



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

October 15, 2020

North Coast Regional Water Board Response to Wildfires

Jonathan Warmerdam

**~Healthy watersheds. Effective
regulation. Strong partnerships~**

Years like this illuminate the importance of the North Coast Regional Water Board's vision statement. More than just words, our vision statement is a beacon guiding us back through the hazy skies to our jobs and to our mission. Staff are busy responding to the impacts of these fires as they conduct outreach to our partner agencies and affected landowners while also providing information about available resources and technical guidance on permitting.

In early August, California experienced a series of summertime thunderstorms that triggered more than 10,000 lightning strikes across the state. This naturally occurring phenomenon ignited hundreds of distinct fires, some of which grew to become major wildfire events. Coupled with a significant drought, increasing year-round temperatures, and low humidity, fires have already impacted much of the state and broken modern records for the number of acres burned.

Unfortunately, the North Coast Water Board's staff have recently experienced numerous record-setting wildfire seasons, beginning in 2017 with the North Bay Fires, the most

destructive loss of structures in the nation's history. In 2018, the Mendocino Complex broke another record as the largest single fire in California's modern history, exceeding 475,000 acres. In 2019, the Kincadee Fire resulted in the largest evacuation event in California history, with more than 200,000 Sonoma County residents displaced. As of late-September 2020, the August complex in Mendocino County, has now reached nearly 800,000 acres and growing. As this Executive Officer's Report goes to print, the southern part of the region is experiencing the Glass Fire complex, currently 11,000 acres burned and 0 % contained.

Fortunately, the North Coast Water Board's staff has gained experience over the last few years and we have been fine-tuning our response to more effectively act in the post-wildfire environment. Below are some of the actions that staff have taken to engage with our partners and the effected communities in the North Coast Region:

1. Active participation in the Sonoma County Watershed Task Force meetings that have begun in response to the Walbridge and Myers fires.
2. Presentation to the Sonoma County Farm Bureau to support agricultural operators that have properties that have been impacted.
3. Outreach to registered professional foresters through the California Licensed Foresters Association (CLFA) regarding the North Coast Water Board's permitting

systems on the Mendocino Coast are identified on the US EPA's 303(d) List as impaired for sediment and most are also listed for temperature impairment. Projects implemented under the Program augment regulatory actions to decrease sediment loading to improve water quality, improve salmonid habitat, and comply with the goals established by TMDLs. TMDLs for these waters have either been adopted as Action Plans by NCRWQCB or established by US EPA and implemented by NCRWQCB through the Sediment TMDL Implementation Policy and Temperature Implementation Policy contained in the Basin Plan.

MCRCD, along with conservation partners, resource agencies, and landowners have engaged in landscape-level projects supporting sediment recovery in the Garcia, Gualala, and Navarro River watersheds since 2002. Since 2007, MCRCD has received over \$6.2 million dollars in grant funds from the SWRCB to address sediment issues in these watersheds, resulting in upgrades to over 120 miles of road and over 2,000 feet of streambank restoration.

The most recent project to be completed was funded by the SWRCB in 2016, where MCRCD was awarded a grant of approximately \$800,000 from the California Timber Regulation and Forest Restoration Fund (Timber Fund). The project implemented sediment reduction treatments on more than 18.6 miles of road; conducted road-related sediment source inventories on more than 30 miles of private and public road; coordinated private and public partners through 3 Technical Advisory Committee meetings; and provided 3 workshops promulgating progressive best management practices for reduction of road related sediment delivery.

The following improvements were made to Mendocino Coastal watersheds through the expenditure of the 2016 project funds:

- Upgraded 18.6 miles of forest and ranch roads to withstand a 100-year storm event;

- Saved 16,680 yd³ of sediment from delivering to streams (Garcia River: 4,550 yd³; Gualala: 8,210 yd³; Navarro: 3,920 yd³);
- Reduced total annual sediment loads to 303(d) listed waterbodies by approximately 1,375 tons (Garcia River: 418 tons; Gualala: 551 tons; Navarro: 406 tons);
- Upgraded 2 stream crossings with bridges to accommodate the 100-year recurrence flood flows;
- Modified 1 temporal barrier to fish passage to improve passage conditions;
- Convened three Technical Advisory Committee meetings;
- Conducted three "Progressive Road Design and Maintenance" workshops and site tours of recently completed road work in the Navarro River, Noyo River, and Usal Creek watersheds;
- Inventoried approximately 30 miles of roads in 2019/2020, including roads in the Usual Creek, Noyo River, Big River, and Navarro River watersheds.

In 2018, MCRCD was awarded approximately \$750,000 in Timber Funds to implement additional road improvements in the Gualala River and Navarro River watersheds to reduce sediment inputs to those waterbodies. Work on this grant is currently underway, with an expected completion date of March 2022.

The public funds associated with this Program have been spent to augment other efforts of landowners in Mendocino Coast watersheds as required through Waste Discharge Requirements to accomplish the goals of relevant TMDLs. Many of these TMDLs have been in effect for nearly 20 years; the Program partnership plays an important role in improving conditions in these streams.

road. Eligible AMMP projects include: 1) pasture-based management; 2) alternative manure treatment and storage such as compost bedded pack barns; 3) solid separation; or 4) conversion from flush to scrape. While the primary objective of these projects is GHG reductions, the projects also reduce the amount of manure water to manage, which results in a reduction in potential discharge to surface waters and groundwater. Projects submitted for funding consideration are reviewed for benefit to water quality and coverage by Regional Water Board discharge requirements.



Manure Separator



Compost Bedded Pack Barn

Technical service providers (UCCE, Resource Conservation Districts, and others) provide dairy operators with the help they need to complete their AMMP application. The competitive selection process ranks applicants on the project plan, long-term viability, budget, GHG reduction, environmental benefits (including water quality), project readiness (CEQA and permit status), and benefits to disadvantaged and low-income communities.

Ten North Coast dairies were selected for AMMP grants from 2017 to 2019, totaling \$6.5 million for manure solids separation,

composting of bedding materials, conversion of flush cleaning systems to dry scrape systems, and other compost improvements.

To read more about AMMP and to view videos of select funded projects including a cow dairy in Del Norte County (video #5), please visit:

<http://www.cdfa.ca.gov/oefi/AMMP/>

Healthy Soils Program

Also reported in the August 2020 Executive Officer's Report, CDFA's Healthy Soils Program promotes the development of healthy soils on farms and rangeland (not just dairy land). This program provides financial assistance for implementation of conservation management practices that improve soil health, sequester carbon, and reduce GHG emissions. Qualifying on-farm management practices include cover cropping, no-till, reduced-till, mulching, compost application, and conservation plantings. Benefits of healthy soils include improved plant health and yield, support of wildlife habitat, reduced GHG from sequestered soil carbon, reduced soil erosion and on-farm dust, improved water and air quality, and increased soil water holding capacity.

With funding from several sources, the Healthy Soils Program has granted 12 North Coast dairy projects \$780,000 between 2017 and 2020. This contributed to an estimated statewide reduction of 112,229 MTCO_{2e} of GHGs over the life of the funded projects. The North Coast dairy projects include compost application, prescription grazing, and range planting on grazing lands.

To read more about the Healthy Soils Program and to view videos of select funded projects including a goat dairy in Marin County (video #1), please visit:

<http://www.cdfa.ca.gov/oefi/healthysouils/>

Unless otherwise cited, the information in this article is from CDFA's OEFI website. For more on these programs, please visit their website

<https://www.cdfa.ca.gov/oefi/>

Fire Salvage Mailer



NORTH COAST WATER BOARD

Permitting for Emergency Notices:

What you need to know

Staff of the North Coast Regional Water Quality Control Board (North Coast Water Board) developed this memorandum to provide information to landowners, Registered Professional Foresters (RPFs), and Licensed Timber Operators (LTOs), about their permit responsibilities and requirements to protect water quality when conducting **post-fire timber salvage projects** in the North Coast Region.



Location of the North Coast Region

Wildfires and Water Quality

The impacts to the environment from catastrophic wildfires can be significant, especially relative to the health of streams, rivers, and wetlands. Following a wildfire, the landscape is exceptionally vulnerable to impacts as a result of land use activities. On private lands, landowners may choose to harvest merchantable timber shortly following a wildfire in order to salvage the value

of the trees before they degrade. While conducting timber salvage operations, landowners and their consulting RPFs and LTOs must be aware of all regulations that apply to their activities and ensure that operations are conducted in a manner that is protective of the environment, including water quality.

Water Quality Regulations

The North Coast Water Board is the state regulatory agency with primary responsibility for protection of water quality in the North Coast Region. In that role, the North Coast Water Board issues permits for activities that have the potential to discharge pollutants, such as sediment, to waters of the state.



High intensity wildfire makes watersheds more sensitive to disturbance

Some landowners, RPFs and LTOs may not be aware of the North Coast Water Board's water quality regulations and permitting that apply to their post-fire salvage operations. Post-fire salvage projects conducted under an Emergency Notice pursuant to the California Forest Practice Rules are typically covered under Category A of the North Coast Water Board's 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* (Categorical Waiver).

https://www.waterboards.ca.gov/northcoast/water_issues/programs/forest_activities/private_forest_land/

Coverage for Projects

Emergency Notices are automatically covered by the Categorical Waiver once CAL FIRE has accepted the landowner's Emergency Notice for the project. The North Coast Water Board's permits for timber operations are intended to ensure that projects are designed and implemented to prevent sediment discharges and retain trees that provide shade to streams.



Post-fire Salvage must be conducted in a manner protective of water quality

These objectives can generally be met by compliance with applicable Forest Practice Rules (FPRs) but also require care on the part of consulting RPFs and LTOs.

Section I of the Categorical Waiver describes General Conditions that apply to all enrolled projects that landowners and their consultants should be aware of. Most pertinent for Emergency Notice fire salvage projects are the following:

1. The landowner shall comply with all applicable requirements, waste discharge prohibitions specified in the Basin Plan, and policies adopted by the State Water Board.
2. The landowner shall allow Regional Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information.
3. The landowner shall conduct timber harvest activities and erosion control maintenance in compliance with the FPRs.

Inspections:

The North Coast Water Board, in its role overseeing water quality, may inspect the project to ensure compliance with the General Conditions. These inspections may occur with or without CAL FIRE, but we provide at least 48 hours of notification beforehand. Where we observe a project that is not in compliance, we will engage with the landowner and their consultants to correct the noncompliance. Our engagement often will take the form of verbal or written recommendations advising the landowner on actions needed to protect water quality but, in some cases, could rise to a formal enforcement action.



Roads like this one can contribute sediment to streams

The North Coast Water Board recognizes and supports the need for landowners to protect and improve their property following destructive wildfires. The Categorical Waiver is designed to expedite the permitting requirements while fulfilling the North Coast Water Board's statutory mandate to ensure protection of water quality.

We encourage landowners to contact North Coast Water Board staff with any questions or concerns. We can be reached by phone at (707)576-2220, or by email at northcoast@waterboards.ca.gov.

Enforcement Report for October 2020 Executive Officer's Report

Diana Henriouille and Jordan Filak

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020, 2020
July 21, 2020	Tobias Hafenecker-Dodge	NOV	<ol style="list-style-type: none"> Basin Plan section 4.2.1 California Water Code sections 13260, 13264 CANGO General WDR 	Ongoing

Comments: On July 21, 2020, the Enforcement Unit senior issued a Notice of Violation to Tobias Hafenecker-Dodge for violations associated with his property in the South Fork Eel River Hydrologic Area. This property is subject to a previously issued Cleanup and Abatement Order, No. R1-2019-0051, associated with an unpermitted onstream reservoir constructed by Mr. Hafenecker-Dodge. The property is also enrolled for coverage under the State Water Board's Cannabis General Order. On May 5, 2020, Regional Water Board staff inspected the property with staff of the CDFW and the California Department of Food and Agriculture (CDFA) to observe and discuss current site conditions and relevant regulatory requirements with Mr. Hafenecker-Dodge. During that inspection, staff observed previously documented features that continued to impact or threaten to impact water quality. Staff also observed five recently replaced culverts. Replacement work had occurred without permits, and had involved, in part, placement of waste concrete into watercourses. The NOV directs Mr. Hafenecker-Dodge to provide a plan and schedule, and to acquire the appropriate permits to correct violations within 30 days of the date of NOV issuance. Following the inspection, consultants working on behalf of Mr. Hafenecker-Dodge submitted plans intended to address water quality violations and concerns, but to date, these plans have been inadequate. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
August 5, 2020	Rodney and Gayle Baker	CAO & 13267 Order	California Water Code sections 13260 and 13264	Ongoing

Comments: On August 5, 2020, the Executive Officer issued Cleanup and Abatement Order No R1-2020-0028 to Rodney and Gayle Baker, for violations associated with their property along a tributary to Salt Creek, in Trinity County. On July 19, 2018, staff of the Regional Water Board had inspected the Property and identified numerous features or conditions that were impacting or threatening to impact water quality, including a watercourse that had been filled with imported potting soil and other cannabis cultivation waste. The CAO formalizes previous recommendations and requests made by staff, directing the Bakers to clean up and abate the effects of discharging waste to surface waters, and to eliminate the threat of future discharges. The CAO orders the Dischargers to submit to the Regional Water Board a proposed Cleanup, Restoration, and Monitoring Plan (CRMP) by August 1, 2020, and to begin to implement the CRMP within 30 days of approval by the Regional Water Board. The CRMP deadline is earlier than the CAO issuance date but reflects communication that had already been underway between staff and consultants working on behalf of the Bakers. Staff received the CRMP on

August 5, 2020, and a subsequent plan addendum on August 20, 2020. Plan review by staff is underway. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
August 17, 2020	Richard Wayne Todd	NOV	Violation of a Health and Safety Code section 25289 and 25296.10 and Order to submit a workplan	Ongoing

Comments: On August 17, 2020, Division Chief Charles Reed issued a NOV to Richard Wayne Todd, current owner of the Potter Valley Gas site on Main Street in Potter Valley. The NOV cites Mr. Todd's failure to submit a workplan to investigate soil and groundwater contamination at the site following a July 23, 2018 letter request from staff, and a subsequent April 26, 2019 Order to Submit Workplan issued by the Executive Officer. The NOV advises Mr. Todd of potential liability associated with failure to submit the workplan and encourages Mr. Todd to comply with the requirements of the April 26, 2019 Order as soon as possible. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
August 21, 2020	Mark Arroyo	N/A	1. Water Code section 13399.30. 2. NNC – 5/28/2020 3. 2 nd NNC – 7/8/2020	Resolved

Comments: On August 21, 2020, the State Water Board issued a waste discharger identification number (WDID) to Mark Arroyo of A&W Logging and Construction, verifying successful enrollment of Mr. Arroyo's Hagen Quarry, in Garberville, for coverage under the Industrial General Stormwater Permit (IGP). As reported in past EO Enforcement Reports, on May 28 and July 8, 2020, respectively, Assistant Executive Officer (AEO) Villacorta issued a first and second Notice of Noncompliance (NNC), directing Mr. Arroyo to obtain IGP coverage by July 28, 2020. In response, on July 29, 2020, Mr. Arroyo submitted a Notice of Intent for coverage under the IGP. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
August 24, 2020	Jason and Keri Wandrey	NOV	Clean Water Act section 303; unpermitted dredge/fill in a water of the United States	Ongoing

Comments: On August 24, 2020, the Senior Environmental Scientist of the Southern Nonpoint Source and 401 Certification Unit issued an NOV to Jason and Keri Wandrey for violations associated with unpermitted instream work on their property in Sebastopol, Sonoma County. On June 9, 2020, Regional Water Board staff received a citizen complaint through the CalEPA Complaints Database regarding heavy equipment crossing Atascadero Creek. On June 10, 2020, staff of the California Department of Fish and Wildlife (CDFW) inspected the Site and reported observing evidence that heavy equipment had recently crossed Atascadero Creek. The Regional Water Board has no record of any active or past permits for construction of crossings or temporary crossings at the site. Accordingly, the NOV directs the Wandreys to submit a crossing decommissioning plan by September 24, 2020, and to decommission the crossing area by October 31, 2020. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
September 1, 2020	Joel Beak	NOV	Water Code section 13260	Resolved

Comments: On September 1, 2020, the Southern Nonpoint Source & Forestry Unit senior issued an NOV to Joel Beak for failing to obtain coverage under the General Waste Discharge Requirements (GWDRs) for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMPs) prior to commencing timber harvest activities on his property in the Upper Albion River watershed, near the town of Comptche. On August 26, 2020, the Regional Water Board received an NTMP GWDR enrollment form from Joel Beak, and on August 31, 2020, Regional Water Board staff inspected the property to verify compliance with water quality requirement. The NOV informs Mr. Beak of the requirement that landowners apply for coverage under applicable Regional Water Board permits before starting timber harvest activities, and it confirms Mr. Beak's successful enrollment for coverage under the NTMP GWDR. No further action is required to resolve this violation.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
September 8, 2020	DenBeste Landscape Supplies, Inc.	Non-Filer courtesy notice	Water Code section 13376 – industrial facility operating without IGP coverage	Ongoing

Comments: On September 8, 2020, the NPDES Unit senior issued a letter directing Ronald and Lisa DenBeste, of DenBeste Landscape Supplies, to enroll their Ukiah facility for coverage under the IGP within 30 days of receiving the letter. On September 15, 2020, Ms. DenBeste notified staff that she had engaged a company to assist with IGP enrollment. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of September 24, 2020
September 14, 2020	Sonoma Luxury Resort LLC	ACLC	<ol style="list-style-type: none"> 1. Several provisions of CGP 2. Basin Plan section 3.3.17 3. Clean Water Act section 401 Water Quality Certification 	ACLC Issued

Comments: On September 14, 2020, AEO Villacorta issued Administrative Civil Liability Complaint (ACLC) Order No. R1-2020-0027, amending and rescinding her January 14, 2020, Administrative Civil Liability Complaint (ACLC) Order No. R1-2020-0009, to Sonoma Luxury Resort LLC (Discharger). Both the current and earlier ACLC recommend liability assessment for violations of the Construction General Permit (CGP), Water Quality Control Plan for the North Coast Region (Basin Plan), and the Clean Water Act Section 401 Water Quality Certification on the Discharger's Saggio Hills (a.k.a. Montage Healdsburg) project north of Healdsburg in the Middle Russian River watershed. The September 14, 2020 ACLC adds one more violation, associated with stormwater discharges to receiving waters from storms in September/October 2018 and May 2019, and proposes assessment of an additional \$1,518,271, for a total proposed administrative civil liability of \$6,425,680. This item is presently scheduled for public hearing at the Regional Water Board's December 11/12, 2020 meeting.

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.

December 10 & 11, 2020

- Sonoma Water Stream Maintenance Program Renewal (*Kaete King*) [A]
- College of the Redwoods POTW NPDES Recission (*Justin McSmith*) [A]
- Sonoma Luxury Resort LLC ACLC (*Jeremiah Puget, Dan Kippen*) [A]
- Groundwater Basins Evaluation (*Chris Watt*) [I]
- Klamath Dam Removal & Restoration Activities (*Clayton Creager & Heaven Moore*) [I]

February 3 & 4, 2021 (Santa Rosa, CA)

- Humboldt Creamery WDRs (*Justin McSmith*) [A]
- Bodega Bay PUD WWTP WDRs and Master Reclamation Permit (*Cathy Goodwin*) [A]
- Occidental NPDES Recission & CDO (*Cathy Goodwin*) [A]
- Sonoma County LAMP (*Charles Reed*) [A]
- Siskiyou County LAMP (*Roy O'Connor*) [A]
- Several Pending Enforcement Cases (*Various Staff*) [A]
- Wine, Beverage, and Food Processor Waiver Renewal (*Rachel Pratt*) [A]

Legend: [A] = Action Item
 [I] = Information Item
 [W] = Workshop Item
 [U] = Uncontested Item

