nonpoint source pollution, a significant contributor to water quality degradation across California.

This article highlights three 319(h) projects in the North Coast Region: Phase 2 of the Mendocino Coast Total Maximum Daily Load (TMDL) Implementation Program, the Parks Creek Riparian Improvement Project, and the Post-Fire Recovery and Sediment Reduction Mark West Creek Project.

Mendocino Coast TMDL Implementation Program Phase 2

Grantee: Mendocino County Resource Conservation District (MCRCD)

Construction Completion Date: November 1, 2023

Funding amount: \$717,134

Match amount: \$247,200

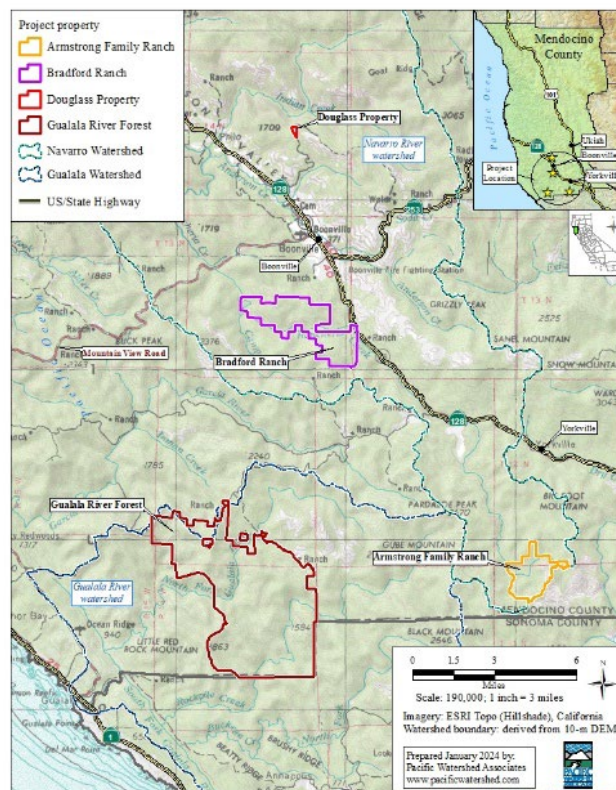
Phase 2 of the Mendocino Coast TMDL Implementation Project reduced sediment inputs to the Navarro and Gualala River watersheds by identifying, prioritizing, and fixing roads and associated road-related areas with a potential for significant erosion and sediment delivery.

The Navarro and Gualala Rivers, and many of their tributary streams, currently support populations of salmonids, including coho salmon. As with other important watersheds in the North Coast region, water quality and salmonid habitat have been severely impacted by excess sediment loading from upslope sources, including large-scale erosion and sediment delivery associated with networks of unsurfaced forest and ranch roads. TMDLs were completed for the Navarro and Gualala Rivers to address sediment impairments in 2000 and 2001, respectively.

Between September 2019 and November 2023, approximately 12.8 miles of road on three large ranch and timberland properties were stabilized using various erosion prevention and control measures (see Figure 4, below, for project locations). The work was spread across 86 individual sites, consisting of 60 stream crossings, three potential fill

failures, six stream bank erosion sites, five ditch relief culverts, three springs/swales, and nine discharge points for road surface runoff.

Figure 4. Location Map, Mendocino County TMDL Implementation Project, Phase 2.



All 12.8 miles of road had direct hydrological connections to streams, resulting in the delivery of concentrated, erosive stormwater runoff to tributaries and watercourses. These road segments were treated with road drainage treatments to disperse road surface runoff and diminish the chronic and persistent delivery of fine-grained, roadbed-derived sediment to nearby streams. Work also included culvert replacement to provide greater passage of stream flows and materials, as well as correcting culvert grades and elevations to ensure a stable stream profile (see Figures 5 and 6 below). The project consultant estimated that treatment of the 86 sites will prevent the episodic delivery of 7,623 cubic yards over the coming decades.

Parks Creek Riparian Improvement Project

Grantee: Shasta Valley Resource Conservation District (SVRCD)

Construction Completion Date: November 2023

Funding amount: \$679,953

In 2020, the SVRCD was awarded a 319(h) grant in the amount of \$609,263 for the Parks Creek Riparian Improvement Project. In 2022, an additional \$70,690 were awarded through an amendment. The Parks Creek Riparian Improvement Project was carried out at Parks Creek Ranch in an unincorporated portion of Siskiyou County within the Shasta River Watershed (See Figure 7). Parks Creek is an important tributary to the Shasta River within the Klamath River Basin. Parks Creek Ranch is located between the small towns of Gazelle and Edgewood.

Figure 5. Before culvert replacement—the culvert is perched, resulting in erosion and transport of sediment as stream flows undermine the culvert.

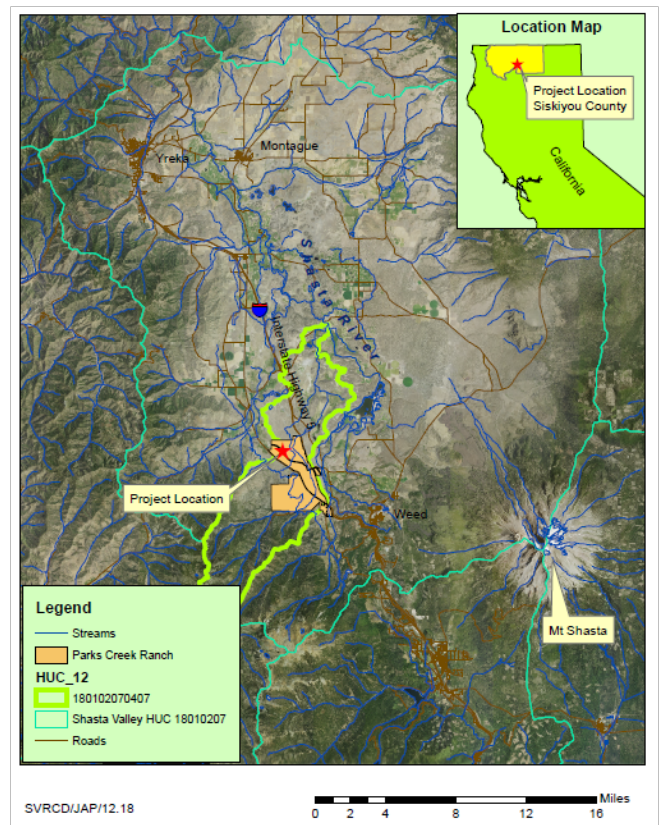


Figure 6. After culvert replacement—a larger culvert has been placed at the proper elevation to allow stream flows and materials to pass through unimpeded.



The project met all deliverables and exceeded estimated sediment savings and annual sediment load reduction targets by approximately 10%. The Project experienced delays and other challenges due to multiple factors including the COVID pandemic, supply chain issues, and MCRCD and consultant staffing changes. In 2023, an extension was granted, and all implementation work was completed by November 1, 2023, and all grant close-out deliverables were completed and submitted in April 2024.

Figure 7. Location map, Parks Creek Riparian Improvement Project.



The goals of the project were to protect and enhance thermal refugia for cold-water fish and help to reduce elevated temperatures in the main stem Shasta River. The Project addressed Shasta River temperature and dissolved oxygen TMDLs by enhancing riparian and stream processes on Parks Creek. This was accomplished by replacing invasive plants with bank-stabilizing native plantings at key locations within the riparian zone of a large cattle operation, and installing cattle exclusion fencing and stock-watering systems in the same reach. In addition, the project quantitatively and qualitatively documented existing water quality and riparian conditions within the project area. The expected long-term project benefits include 1) stream temperature cooling due to increased riparian vegetation, 2) reduced siltation due to streambank stabilization, and 3) riparian zone habitat improvement and protection.

Specific project implementation measures included 4.5 miles of new livestock management fencing, 330 riparian plantings spread over two key planting areas, and six new off-channel stockwatering systems with one new stock well. Additionally, landowners provided matching funds to construct an additional stockwater trough and other amenities, including livestock guardrails at each of the seven troughs (see Figure 8), a pumphouse at the new stockwater well, and labor and materials to install the buried pipeline from the well to a nearby trough. The Project also successfully installed over 17,000 feet of buried PVC pipe to serve a total of seven stockwater troughs and 22,500 feet of livestock management fencing. The final improvements allowing for delivery of water to the last remaining stock trough were completed in November 2023.

Figure 8. New stockwater trough with guardrails.



With support from the Section 319(h) grant funds, this project restored degraded riparian areas through strategic planting of native vegetation, erosion control measures, and invasive species management. By improving streambank stability and increasing vegetative cover, the project reduced sedimentation, enhanced wildlife habitat, and promoted ecological resilience. All grant close-out deliverables were completed and submitted in April 2024.

Post-fire Recovery and Sediment Reduction Mark West Creek Project

Grantee: Sonoma Resource Conservation District (RCD)

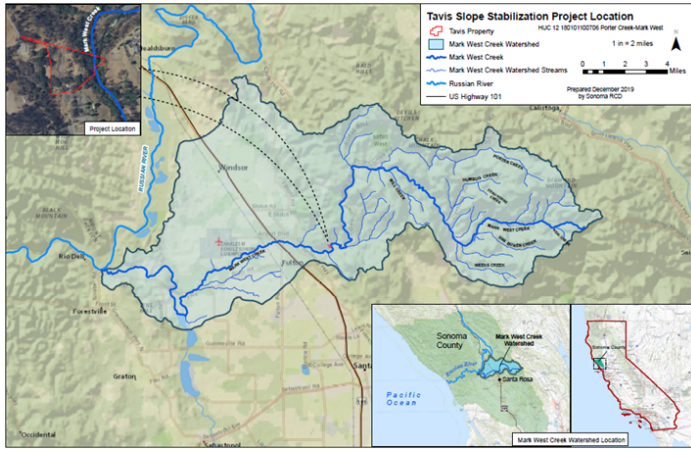
Construction Completion Date: August 2022

Funding Amount: \$226,211.04

Match: \$60,000

In October 2017, Sonoma County was affected by intense wildfires. Wildfires can have devastating impacts on watersheds, leading to increased stormwater runoff, sedimentation, water quality degradation, and habitat loss. The Post-Fire Recovery and Sediment Reduction Mark West Creek Project, situated in unincorporated Sonoma County along the lower portion of upper Mark West Creek (see Figure 9), addressed these challenges by implementing post-fire restoration measures to mitigate erosion and sediment runoff.

Figure 9. Project location, Post-Fire Recovery and Sediment Reduction Project



The Mark West Creek Watershed is a major tributary of the Russian River that includes high quality habitat for endangered salmonids. Mark West Creek flows into the Laguna de Santa Rosa, approximately five miles upstream of the Laguna’s confluence with the Russian River. The upper Mark West Creek watershed is recognized as an area with exceptional natural resources and where conservation opportunities are abundant and valuable. The project ties in with both broad long-term efforts in the watershed to control erosion and sedimentation and restore coho salmon populations and shorter-term efforts to recover watershed function, water quality, and fish habitat in the wake of the 2017 Tubbs fire.

A roadside retaining wall serving 26 landowners was destroyed during the Tubbs fire, presenting a significant risk for roadway failure and discharge of sediment to Mark West Creek. A 56-foot-long retaining wall was constructed in 2022 as a primary component of the project (see Figures 10 and 11). The hillside adjacent to the retaining wall was protected with an erosion control blanket, planted with 15 native riparian plants, and watered throughout the summer months. The project included an education and outreach component, consisting of publishing and distributing a newsletter article describing the project in November 2023. The newsletter was mailed to 2,535 people, 728 of which opened, read, and discussed the project scope and outcomes.

Figure 10. Recently completed wall with erosion control blanket.



Figure 11. One year after construction, with plantings



Enforcement Report for June 2024 Executive Officer's Report

Zane Stromberg

Summary of Enforcement Actions issued between **March 9, 2024 – May 10, 2024**

Throughout the year, with support from the State Water Board's Office of Enforcement (OE), Regional Water Board staff (Staff) develop and manage enforcement cases starting informally through direct correspondence including issuing Notices of Violation and pursuing a progressive enforcement approach that results in formal enforcement actions such as Cleanup and Abatement Orders (CAOs), Cease and Desist Orders (CDOs), and Administrative Civil Liability (ACL) Complaints. Once Staff determine that an enforcement action will result in the issuance of an ACL Complaint, the Enforcement Team prepares supporting evidence and provides the discharger(s) an opportunity to discuss the facts relating to the violations, including the option of settlement.

Table 1 summarizes Notice of Violations (NOVs), CAOs, Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/ 13376 Directive), Staff Enforcement Letters, Compliance Notices (CNs), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued nine NOVs, and one CAO. Table 2 summarizes ACL Complaints, ACL Orders, settlement negotiations pending the adoption of a final Stipulated ACL Order, and the status of Compliance Projects (CPs) and Supplemental Environmental Projects (SEPs). During this reporting period, Regional Water Board (RWB) staff issued one ACLC, adopted one ACLO, and Settlement negotiations continued with dischargers on four cases.

Table notes and other acronyms:

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CCP	Cannabis Cultivation Policy ¹
CGO	Cannabis General Order ²
CGP	Construction General Permit ³
CSD	Community Services District
HA	Hydrologic Area
IGP	Industrial General Permit ⁴
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
WDRs	Waste Discharge Requirement

¹ [State Water Resources Control Board Resolution No. R1-2019-0007](#) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation

² [State Water Resources Control Board Order No. WQ 2019-0001-DWQ](#) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities

³ [State Water Resources Control Board Order No. 2009-0009-DWQ \[as amended by Order No. 2010-0014-DWQ\]](#) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities

⁴ [State Water Resources Control Board Order No. 2014-0057-DWQ](#) [as amended in 2015 and 2018] General Permit for Storm Water Discharges Associated with Industrial Activities

Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
March 12, 2024	NOV	Travis Swithenbank	Mendocino County	Noyo River HA	401 Water Quality Certification Program	Multi-Agency Inspection on January 24, 2024
March 26, 2024	CAO	Eagle Rock, Inc.	Trinity County	Lower Trinity River HA	NPDES Industrial Stormwater Program	Multi- Agency Inspection on February 9, 2023
March 27, 2024	NOV	Quyem The Ly	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency Inspection on July 13, 2023
March 28, 2024	NOV	Covelo CSD Dane Downing	Mendocino County	Middle Fork Eel River HA	NPDES Wastewater Program	N/A
April 2, 2024	NOV	Laurence Iestas Yesenia and Raul Carrillo	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on May 9, 2023
April 11, 2024	NOV	Rio Dell Wastewater Treatment Plant	Humboldt County	Lower Eel River HA	NPDES Wastewater Program	N/A

Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
April 16, 2024	NOV	Humboldt Sawmill Company, LLC Scotia Sawmill & Cogeneration Plant	Humboldt County	Eel River Hydrologic Unit	NPDES Industrial Stormwater Program	N/A
April 23, 2024	NOV	Shadow Light Ranch, LLC Joshua Sweet	Humboldt County	South Fork Eel River HA	Cannabis Program	Regional Water Board Consent Inspection on March 21, 2024
April 26, 2024	NOV	Martin Reinmann	Mendocino County	Noyo River HA	401 Water Quality Certification Program	Multi-Agency Inspection on March 27, 2024
May 2, 2023	NOV	Tanner Cochran Strain Theory, LLC	Humboldt County	Van Duzen River HA	Cannabis Program	Multi-Agency Inspection on April 3, 2024

Figure 1: NOVs Issued by the RWB Between March 9, 2024 and May 10, 2024

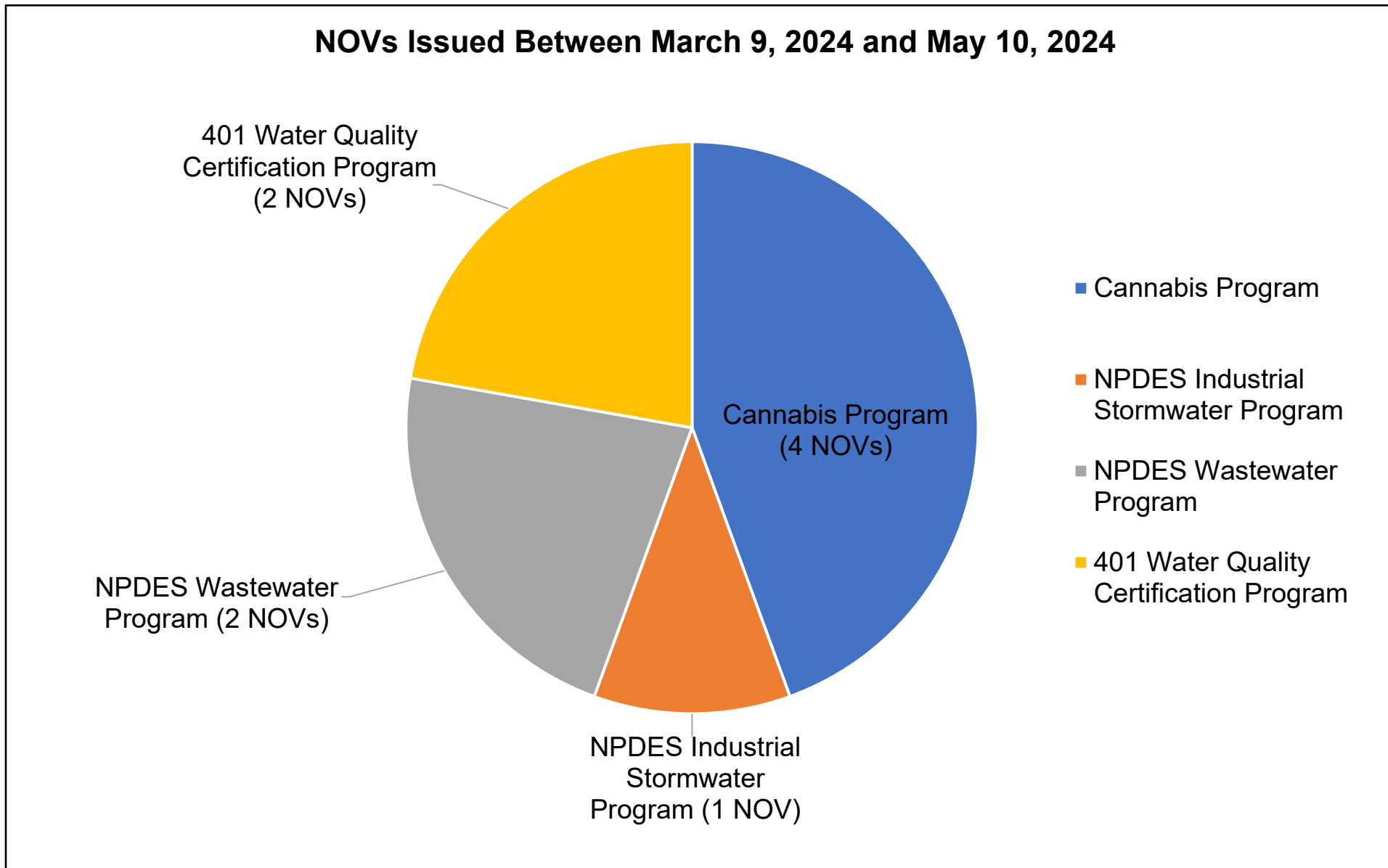


Figure 2: Cannabis NOVs issued Between March 9, 2024 and May 10, 2024

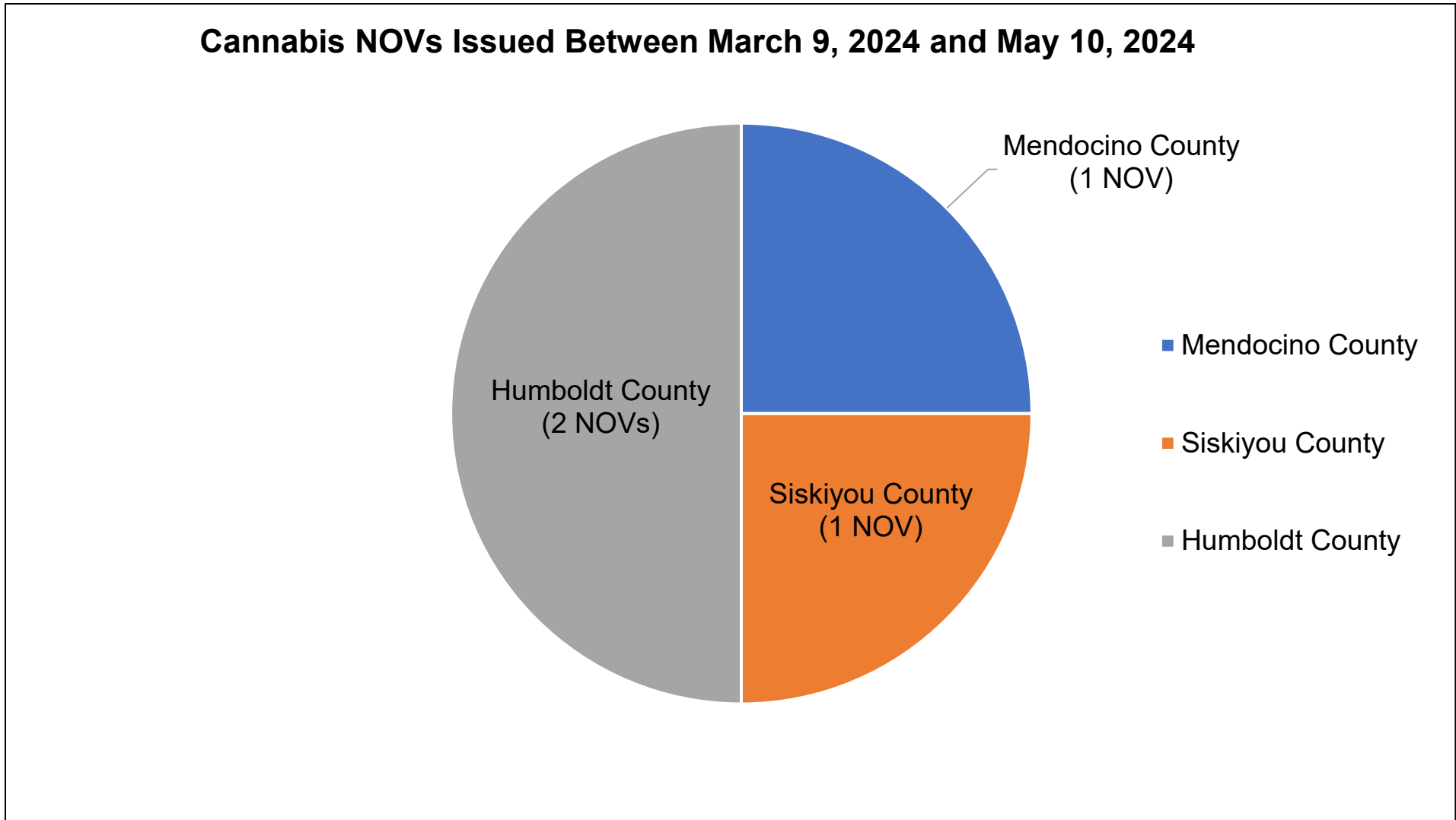


Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
BoDean Company, Inc.- Mark West Quarry Site	NPDES Storm Water	Violation of IGP requirements including failure to implement effective and adequate minimum and advanced BMPs resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River	\$8,589,406	Amended ACL Complaint No. R1-2021-0047-A was issued on September 14, 2023, and includes an increased liability for additional violations that occurred after the first ACL complaint was first issued on September 10, 2021. Violation Period: December 2018 – January 2023	On January 29, 2024, the Advisory Team issued the Notice and Hearing Procedures for a Regional Water Board public hearing on October 2, 3, & 4, 2024. ⁶ The last meeting between the Advisory Team, Prosecution Team, and Discharger occurred on May 6, 2024 to discuss prior to the hearing. This matter is ongoing.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	ACL Complaint No. R1-2023-0008 issued on January 9, 2023.	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Eureka – Elk River Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$51,000	ACL Complaint No. R1-2024-0022 issued on March 27, 2024.	The Discharger has formally waived the right to a hearing and settlement negotiations are ongoing.

⁵ More information on ACL Complaints and ACL Orders can be found online at the [Regional Water Boards Adopted Orders Page](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/): (https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/) or at the [California Integrated Water Quality System \(CIWQS\) Public Reports Portal](https://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.html) (https://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.html)

⁶ Both the Prosecution Team and the Discharger submitted timely comments on the tentative hearing procedures. A prehearing conference was scheduled by the Advisory Team with the parties on February 23, 2024 to discuss comments received.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024⁵
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	ACL Complaint No. R1-2023-0033 issued on May 8, 2023. Violation Period: April 1, 2021 to March 14, 2023	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$555,000	Administrative Civil Liability Complaint No. R1-2023-0056 issued on October 15, 2023. Violation Period: March 15, 2018, to December 31, 2021	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	Stipulated Order No. R1-2023-0025 adopted on May 15, 2023.	Chloramination wastewater treatment CP is underway. Final Report is due on May 31, 2025.
City Ventures Homebuilding, LLC- Fox Hollow Development Site	NPDES Storm Water	Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the unauthorized discharge of sediment laden stormwater to Peterson Creek, a tributary to Russian River	Statutory maximum penalty \$2.83 million	Settlement Invitation issued on October 27, 2021 Violation Period: 2016 and 2017	A tentative settlement agreement has been reached. SEP stipulations are finalized. Draft of stipulated order is underway.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
Daniel Maldonado Suarez	Cannabis	Violations of Water Code sections 13267 and 13304 for failure to submit a CRMP by May 1, 2022, and implement the CRMP by October 15, 2022	\$138,750	ACL Complaint R1-2023-0009 issued on January 9, 2023.	ACL Order No. R1-2023-0043 was adopted by the RWB on June 15, 2023. ⁷

⁷ **ACL Order No. R1-2023-0043** was adopted by the RWB on June 15, 2023. The ACLO requires the Discharger to pay \$138,750 in liabilities, 85% of which is suspended contingent on the Discharger submitting a CRMP within 120 days. \$20,812.50 in liability is due July 24, 2023. Half of the liability has been paid, and a 90-day extension was approved for the remaining liability. As an Enhanced Compliance Action, the Discharger may restore watercourses on the property not subject to actions required by the CAO to further enhance beneficial uses. The State Water Board is considering whether to review Administrative Civil Liability Order No. R1-2023-0043 adopted by the North Coast Water Board on June 15, 2023. On July 18, 2023, the State Water Board invited the discharger, the North Coast Water Board, and the Office of Enforcement to respond to its question of whether the Order is consistent with the State Water Board's Water Quality Enforcement Policy. All three parties submitted a response by the August 30, 2023 deadline. The State Water Board is not required to act within a specified timeframe when considering own motion review of a Regional Water Board action. The Discharger has not complied with the CAO and all the required actions of the ACLO. Half of the liability has been paid timely with the remaining balance late and outstanding.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
<p>Enclave, LLC- Marlow Commons Development Site</p>	<p>NPDES Storm Water</p>	<p>Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River</p>	<p>\$46,200</p>	<p>Settlement Invitation issued on August 2, 2021 Stipulated Order No. R1-2023-0052 adopted on November 15, 2023</p>	<p>The Stipulated Order required \$26,000 in liability payment to the Cleanup and Abatement Account and \$20,000 to the San Francisco Estuary Institute SEP implementing the Russian River Regional Monitoring Program (R3MP) Project A.1.b. "Data Compilation Study: Laboratory Results of Basic Water Quality Monitoring Data." Due to the Discharger's delinquency on payments to SFEI and the Cleanup and Abatement Account, the RWB issued a Payment Demand Letter on April 12, 2024. To date, the RWB staff have not received a response. This matter is ongoing.</p>

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
Hugh Reimers and Krasilsa Pacific Farms LLC	Non-Point Source Program Complaint Response	<ul style="list-style-type: none"> - Basin Plan Section 4.2.1 - Water Code Section 13376 - CAO Required Actions 5 & 9 for failure to submit an acceptable RMMP to the RWB and failure to then implement an approved RMMP, respectively. 	\$3,750,852	<p>Stipulated Order No. R1-2023-0045 was adopted on August 22, 2023 and imposes a \$450,000 liability.</p>	<p>The liability has been paid by the Discharger. The Stipulated Order also required the Discharger to complete the proposed Restoration Mitigation and Management Plan (RMMP) by October 15, 2023, but the Discharger was granted an extension until October 15, 2024 in order to obtain necessary permits. This matter is ongoing.</p>

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
Ken Bareilles	Southern Non-Point Source and Forestry Program	<p>- Discharges of waste into waters of the state in violation of Categorical Waiver⁸ and Basin Plan</p> <p>- CAO R1-2022-0009 Required Action No. 1 for failure to submit plan by deadline</p> <p>- CAO R1-2022-0028 Required Action No. 1 for failure to submit plan</p>	\$276,000	<p>ACL Complaint No. R1-2023-0026 issued on March 20, 2023, covering the period between December 1, 2020 and March 20, 2023. The Complaint CAOs, Basin Plan Prohibitions, and Categorical Waiver⁶ violations while conducting timber harvest activities on the property</p>	<p>ACL Order No. R1-2023-0040 was adopted by the RWB Board on June 16, 2023 and the administrative civil liability was increased to \$276,000. The Discharger was required to complete cleanup work on the property by September 29, 2023. After re-inspecting the site on February 27, 2024 staff have found that no major cleanup or restoration has been completed at the site. This matter is ongoing.</p>

⁸ **Categorical Waiver Order No. R1-2014-0011** Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁵
Russian River CSD and Sonoma Water Agency	NPDES Wastewater	Violations of the Sanitary Sewer Order including unauthorized discharge of 885,664 gallons of raw sewage from the Russian River CSD collection system to the Russian River	\$1,033,546	Order No. R1-2023-0049 includes Enhanced Compliance Action for a study to evaluate regional projects that aim to improve water quality, water supply reliability, and climate change resiliency in the Russian River watershed. The Enhanced Compliance Action would cost \$887,000, and \$147,001 would be paid to the CA Cleanup and Abatement Account.	Stipulated Order No. R1-2023-0049 was adopted on December 20, 2023. The Discharger has paid the liability portion of the Order. The agency awarded the Feasibility Study Consultant Agreements for the Enhanced Compliance Action to West Yost during a Sonoma County Board of Directors meeting on March 26, 2024. The study has a completion date of June 30, 2027. This matter is ongoing.
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit and Late Reporting Violations subject to MMPs	\$123,000	ACLC No. R1-2023-0032 issued on May 8, 2023 for violation period between December 30, 2020 and December 30, 2022.	Stipulated Order No. R1-2024-0013 was adopted on April 19, 2024. The Discharger has negotiated a SEP to install backup power generation for an affordable housing unit in the Town of Samoa, which is scheduled for completion in October 2024.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 10, 2024 ⁹
Shadow Light Ranch, LLC Joshua Sweet	Cannabis	Violations of various provisions of the CGO, Basin Plan Prohibition 4.2.1., CWA section 401, failure to obtain CGP coverage for more than one acre of soil disturbance, and Water Code section 13267 for failure to report	N/A	No ACLC issued. RWB staff referred the case to the Attorney General's office on 18 June 2020.	This case also included violations pertaining to the Division of Water Rights, and the California Department of Fish and Wildlife and was referred to the State Attorney General's Office. The settlement for this case was approved on January 12, 2024. ⁹
Sonoma Luxury Resort, LLC Saggio Hills Development Site (a.k.a. Montage Healdsburg)	NPDES Storm Water	Violations of various provisions of the CGP, Basin Plan Prohibition 4.2.1., Water Code section 13385, Clean Water Act sections 301, 401, & 404	\$6,425,680	ACLC No. R1-2020-0027 was issued to the Discharger on September 14, 2020, and later adopted as ACLO No. R1-2020-0040 by the RWB on December 11, 2020.	After the California Supreme Court dismissed the petition by Sonoma Luxury Resorts, LLC. Regional Water Board staff began the collection process on the full liability. On April 16, 2024, the State Water Resources Control Board Accounting Office processed the payment of \$6,425,680 to the California Cleanup and Abatement Account. This case is closed.

⁹ More information on the Shadow Light Ranch, LLC settlement approval can be found [here](https://www.waterboards.ca.gov/press_room/press_releases/2024/pr20240123-joint-sweet-cannabis-settlement.pdf) (https://www.waterboards.ca.gov/press_room/press_releases/2024/pr20240123-joint-sweet-cannabis-settlement.pdf)

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.

August 15-16, 2024

- City of Ferndale NPDES Permit (*Justin McSmith*) [A]
- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Humboldt Redwood Co. Elk River WDR Information Item (*Jim Burke*) [I]
- Federal Lands Permit (*Devon Rabellino*) [A]
- Ukiah WWTP NPDES (*Matt Herman*) [A]
- Enforcement Update (*Jeremiah Puget*) [I]

October 2-4, 2024

- Potential Pending Administrative Civil Liability Complaint (*Staff TBD*) [A]

