



# EXECUTIVE OFFICER'S REPORT

## North Coast Regional Water Quality Control Board

### August 14-16, 2024

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### Summary of Past and Current Regulatory Efforts Related to Commercial Lily Bulb Farming Operations in the Smith River Plain

*Brenna Sullivan and David Kuszmar*

#### Background

The Smith River is the largest undammed river in California and provides high quality habitat for salmonids and other aquatic and riparian species. The Smith River and estuary serve as crucial environmental trust resources for cultural, ceremonial, and subsistence beneficial uses for the Tolowa Dee-ni' Nation. The Smith River Plain is a coastal plain located at the lower end of the Smith River watershed near the mouth. There are approximately 1,000 acres of land currently farmed for lily bulbs in the Smith River Plain, producing approximately 95% of the world's Easter lily bulbs as of 2014.

The Regional Water Board's recent efforts to address discharges from commercial lily bulb farming operations in the Smith River Plain began in 2011 with a series of stakeholder meetings focused on the development of a Regionwide Agricultural Lands Discharge Program. In 2013, based on input received

during those meetings, the Regional Water Board directed staff to develop separate regulatory programs based on specific agricultural commodities and geographic areas, and recommended that staff conduct a Surface Water Ambient Monitoring Program (SWAMP) study to direct next steps in the Smith River Plain.

The SWAMP study conducted between 2013-2017 included surface water and groundwater sampling of tributaries within the Smith River Plain to assess water quality conditions and screen for the presence of agricultural chemicals associated with lily bulb production in surface water and groundwater. The report, which documents the results of that sampling, was released in 2018 ([Smith River Plain Surface Water and Sediment Monitoring Report](https://waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/pdf/180116/180101-FINAL%20SWAMP%20REPORT_Smith%20River.pdf))

([https://waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/pdf/180116/180101-FINAL%20SWAMP%20REPORT\\_Smith%20River.pdf](https://waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/pdf/180116/180101-FINAL%20SWAMP%20REPORT_Smith%20River.pdf)). The sampling results document concentrations of pesticides (including copper fungicides) that exceeded USEPA benchmarks in surface waters draining agricultural areas in the Smith River Plain. The presence of copper fungicides in these

surface waters is of particular concern because dissolved copper can be toxic to aquatic life even at low levels.

At the April 2018 Regional Water Board meeting, the Board directed staff to develop a water quality management plan to address concerns highlighted by the monitoring results through collaboration with the lily bulb growers, staff of NOAA Fisheries, California Department of Fish and Wildlife (CDFW), the Tolowa Dee-ni' Nation, the Del Norte County Agricultural Commissioner, the Del Norte Resource Conservation District (Del Norte RCD), the California Department of Pesticide Regulation (CDPR), the Natural Resources Conservation Service (NRCS), Dr. Matthew Hurst of Cal Poly Humboldt, and the Smith River Alliance, a local restoration group. Regional Water Board staff worked together with these partners as a Watershed Stewardship Team to develop this plan.

The resulting plan is entitled the [Smith River Water Quality Management Plan](https://waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/lily/pdf/2021/smithmgmtplan.pdf) ([https://waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/lily/pdf/2021/smithmgmtplan.pdf](https://waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/lily/pdf/2021/smithmgmtplan.pdf)) (SRPWQMP) and was approved by the Regional Water Board's Executive Officer in November 2021. The SRPWQMP includes voluntary annual management practice reporting by growers, inspections by Regional Water Board staff, a surface water sampling program, and an adaptive management program to address water quality issues documented through sampling and inspections. The SRPWQMP provides a foundation for the development of General Waste Discharge Requirements (GWDRs or Lily Bulb Order) to address potential water quality impacts due to discharges associated with lily bulb farming operations in the Smith River Plain.

Watershed Stewardship Team meetings were held in 2023 and 2024, during which Regional Water Board staff and Watershed Stewardship Team members presented and discussed the results of ongoing water quality sampling, photo documentation of water quality management practices being implemented by lily bulb growers, the status

of ongoing watershed restoration projects, and the findings of special studies conducted in the Smith River Plain to inform adaptive management.

SWAMP monitoring supporting the development of site-specific water quality thresholds for copper in the Smith River Plain is expected to conclude in November 2024. The thresholds will be developed by Regional Water Board staff using collected data and the USEPA endorsed Biotic Ligand Model to assess the risk of toxicity from copper concentrations in surface water.



*Photo Caption: Lily bulb field midway through the cultivation season in the Smith River Plain. Photo by David Kuszmar.*

In 2019, the State Water Resources Control Board received a petition from the Environmental Law Foundation, the Pacific Coast Federation of Fishermen's Associations, and the Institute for Fisheries Resources to develop a regulatory mechanism for discharges associated with lily bulb farming operations in the Smith River Plain. The petitioners agreed to hold the petition in abeyance pending the adoption of an Order to regulate discharges from lily bulb farming operations. Since 2019, Regional

Water Board staff have convened regular meetings with the petitioner group to keep them apprised of activities associated with the SRPWQMP and Lily Bulb Order development.

**Order Development**

In 2023, the Regional Water Board formed a Lily Bulb Order development team which initiated outreach to interested parties in January 2024. A series of outreach meetings were conducted between January-April 2024 to solicit participation in an Order development Technical Advisory Group (TAG), which will begin reviewing an Administrative Draft of the Lily Bulb Order in August 2024. Regional Water Board staff plan to conduct TAG meetings over the next year to inform technical elements of the Order. TAG membership includes all Watershed Stewardship Team members, petitioners, environmental NGOs, partnering agencies and community organizations.

To accompany the Lily Bulb Order, Regional Water Board staff are currently developing a California Environmental Quality Act (CEQA) document that will assess the environmental impacts of Order implementation. Staff have secured a Department of General Services contract with Montrose Environmental Group for CEQA document development. A subcontract with the Tolowa Dee-ni' Nation has been executed for expertise related to Tribal Cultural Resources. Regional Water Board staff initiated the AB52 formal tribal consultation process with the Tolowa Dee-ni' Nation in April 2024 and conducted an initial consultation meeting in July 2024. Staff plan to release an Initial Study and conduct CEQA Scoping in Fall 2024.

A public draft of the Lily Bulb Order and accompanying draft CEQA document is expected to be released in early 2026 with a workshop and public comment period to follow. The Order and accompanying CEQA document are planned to be brought to the Regional Water Board for adoption in mid-2026.

**Table 1. Summary of Next Steps**

Milestone	Planned Timing
Technical Advisory Group (TAG) begins reviewing Administrative Draft	August 2024
Initial Study and CEQA Scoping	Fall 2024
Bi-monthly Focus Group meetings with TAG to refine Administrative Draft	November 2024-July 2025
Release of Public Draft Order and CEQA document	Early 2026
Regional Water Board Adoption Hearing	Mid-2026



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## Enforcement Report for June 2024 Executive Officer's Report

**Zane Stromberg**

Summary of Enforcement Actions issued between **May 11, 2024 – July 12, 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), Staff Enforcement Letters, and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued thirty-six NOVs, one CAO, one Emergency CAO that was later amended, and one 13267 Investigative Order. 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 and settlement negotiations continued with dischargers on three 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 <sup>1</sup>
CGO	Cannabis General Order <sup>2</sup>
CGP	Construction General Permit <sup>3</sup>
CSD	Community Services District
HA	Hydrologic Area
IGP	Industrial General Permit <sup>4</sup>
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
WDRs	Waste Discharge Requirement

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

<sup>2</sup> [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

<sup>3</sup> [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

<sup>4</sup> [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**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
May 16, 2024	NOV	Peter Xiong and Kathy Vang	Trinity County	Mad River HA	Cannabis Program	Multi-Agency Inspection on August 9, 2023
May 20, 2024	Amended 13267 Investigative Order	Ray's Station Winery Vintage Wine Estates, Inc.	Mendocino County	Upper Russian River HA	WDR Program	Several RWB complaint and consent inspections
May 21, 2024	NOV	Rafael Iraheta	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on April 26, 2024
May 21, 2024	NOV	Kernen Construction Co.	Humboldt County	Mad River Hydrologic Unit	NPDES Industrial Stormwater Program	RWB Inspection on February 19, 2024
May 23, 2024	NOV	Henry Thanh Le	Humboldt County	Van Duzen River HA	Cannabis Program	Multi-Agency Inspection on April 25, 2024
May 23, 2024	NOV	Michael McEnry	Humboldt County	Van Duzen River HA	Cannabis Program	Multi-Agency Inspection on April 25, 2024

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<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
May 30, 2024	NOV	Fritz Sexton	Humboldt County	Lower Eel River HA	Cannabis Program	Failure to comply with CAO
June 6, 2024	NOV	Nora Wong	Mendocino County	Garcia River HA	401 Water Quality Certification Program	Multi-Agency Inspection on April 30, 2024
June 9, 2024	CAO	Keith Courtney White	Sonoma County	Middle Russian River HA	401 Water Quality Certification Program	RWB Inspection on October 6, 2024
June 10, 2024	NOV	Neil Gaston	Mendocino County	Upper Main Eel River HA	Cannabis Program	Multi-Agency Inspection on May 14, 2024
June 20, 2024	Emergency CAO	Ray's Station Winery Vintage Wine Estates, Inc.	Mendocino County	Upper Russian River HA	WDR Program	RWB Inspection on May 24, 2024
June 12, 2024	NOV	Ray's Station Winery Vintage Wine Estates, Inc.	Mendocino County	Upper Russian River HA	WDR Program	RWB Inspection on May 23, 2024

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June 13, 2024	NOV	Ray's Station Winery Vintage Wine Estates, Inc.	Mendocino County	Upper Russian River HA	WDR Program	RWB Inspection on May 14, 2024
June 18, 2024	NOV	Humboldt Redwood Company, LLC	Humboldt County	Elk River HA	Forestry Program	RWB Inspections on January 19, 2023 and February 14, 2024
June 21, 2024	NOV	Brenda Kershenbaum	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 23, 2024
June 21, 2024	NOV	Esposito Capital LLC	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 23, 2024
June 21, 2024	NOV	Ryan Shields	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 23, 2024
June 21, 2024	NOV	Ryan Shields Jeremy Hodys	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 23, 2024

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
June 25, 2024	NOV	Jeff Hillberg Four Corners Farmland Fund, LLC	Sonoma County	Middle Russian River HA	401 Water Quality Certification Program	RWB Inspection on March 11, 2024
June 26, 2024	NOV	Jeremy Ruskin	Mendocino County	North Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 30, 2024
June 26, 2024	NOV	Rocky Montes	Trinity County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 30, 2024
June 26, 2024	NOV	Eric Mehtlan Rosa Mehtlan	Trinity County	North Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 30, 2024
June 27, 2024	NOV	J Ventura Martinez Flores	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on May 23, 2024
July 1, 2024	NOV	Matthew Brady Caltrans District 1	Del Norte County	Smith River Plain Hydrologic Subarea	NPDES Construction Stormwater Program	RWB Inspection on March 28, 2023



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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
July 5, 2024	NOV	Luz Gabriela Vera Jose Alfredo Mendoza	Mendocino County	Upper Main Eel River HA	Cannabis Program	Multi-Agency Inspection on June 5, 2024
July 5, 2024	NOV	Marty G Calhoun	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 12, 2024
July 5, 2024	NOV	Ramiro Torres	Mendocino County	Upper Main Eel River HA	Cannabis Program	Multi-Agency Inspection on June 5, 2024
July 5, 2024	NOV	Caleb Fisher	Mendocino County	Upper Main Eel River HA	Cannabis Program	Multi-Agency Inspection on June 5, 2024
July 5, 2024	NOV	Claudio Rojas Socimo Rojas	Mendocino County	Upper Main Eel River HA	Cannabis Program	Multi-Agency Inspection on June 5, 2024
July 9, 2024	NOV	Ching Lia Her	Trinity County	Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 12, 2024
July 9, 2024	NOV	Andrew Hamling	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 10, 2024

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
July 9, 2024	NOV	Ryan Stiles	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 10, 2024
July 9, 2024	NOV	Timothy Ray Mulvey	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 10, 2024
July 10, 2024	NOV	Tracie Nichols	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 10, 2024
July 10, 2024	NOV	Beverlie Franzen Fetzer Vineyards Hopland Winery	Mendocino County	Upper Russian River HA	WDR Program	Compliance Report from Discharger
July 10, 2024	NOV	Enclave, Santa Rosa LP Morgan Properties, Inc.	Sonoma County	Russian River HA	NPDES Construction Stormwater Program	Delinquent Payment of ACLO
July 11, 2024	NOV	Mai Vang Lee	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 12, 2024
July 11, 2024	NOV	Karen Thao	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 12, 2024

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

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
July 11, 2024	NOV	G Ger Lee Panghua Seasong	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency Inspection on June 12, 2024
July 11, 2024	Amended Emergency CAO	Ray's Station Winery Vintage Wine Estates, Inc.	Mendocino County	Upper Russian River HA	WDR Program	Incorporation of deadline extensions resulting from discharger comments on Emergency CAO No. R1- 2024-0036

Figure 1: NOVs Issued by the RWB Between May 11, 2024 and July 12, 2024

### NOVs Issued Between May 11, 2024 and July 12, 2024

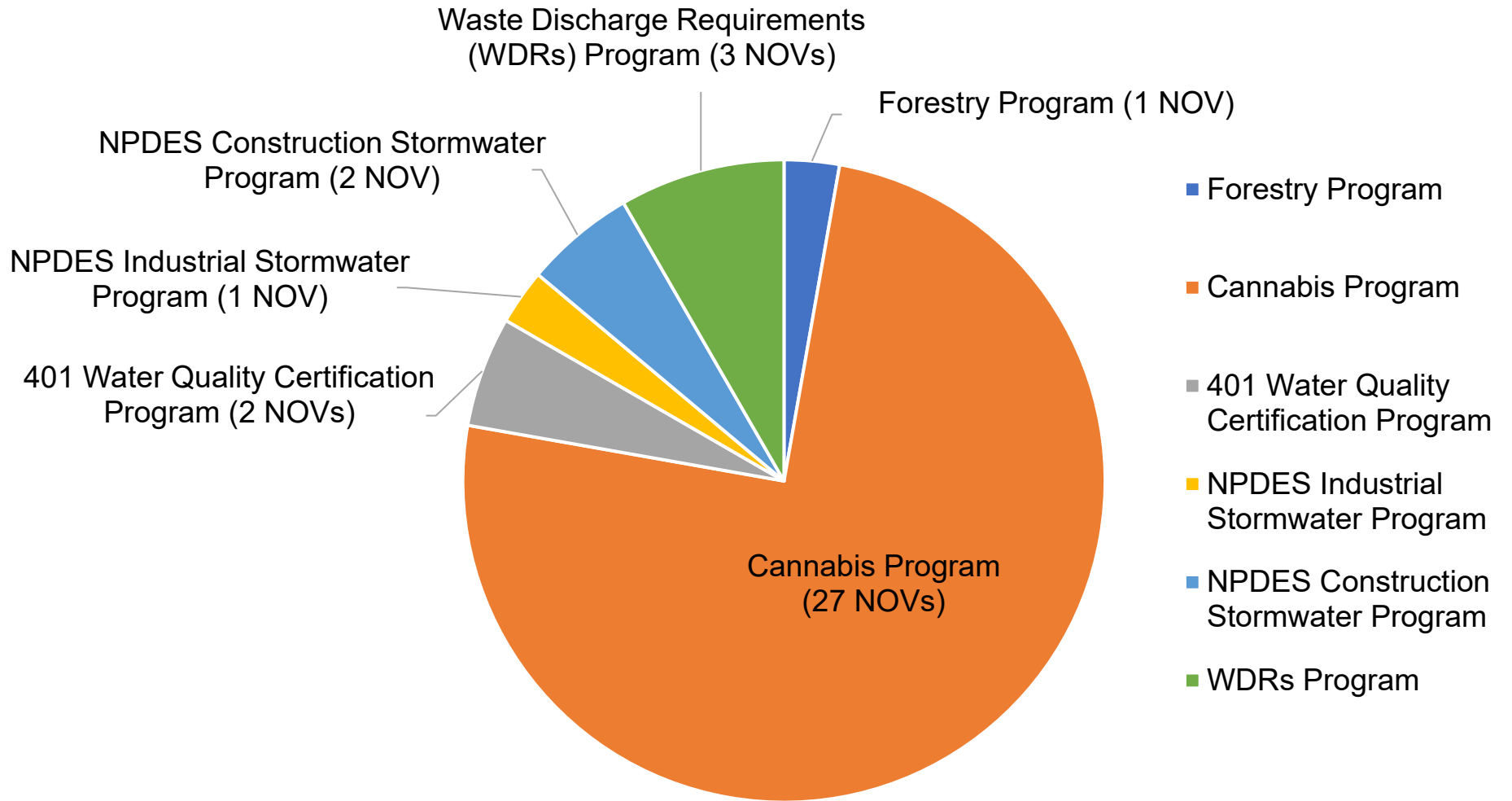
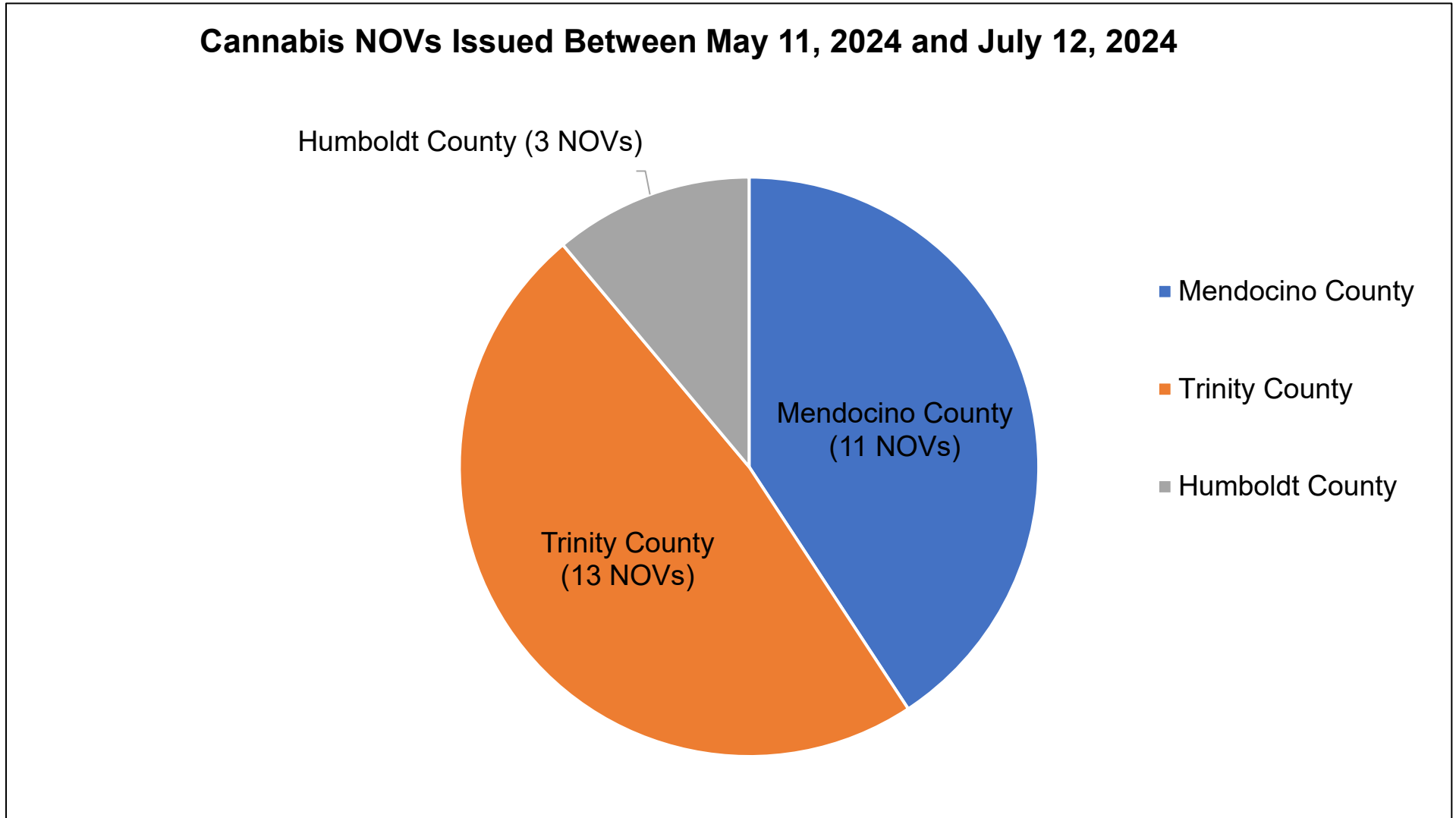


Figure 2: Cannabis NOVs issued Between May 11, 2024 and July 12, 2024



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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 12, 2024 <sup>5</sup>
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	<b>Amended ACL Complaint No. R1-2021-0047-A</b> 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 2-4, 2024. <sup>6</sup> The last meeting between the Advisory Team, Prosecution Team, and Discharger occurred on May 6, 2024 to discuss prior to the hearing. The public hearing was postponed from the October 2-4, 2024 hearing, and the public hearing will be held in February 2025. This matter is ongoing.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$393,000	<b>ACL Complaint No. R1-2023-0008</b> issued on January 9, 2023. The Discharger formally waived the right to a hearing for ACLC No. R1-2023-0008.	<b>First Amended ACL Complaint No. R1-2023-0008-A</b> issued on July 8, 2024. The Discharger has not yet submitted the Hearing Waiver. This matter is ongoing.

<sup>5</sup> 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)

<sup>6</sup> 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)**

<b>Discharger</b>	<b>Program</b>	<b>Violation Type</b>	<b>Proposed Liability Amount</b>	<b>Comments</b>	<b>Status as of July 12, 2024<sup>5</sup></b>
City of Eureka – Elk River Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$51,000	<b>ACL Complaint No. R1-2024-0022</b> issued on March 27, 2024.	The Discharger has formally waived the right to a hearing and settlement negotiations are ongoing.
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	<b>ACL Complaint No. R1-2023-0033</b> 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	\$633,000	<b>Administrative Civil Liability Complaint No. R1-2023-0056</b> 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	<b>Stipulated Order No. R1-2023-0025</b> adopted on May 15, 2023.	Chloramination wastewater treatment CP is underway. Final Report is due on May 31, 2025.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 12, 2024 <sup>5</sup>
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 being finalized. Final draft of stipulated order is underway.
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	<b>ACL Complaint R1-2023-0009</b> issued on January 9, 2023.	<b>ACL Order No. R1-2023-0043</b> was adopted by the RWB on June 15, 2023. <sup>7</sup>

<sup>7</sup> **ACL Order No. R1-2023-0043** was adopted by the RWB on June 15, 2023.<sup>7</sup> 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 July 12, 2024 <sup>5</sup>
Enclave, Santa Rosa LP and Morgan Properties, Inc. Marlow Commons Development Site	NPDES Storm Water	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	\$46,200	Settlement Invitation issued on August 2, 2021 <b>Stipulated Order No. R1-2023-0052</b> adopted on November 15, 2023	Due to the Discharger's delinquency on payments on the SEP and to the Cleanup and Abatement Account, the RWB issued Payment Demand Letters on April 12, 2024, May 20, 2024, and July 10, 2024. To date, the RWB staff have not received a response. This matter is ongoing.
Hugh Reimers and Krasilsa Pacific Farms LLC	Non-Point Source Program Complaint Response	<ul style="list-style-type: none"> <li>- Basin Plan Section 4.2.1</li> <li>- Water Code Section 13376</li> <li>- CAO Required Actions 5 &amp; 9 for failure to submit an acceptable RMMP to the RWB and failure to then implement an approved RMMP, respectively.</li> </ul>	\$3,750,852	<b>Stipulated Order No. R1-2023-0045</b> was adopted on August 22, 2023 and imposes a \$450,000 liability.	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.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 12, 2024 <sup>5</sup>
Ken Bareilles	Southern Non-Point Source and Forestry Program	<p>- Discharges of waste into waters of the state in violation of Categorical Waiver<sup>8</sup> and Basin Plan</p> <p>- <b>CAO R1-2022-0009</b> Required Action No. 1 for failure to submit plan by deadline</p> <p>- <b>CAO R1-2022-0028</b> Required Action No. 1 for failure to submit plan</p>	\$276,000	<p><b>ACL Complaint No. R1-2023-0026</b> issued on March 20, 2023, covering the period between December 1, 2020 and March 20, 2023. The Complaint CAOs, Basin Plan Prohibitions, and Categorical Waiver<sup>6</sup> violations while conducting timber harvest activities on the property</p>	<p><b>ACL Order No. R1-2023-0040</b> 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>

<sup>8</sup> **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 July 12, 2024 <sup>5</sup>
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	<b>Order No. R1-2023-0049</b> 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.	<b>Stipulated Order No. R1-2023-0049</b> 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	<b>ACLC No. R1-2023-0032</b> issued on May 8, 2023 for violation period between December 30, 2020 and December 30, 2022.	<b>Stipulated Order No. R1-2024-0013</b> 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 July 12, 2024 <sup>5</sup>
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. <sup>9</sup>

<sup>9</sup> More information on the Shadow Light Ranch, LLC settlement approval can be found here: [Court Approves \\$1.75 Million Settlement for Cannabis Cultivator's Violations](#)

## **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.

### **October 3-4, 2024**

- City of Ferndale NPDES Permit (*Justin McSmith*) [A]
- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Proposed Cease and Desist Order, Ray's Station Winery (*Rachel Prat & Jordan Filak*) [A]

### **December 5-6, 2024**

- Draft Racial Equity Action Plan Workshop (*Michelle Fuller*) [W]
- Commercial Vineyards GDWRs and EIR (*Brenna Sullivan*) [A]
- Graton WWTP NPDES Permit (*Sabrian Cegielski*) [A]
- Russian River NPDES Revision (*Matt Herman*) [A]

