



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

December 8, 2022

North Coast Regional Water Quality Control Board's Incoming Executive Officer

Matt St John

As described in the Media Release pasted below, which was prepared and issued by the Water Boards' Communications Office, the North Coast Regional Water Quality Control Board has hired a new Executive Officer. Valerie Quinto will start as the new Executive Officer on January 17, 2023. I have worked with Ms. Quinto for many years and I very much look forward to working for her and supporting her as the Region's new Executive Officer. I am very confident about the future of our agency and the continued protection of the North Coast's precious water resources under Valerie's leadership! Please join me in welcoming her.

The December 8th Board meeting will be my last as the Region's Executive Officer, the 80th meeting of the Regional Water Board in my 10 ½ years serving as Executive Officer. I am incredibly grateful for the opportunity to have served the North Coast in my current capacity over this time period and I am excited to continue working for this incredibly important agency in my new capacity after January 17th. This is a bittersweet milestone for me. While I am very much looking forward to the next chapter of my career, I will miss the breadth and diversity of projects and issues that I have had the fortune of participating in as the Region's Executive Officer. I am honored to have been able to serve in this position. I have taken this

position very seriously, as the work of water quality protection is vitally important. I am enormously proud of the work this agency and our partners have accomplished over the past decade. I summarized a small subset of these accomplishments in the October edition of the Executive Officer's Report; there are too many achievements to adequately acknowledge here.

I want to thank the Board for their confidence in me and for supporting the work of our excellent staff. I want to thank all of our partners - those subject to our regulations, federal, tribal, state, and local agencies, water managers and practitioners, and NGOs. The work of regulation and the protection of water resources requires partnership, and I am proud of the partnerships we have built and maintained together. Finally, I want to thank the amazing staff of this agency; your dedication, passion, and skills are outstanding; thank you for all that you do to fulfill our agency's mission.

In 2014 the staff of our agency established a Vision Statement for the North Coast Regional Water Board which was endorsed by our Board:

Healthy watersheds.
Effective regulation.
Strong partnerships.

We are making steady progress to achieve this Vision. May it continue to guide us and provide inspiration. Thanks and be well.



North Coast Water Board names new executive officer with deep ties to region

Valerie Quinto to build on board's strong working relationships, progress

November 28, 2022

Contact: [Blair Robertson](#), Information Officer

SANTA ROSA – The North Coast Regional Water Quality Control Board announced today that it has selected former two-term board member, Valerie Quinto, as its new executive officer to oversee its daily operations and serve as its principal advisor on water quality regulation and policy.

Quinto, the executive director of the Sonoma Resource Conservation District who years ago interned at the regional board while studying biology at Sonoma State University, will start her new job on Jan. 17, 2023. She will succeed Matt St. John, who has been executive officer for over a decade and will be transitioning to a newly created role at the board addressing the complex challenges of climate change in the North Coast region.

“Having Ms. Quinto stepping into this role assures that the agency will continue to provide leadership and stewardship of the North Coast’s precious waters,” said Greg Giusti, the regional board’s chair. “Outgoing Executive Officer Matt St. John created a balanced approach to protecting water quality while building strong working relationships with groups and individuals throughout the region, and I see that continuing.”

Quinto will assume the board’s top administrative role at a time of progress and expansion of its water quality work, including the strategic promotion, funding and permitting of numerous aquatic restoration projects throughout the region; expanded regulation in watersheds impacted by historic forest management activities and watersheds impacted by dairy operations; and the adoption of the first waste discharge regulatory program for cannabis operations. The board has also [bolstered its enforcement efforts](#) tied to water quality violations, especially those involving illegal cannabis cultivators whose disregard for crucial regulations threaten the health of the region’s waterways.

“The agency has a great team and staff, and a board that has coalesced around a strong vision,” said Quinto, who was born and raised in Sonoma County. “My strongest personal conviction is that water quality is not negotiable, and I am eager to work with my new colleagues and the North Coast’s diverse, regulated community to build on the board’s accomplishments protecting the region’s waters.”

St. John says his decision to step away from the board's top executive position and into the newly created role of climate specialist is inspired by the many climate-related challenges the North Coast is facing, from prolonged drought to the threat of sea level rise. This new position was created to help advance regulatory and non-regulatory actions with the board's partners to help address these challenges.

"The past 10 years have been incredibly rewarding and I'm proud of what we've accomplished together," said St. John. "I know the board will continue to advance water quality protections further under Valerie's leadership, and I look forward to helping the board manage and mitigate climate change impacts in my new role."

The North Coast Water Board's mission is to develop and enforce water quality objectives and implement plans that will best protect the region's waters while recognizing our local differences in climate, topography, geology and hydrology.

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Caltrans 401 Permitting Liaison Program Update

Gil Falcone

The North Coast Regional Water Board has a permanent staff position (Caltrans liaison) that exclusively provides review of permit applications, draft permits, and follow up requirements for Caltrans fill and excavation Clean Water Act (CWA) section 401 and WDR projects within waters of the state and waters of the U.S. Our staff Caltrans liaison position has been in place for almost 15 years. This program started with one Caltrans liaison at the San Francisco Regional Water Board to respond to Caltrans permitting needs. Our Caltrans liaison is an Environmental Scientist position and is currently held by Susan Stewart. Prior to establishing the liaison position, our 401 certification unit staff permitted Caltrans projects along with their other workload.

The Caltrans 401 permitting liaison program funding has evolved from Caltrans funding the first 2 positions through the Association of Bay Area Governments (ABAG) and SF Estuary Partnership to the North Coast and San Francisco Bay Regional Boards working directly with the State Water Board's Division of Administrative Services contracts unit and Caltrans to develop 3-year contracts. The program allows Caltrans to have a staff liaison dedicated to their permitting and compliance workload while allowing other CWA 401 unit staff focus on all other project workload. In recent years, Caltrans has developed these types of contract supported staff liaison positions with CDFW and the California Coastal Commission. With the success of all of these liaison positions and through transportation permit streamlining work conducted as a result of AB 1282, the liaison program has expanded once again. A new statewide contract adopted this past year, funds a Caltrans CWA 401 staff liaison position for each of the 9 Regions and several at the State Water Board to help administer the statewide program and work on statewide initiatives such as advanced mitigation and

general permits. Our liaison position has now moved under this statewide contract and this new larger liaison program.

Caltrans projects that require CWA 401 permitting range from projects that repair and replace culverts on jurisdictional watercourses to large complex bridge replacements and bypass projects. The Willits bypass, the Dr. Fine bridge replacement over the Smith River and work on the coast, like the road realignment and new bridge at Gleason Beach in Sonoma County, are examples of the type of large-scale projects the liaison has issued permits for. Caltrans and Regional Board staff liaison meet quarterly to discuss project permitting updates and opportunities to improve process and streamline permitting. This partnership over the years has allowed for Regional Water Board staff to coordinate with Caltrans staff to improve application submittals and water quality regulatory compliance. Caltrans has offered trainings and workshops on their design and construction process to our liaison staff. Through this partnership our staff have gained additional knowledge, skills, and understanding of these complex projects to allow for improved avoidance and minimization of impacts and discharges to waters of the state. This partnership has facilitated more successful restoration and mitigation proposals from Caltrans when they are required, adding to staff review efficiency and more effective recovery of aquatic resources.

Our current Caltrans liaison, Susan Stewart, is responsible for participating in early engagement pre-project agency coordination meetings to help develop projects that are protective of water quality and permissible under our regulations. Susan reviews permit application submittals including jurisdictional determinations, impact avoidance and minimization measures, Low Impact Development features, CEQA compliance, and restoration and mitigation of rivers and wetlands. She conducts site inspections to facilitate efficient permitting and verify water quality regulatory compliance. She

participates in follow up inspections when projects are completed within creeks, streams, and wetlands to ensure Best Management Practices are in place for site stabilization and long-term recovery. Her work to review annual monitoring and final mitigation completion and permit termination are among project follow-up work that ensure final compliance. This position reviews and issues a high volume of permits.

The staff who have worked as the Caltrans liaison over the years have gained tremendous knowledge and skills in this position and have contributed greatly to other regulatory workgroups in our region. With increased funding available for infrastructure projects and permitting workload, we hope this program continues to expand to support additional staff for our region. The partnership supports our efforts to protect water quality and allows Caltrans to receive their permits efficiently to meet their ever-increasing workload to improve our roadways.



Photo 2: Dr. Fine Bridge pre-project meeting, January 2021

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Native American Culture (CUL) and Subsistence Fishing (FISH) Beneficial Uses

Lisa Bernard

Water quality standards are adopted to protect public health or welfare, enhance the quality of water, and serve the purposes of the Clean Water Act (CWA) and the Porter Cologne Water Quality Control Act. Water quality standards consist of several elements: 1) designated beneficial uses; 2) the water quality objectives to protect those designated uses; 3) implementation of the Federal and State policies for antidegradation; and 4) general policies for application and implementation. The water quality standards for the North Coast Region are adopted by the Regional Water Board, approved by the State Water Board and Office of Administrative Law, then approved by US Environmental Protection Agency for incorporation into the Water Quality Control Plan for the North Coast Region (Basin Plan). Where applicable, the Basin Plan incorporates statewide standards as well as standards that apply only to the North Coast Region.

Chapter 2 of the [Basin Plan](#) identifies the beneficial uses to be protected and current



Photo 1: HWY 20 Calpella Bridge replacement project along the Russian River in Ukiah, October 2022

waterbody designations for the North Coast Region. These beneficial uses include the uniform statewide list of beneficial uses and descriptions adopted by the State Water Board in 1972, as updated in 1996, as well as five region specific beneficial uses including Native American Culture (CUL) and Subsistence Fishing (FISH). These region specific beneficial uses and designations were incorporated into the Basin Plan in 2003, through a Basin Plan amendment process largely informed by Native American Tribes indigenous to the North Coast Region.

In recognition of water uses unique to tribal culture, tradition, ceremonies, and lifeways the beneficial use of Native American Culture (CUL) is defined as follows:

Native American Culture (CUL) Uses of water that support the cultural and/or traditional rights of indigenous people such as subsistence fishing and shellfish gathering, basket weaving and jewelry material collection, navigation to traditional ceremonial locations, and ceremonial uses.

In addition, for the protection of recognizing higher consumption rates for subsistence by certain communities including, but not limited to Native Americans, the beneficial use of Subsistence Fishing (FISH) is defined as follows:

Subsistence Fishing (FISH) Uses of water that support subsistence fishing.

Chapter 2, Table 2-1 identifies beneficial uses for each hydrologic area in the Region, as well as for specific waterbodies and broad categories of waters. Commensurate with the adoption of the definition, the Regional Water Board designated the CUL beneficial use in 27 separate hydrologic areas, plus Minor Coastal Streams (not specified in Table 2-1), Ocean Waters, Bays, Saline Wetlands, Freshwater Wetlands, Estuaries, and Groundwater as existing or potential. In addition, under the Clean Water Act, the State is required to recognize and

protect the existing uses of water, whether or not they are designated in the Basin Plan.

Since 2003, the Regional Water Board has successfully applied the CUL and FISH beneficial use definitions and designations in the North Coast Region. Of key significance, the 2010 Klamath River Total Maximum Daily Load (TMDL) relied upon these definitions and designations for the protection of water quality. Specifically, the TMDL problem statement cited the CUL and FISH beneficial uses as the basis upon which to establish water quality targets necessary to protect and support sacred tribal ceremonies, tribal dependence upon Klamath fisheries, aquatic plants used for basket weaving, and other ancestral practices.

In 2017, the State Water Resources Control Board (State Water Board) adopted Resolution 2017-0027, which established [Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions](#) statewide, including three new beneficial use definitions for Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) and mercury provisions. These new definitions are available for incorporation into regional Basin Plans. Of the nine Regional Water Boards, only the North Coast Regional Water Board's Basin Plan already contains a beneficial use pertaining to the cultural and traditional rights of indigenous people and a subsistence fishing beneficial use. The 2017 action of the State Water Board initiated statewide movement across regions to modify individual Basin Plans with the new definitions. Thus far, two regions have incorporated the new definitions in their Basin Plans and none have completed a designation process.

During the most recent Triennial Review process, in 2019, the Regional Water Board adopted a list of high priority projects related to Basin Planning and TMDLs. Among several others, the Regional Water Board identified updating the existing Native American Culture (CUL) and Subsistence

Fishing (FISH) beneficial use definitions to comport with statewide Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (TSUB), and Subsistence Fishing (SUB) beneficial use definitions adopted by the State Water Board adopted in 2017. This project is to begin once other high priority projects already in progress come to completion, freeing staff resources to focus on this important work. The Regional Water Board will have further opportunity to review and prioritize work of the Planning Unit during the next Triennial Review process which will officially begin in January 2023.



Photo 3: Subsistence fishing at the mouth of the Klamath River.

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Based on the outcomes of the public engagement and Board deliberation process associated with the upcoming Triennial Review, staff are prepared to commit staff resources to this project. At that time staff plan to develop a white paper which clearly defines the differences between the old and new definitions, applicability of water quality objectives based upon the different definitions, and any impacts to existing designations. We will then enter consultation and discussions with tribal governments across our region to ascertain their views on the differences we identify as well as any identified by tribal representatives. Through this process staff will solicit input on the prospect of replacing our existing definitions, explore any impacts upon the existing designations, and begin a process to assign any new designations proposed for North Coast waterbodies.



Planning Unit staff accept information related to review and potential amendment to the Basin Plan at any time for consideration during our Triennial Review process. The planning and execution stages of our next formal Triennial Review Process is scheduled to begin in January 2023. Noticing and solicitation for this process will be managed through the Basin Planning listserv ([Email List Subscription Form | North Coast Regional Board \(ca.gov\)](#)). For specific questions regarding the 2023 Triennial Review please contact Lisa Bernard at lisa.bernard@waterboards.ca.gov.

Enforcement Report for October 2022 Executive Officer’s Report

Jeremiah Puget, Jordan Filak, and Zane Stromberg

Summary of Enforcement Actions issued between: **September 14, 2022 and November 18, 2022**

Throughout the year Enforcement Unit staff, with support from the State Water Board’s Office of Enforcement and other regulatory program staff in the region, develop and manage enforcement cases that result in formal enforcement actions such as Cleanup and Abatement Orders (CAOs), Cease and Desist Orders (CDOs), and Administrative Civil Liability (ACL) Complaints. Once it has been determined that an enforcement action will result in the issuance of an ACL Complaint, the Enforcement Team will prepare supporting evidence and provide the discharger(s) an opportunity to meet and discuss the facts relating to the violations, including the option of settlement, before a Complaint is issued. The tables on the following pages provide summaries of relevant details for enforcement actions during the timeframe covered by this report. Table 1 summarizes NOV, CAOs, Investigative Orders (13267 Orders), and CDOs. Table 2 summarizes Notices of Non-Compliance NOI(NNCs) for failure to submit annual storm water reports that were issued to Dischargers by county during this reporting period; this information is also presented graphically in Figure 1. Table 3 summarizes ACL Complaints, ACL Orders and settlement negotiations pending the adoption/finalization of a Stipulated ACL Order.

Table notes and other acronyms:

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CDFW	California Department of Fish and Wildlife
CGO	Cannabis General Order ¹
CGP	Construction General Permit ²
CSD	Community Services District
CP	Compliance Project
DWR	Division of Water Rights
IGP	Industrial General Permit ³
ICSP	Interim Cleanup and Stabilization Plan
ISP	Interim Stabilization Plan
LTRMP	Long-Term Restoration and Monitoring Plan
MMPs	Mandatory Minimum Penalties
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
SEP	Supplemental Environmental Project
SMP	Site Management Plan
STSECP	Short-Term Sediment and Erosion Control Plan
WDRs	Waste Discharge Requirements

¹ [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

² [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

³ [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. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
<p>NOV Sept. 19, 2022</p>	<p>Brian Mitchell Garrett Gradin</p>	<p>Humboldt Redway South Fork Eel River Hydrologic Area</p>	<p>Cannabis Unit Warrant Inspection on August 25, 2022</p>	<p>- Failure to comply with requirements of the CGO - Failure to comply with Basin Plan section 4.2.1</p>	<p>- Discharger is required to remove water storage tanks from riparian setbacks, as well as hire a professional to assess the impacts to water quality on the property and submit a SMP - Apply for a 401 Water Quality Certification for instream works</p>	<p>- Discharger responded to NOV and plans to implement staff recommendations This matter is ongoing.</p>
<p>NOV Sept. 22, 2022</p>	<p>Joseph Deal</p>	<p>Trinity Zenia Middle Eel Fork River Hydrologic Area</p>	<p>Cannabis Unit Warrant Inspection on August 23, 2022</p>	<p>- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code 13260 & 13264 - Failure to obtain coverage under CGO</p>	<p>- Discharger is required to obtain coverage under CGO - Properly dispose of all cannabis cultivation-related wastes on the property, and hire a qualified professional to assess the impacts to water quality on the property - Apply for a 401 Water Quality Certification for instream works</p>	<p>- Discharger responded to the NOV and claims to have hired a consultant but staff have not received any cleanup documents. This matter is ongoing.</p>

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
<p>NOV Sept. 22, 2022</p>	<p>Carl Eichin Christine Eichin</p>	<p>Trinity Zenia North Fork Eel River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency Warrant Inspection on August 23, 2022</p>	<ul style="list-style-type: none"> - Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to obtain coverage under CGO - Dispose of all cannabis cultivation-related wastes on the property, and hire a qualified professional to assess the impacts to water quality on the property - Apply for a 401 Water Quality Certification for instream works 	<p>- No response received from the Discharger. This matter is ongoing.</p>
<p>NOV Sept. 22, 2022</p>	<p>Marcel Onate</p>	<p>Trinity Zenia North Fork Eel River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency Warrant Inspection on August 23, 2022</p>	<ul style="list-style-type: none"> - Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to obtain coverage under CGO - Properly store/ dispose of all cannabis cultivation-related wastes on the property, and hire a qualified professional to verify that the reservoir on the property meets water quality standards - Apply for a 401 Water Quality Certification for instream work 	<p>- Delivery of NOV was returned as unsuccessful. This matter is ongoing.</p>

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
NOV Sept. 22, 2022	Kyle Harrison Michael Pogue	Trinity Zenia North Fork Eel River Hydrologic Area	Cannabis Multi-Agency/ Warrant Inspection on August 23, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO	- Discharger is required to obtain coverage under CGO - Properly dispose of all cannabis cultivation-related wastes on the property - Hire a qualified professional to delineate all wetland and watercourses on the property, verify that the reservoir meets water quality standards, and assess impacts to water quality from oil spill - Apply for a 401 Water Quality Certification for instream work	- Staff received a response from an attorney on behalf of the Discharger, but staff have not received word from a qualified professional. This matter is ongoing.
NOV Sept. 28, 2022	John Lowery	Sonoma Guerneville Lower Russian River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on August 29, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to enroll the property under the CGO - Failure to comply with Water Code section 13260	- Discharger is required to obtain coverage under CGO - Properly dispose of all cannabis cultivation-related wastes on the property - Hire a qualified professional to delineate all wetland and watercourses on the property	- Delivery of NOV was returned as unsuccessful. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
					<ul style="list-style-type: none"> - Apply for a 401 Water Quality Certification for instream work 	
<p>NOV Sept. 28, 2022</p>	<p>David Buchanan</p>	<p>Sonoma Guerneville Lower Russian River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency/ Warrant Inspection on August 29, 2022</p>	<ul style="list-style-type: none"> - Failure to comply with Basin Plan section 4.2.1 - Failure to enroll the property under the CGO - Failure to comply with Water Code section 13260 and 13264 	<ul style="list-style-type: none"> - Discharger is required to obtain coverage under CGO - Properly dispose of all refuse/wastes on the property and obtain an on-site wastewater permit - Hire a qualified professional to delineate all wetland and watercourses on the property, verify that the reservoir meets water quality standards, and assess impacts to water quality from earthen wastes - Apply for a 401 Water Quality Certification for instream work 	<ul style="list-style-type: none"> - NOV issued with a required response date of October 28, 2022. Staff received no response by the required date. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
<p>NOV October 6, 2022</p>	<p>Laura Allison Rowland Robert Gutierrez</p>	<p>Humboldt McKinleyville Mad River Hydrologic Area</p>	<p>Cannabis Unit Multi- Agency/ Warrant Inspection on Sept. 20, 2022</p>	<p>- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Clean Water Act section 301, 401, and 404 - Failure to comply with Water Code section 13260 and 13264</p>	<p>- Discharger is required to hire a qualified professional to implement an ISP to remove earthen fill from watercourses, stabilize soil to prevent discharges, and implement erosion controls - Hire a qualified professional to develop a plan to assess impacts to water quality, restore native vegetation in riparian areas, develop/ implement a schedule to submit all applicable permits and complete cleanup and restoration on the property</p>	<p>- Emergency Cleanup and Abatement Order issued on November 4, 2022. The Discharger's have hired qualified professionals and remain in communication with staff. This matter is ongoing.</p>
<p>NOV October 11, 2022</p>	<p>Daren Freeman</p>	<p>Humboldt Benbow South Fork Eel River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency/ Warrant Inspection on September 15, 2022</p>	<p>- Failure to enroll the property under the CGO - Failure to comply with Water Code section 13260 and 13264</p>	<p>- Discharger is required to obtain coverage under the CGO prior to further cultivation of cannabis - Address features and conditions that threaten to impact water quality on the property</p>	<p>- Delivery of NOV was returned as unsuccessful on November 9, 2022. This matter is ongoing.</p>

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
NOV October 14, 2022	Stefan Kellar Gari Kellar	Humboldt Benbow South Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on Sept. 15, 2022	- Failure to obtain coverage under the CGO - Failure to comply with Water Code section 13260 and 13264	- Discharger is required to obtain coverage under the CGO prior to further cultivation of cannabis and - Work with CDFW and DWR to secure any applicable permits for water diversion, storage, and use on the property	- Discharger has received the NOV but has not yet responded. This matter is ongoing.
CAO / 13267 Order October 14, 2022	Kiryl Mikhalkevich Operation H, LLC	Trinity Hay Fork South Fork Trinity River Hydrologic Area	Cannabis Multi-Agency/ Warrant Inspection August 3, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code sections 13260, 13264, and 13050 - Failure to submit an acceptable SMP as required by the CGO	- Discharger is required to hire a qualified professional to conduct all surface water, soil, and groundwater remediation and investigation - Implement Water Quality protections within 15 days of the issuance of CAO Order No. R1-2022-0047 - Submit a proposed RAP within 10 days of the issuance of CAO, and implement the remediation within 30 days of approval of the RAP	Discharger's have hired qualified professionals, have begun contaminated soil excavation and cleanup, and are in communication with staff. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
					-Submit a Nitrogen Management Plan by November 14, 2022	
NOV October 14, 2022	Eugene Woodstock	Humboldt Piercy South Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on Sept. 15, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with requirements of the CGO	- Discharger is required to submit a SMP to return to compliance with CGO requirements - Hire a qualified professional to assess conditions of stream crossings - Apply for a 401 Water Quality Certification for instream work	- Discharger has not yet responded to the NOV. This matter is ongoing.
NOV October 14, 2022	James Tomes Cathy Powers Vollie Powers	Mendocino Willits Upper Main Eel River Hydrologic Area	Cannabis Unit Multi- Agency/ Warrant Inspection on Sept. 12, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code section 13260 and 13264 - Failure to obtain coverage under the CGO	- Discharger is required to cease discharges of sewage to land and obtain an on-site wastewater permit - Retain a licensed professional to assess contamination of soil, surface water, and groundwater caused by petroleum spill	- No response received from the Discharger. Required response date set as November 13, 2022. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
					<ul style="list-style-type: none"> - Hire a qualified professional to assess the impacts to water quality on the property - Enroll for coverage under the CGO prior to further cultivation of cannabis - Apply for a 401 Water Quality Certification for instream work 	
NOV October 14, 2022	Nick Jeleu	Humboldt Redway South Fork Eel River Hydrologic Area	Cannabis Unit Multi- Agency/ Warrant Inspection on Sept. 16, 2022	<ul style="list-style-type: none"> - Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to hire a qualified professional to develop short/long-term erosion control measures for stream crossings - Enroll for coverage under the CGO prior to further cultivation of cannabis - Apply for a 401 Water Quality Certification for instream works 	- No response from Discharger. This matter is ongoing.
NOV October 14, 2022	Levi Whitlow	Humboldt Windsor	Cannabis Unit Multi-Agency/ Warrant	<ul style="list-style-type: none"> - Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to properly dispose of all wastes associated with cannabis cultivation on the property 	- No response from Discharger. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
		Russian River Hydrologic Unit	Inspection on Sept. 16, 2022		- Enroll for coverage under the CGO prior to further cultivation of cannabis	
NOV October 14, 2022	June Willburn	Humboldt Phillipsville South Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on Sept. 16, 2022	- Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO	- Discharger is required to Enroll for coverage under the CGO prior to further cultivation of cannabis	- Discharger removed hoophouses in June. This matter is resolved.
NOV October 14, 2022	Alexandra Martinez	Mendocino Redway South Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on Sept. 16, 2022	- Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO	- Discharger is required to enroll for coverage under the CGO prior to further cultivation of cannabis - Properly dispose of all wastes associated with cannabis cultivation on the property	- No response from Discharger. This matter is ongoing.
NOV October 14, 2022	John Dimmick	Humboldt Benbow South Fork Eel River	Cannabis Unit Multi-Agency/ Warrant Inspection on	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with California Water Code sections 13260 and 13264	- Discharger is required to hire a qualified professional to assess the property and develop a work plan to limit water quality impacts, and water quality impacts caused by petroleum spill	- Discharger responded to the NOV and informed staff that the violations on the property were a trespass cannabis

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
		Hydrologic Area	Sept. 15, 2022	- Failure to obtain coverage under the CGO	<ul style="list-style-type: none"> - Enroll for coverage under the CGO prior to further cultivation of cannabis - Work with CDFW and DWR to secure any applicable permits for water diversion, storage, and use - Apply for a 401 Water Quality Certification for instream work 	operation, and the property owner is committed to mitigate environmental degradation. This matter is ongoing.
NOV October 20, 2022	Ken Bareilles	Sonoma Healdsburg Middle Russian River Hydrologic Area	Southern Non-Point Source and Forestry Unit Multi-Agency Inspection on October 26, 2022	<ul style="list-style-type: none"> - Failure to comply with CAO Order No. R1-2022-0028 - Failure to comply with Water Code section 13267 	- Discharger was required to submit a LTRMP for the property by October 13, 2022. The report is late.	- Discharger has not yet submitted Plan. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
NOV October 25, 2022	Michael Harding	Mendocino Leggett Middle Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency/ Warrant Inspection on Sept. 26, 2022	<ul style="list-style-type: none"> - Failure to comply with California Water Code sections 13260 and 13264 - Failure to comply with Basin Plan section 4.2.1 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to enroll for coverage under the CGO prior to future cultivation of cannabis, and contain/ dispose of wastes associated with cannabis cultivation on the property - Hire a professional to assess property and develop workplan to limit sediment transport to surface waters - Apply for a 401 Water Quality Certification for instream works 	- Discharger responded to the NOV on November 16, 2022. Discharger plans to implement the cleanup work required provide evidence. This matter is ongoing.
CAO October 27, 2022	Eagle Rock Inc.	Trinity Junction City Middle Trinity River Hydrologic Area	NPDES Unit Facility Inspection August 25, 2022	<ul style="list-style-type: none"> - Failure to comply with multiple provisions of the Basin Plan - Failure to comply with the IGP - Failure to comply with Clean Water Act sections 301, 401, and 404 	<ul style="list-style-type: none"> - Discharger is required to submit an acceptable ICSP by November 7, 2022 - Implement the work detailed in the ICSP within 15 days of RWB approval of the plan - Maintain compliance with IGP and its requirements until May 1, 2023 	- The Discharger submitted the required plan, but it was denied by RWB staff for revisions. The Discharger has yet to resubmit the plan. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
NOV October 28, 2022	Laura Allison Rowland Robert Gutierrez	Humboldt McKinleyville Mad River Hydrologic Area	Cannabis Unit Multi- Agency/ Warrant Inspection on Sept. 20, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Clean Water Act section 301, 401, and 404 - Failure to comply with Water Code section 13260 and 13264	- Submit intentions for corrective actions, erosion control plan, and schedule to implement RWB recommendations by November 4, 2022	- Discharger's have hired qualified professionals and are in communication with staff. This matter is ongoing.
CAO Nov. 4, 2022	Laura Allison Rowland Robert Gutierrez	Humboldt McKinleyville Mad River Hydrologic Area	Cannabis Unit Multi- Agency/ Warrant Inspection on Sept. 27, 2022	- Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Clean Water Act section 301, 401, and 404 - Failure to comply with Water Code section 13260 and 13264	- Discharger is required to hire a qualified professional to assess the property and develop a work plan to minimize all sediment transport to surface waters - Coordinate with CDFW, CALFIRE, and all relevant agencies involved in the cleanup - File an NOI for the CGP by November 26, 2022	- Discharger's have hired qualified professionals and are in communication with staff. At the request of the Discharger, an extension for Required Action #4 (File an NOI for the CGP) to December 16, 2022 has been granted. This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
					<ul style="list-style-type: none"> - Submit an ISP by November 22, 2022 - Complete implementation of the ISP by January 6, 2023 and submit monthly progress reports 	
<u>NOV</u> Nov. 8, 2022	Robert Crowley	Del Norte Klamath Klamath River Hydrologic Unit	Cannabis Unit Warrant Inspection on October 12, 2022	<ul style="list-style-type: none"> - Failure to comply with California Water Code section 13260 - Failure to obtain coverage under the CGO 	<ul style="list-style-type: none"> - Discharger is required to enroll for coverage under the CGO prior to future cultivation of cannabis, and contain/ dispose of wastes associated with cannabis cultivation on the property - Hire a professional to assess property and conduct a wetland delineation 	- No response from Discharger. This matter is ongoing.
<u>NOV</u> Nov. 8, 2022	Geoffrey Wills	Humboldt Arcata Eureka Plain Hydrologic Area	Northern Non-Point Source and 401 Certification Unit Multi-Agency Inspection on	<ul style="list-style-type: none"> - Failure to comply with California Water Code sections 13260, 13264, and 13376 - Failure to comply with Clean Water Act sections 301, 401, and 404 	<ul style="list-style-type: none"> - Discharger is required to contact staff to discuss plan to correct the violations by November 28, 2022. - Hire a qualified professional to conduct a wetland delineation and assess impacts to water quality on the property 	- This matter is ongoing.

Table 1. Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of November 18, 2022
			October 4, 2022	- Failure to comply with Basin Plan section 4.2.1	- Hire a qualified professional to develop/ submit an STSECP by December 16, 2022 and develop/ submit a long-term plan by April 15, 2023	
CAO Nov. 10, 2022	Kenneth Bowman Donna Bowman	Mendocino and Trinity Counties Leggett South Fork and Upper Main Eel River Hydrologic Units	Cannabis Unit Multi-Agency/ Warrant Inspection on April 21, 2021	- Failure to obtain coverage under the CGO - Failure to obtain a 401/ 404 Water Quality Certification or WDRs - Failure to obtain DWR license/ permit for surface water diversion - Failure to comply with Basin Plan section 4.2.1	- Discharger is required to hire a qualified professional to develop and submit an ICSP for the property by December 10, 2022, and implement the plan by December 25, 2022 - Hire a qualified professional to develop and submit a CRMP By April 1, 2023, and implement the plan by October 15, 2023 - Submit a completion report for the CRMP as well as annual monitoring reports thereafter	- Delivery for the Cleanup and Abatement Order has not yet been confirmed. This matter is ongoing.

Table 2. Notices of Non-Compliance for Construction and Industrial Storm Water Facilities by County

Program	Violation Type	Del Norte	Siskiyou	Trinity	Humboldt	Mendocino	Sonoma	Total
NPDES Unit – Storm Water	Failure to Submit '20 - '21 Annual Report	1	1	4	10	3	21	40

Figure 1. Notices of Non-Compliance for Storm Water Facilities (Failure to Submit Annual Report '20-'21)

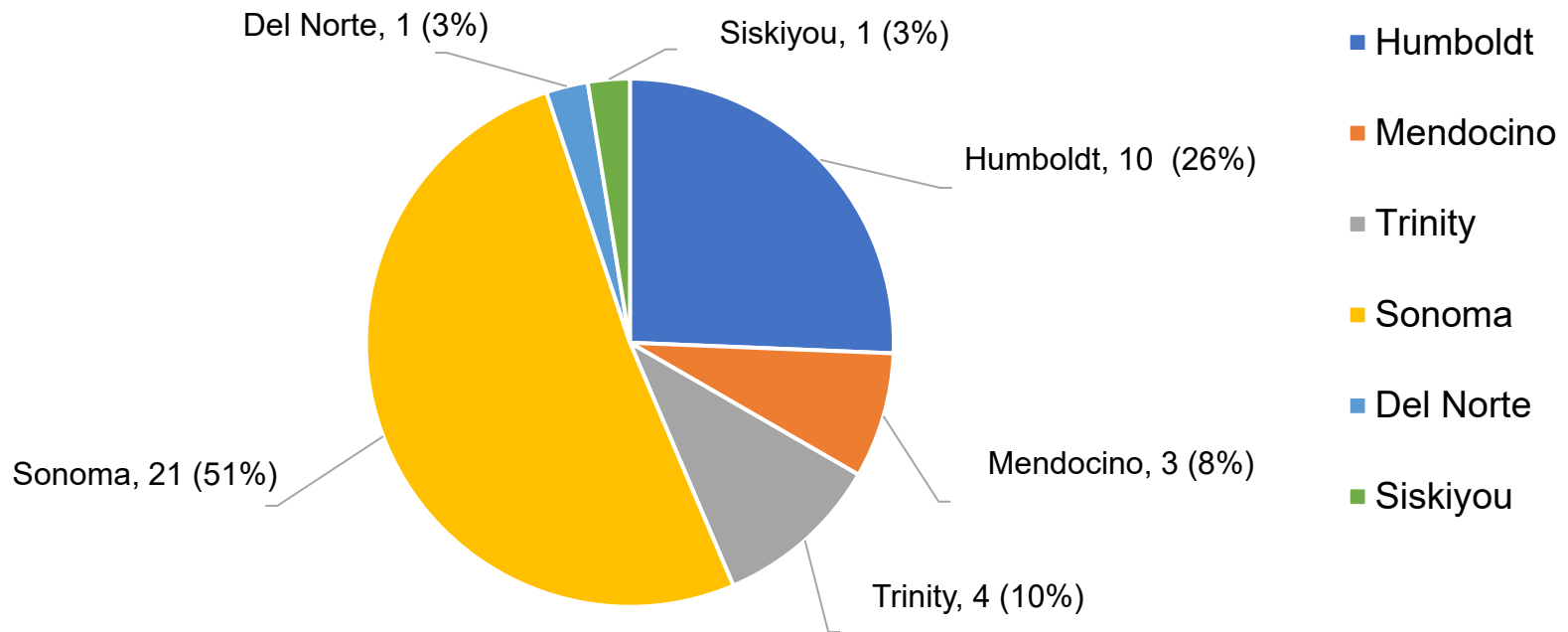


Table 3. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 18, 2022
City of Eureka – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$165,000	Invitation issued on 11/16/2021 Violation Period: July 3, 2017, to September 30, 2022	Settlement Negotiations Underway
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$189,000	Invitation issued on 11/16/2021 Violation Period: March 15, 2018, to December 31, 2021	Settlement Negotiations Underway
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$21,000	Invitation issued on 11/17/2021 Violation Period: June 1, 2021 - Present	Settlement Negotiations Underway
Graton CSD – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$3,000	Violation Period: April 30, 2010 to December 31, 2021	Expedited Payment Letter Order No. R1-2022-0041 adopted on November 10, 2022.
City of Ukiah – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$75,000	Invitation issued on 11/16/2021 Violation Period: January 4, 2017, to April 31, 2022	Stipulated Order No. R1-2022-0042 posted for Public Comment until December 15, 2022.

Table 3. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 18, 2022
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$279,000	Invitation issued on 09/20/2021 Violation Period: March 1, 2019, to September 30, 2022	Settlement Negotiations Underway
Hugh Reimers and Krasilisa 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 for Dredge/ Fill in Wetlands designated as waters of the United States -CAO Required Action 5 for failure to submit RMMP acceptable to the Regional Water Board or it’s Delegated Officer -CAO Required Action 9 for failure to implement an approved RMMP 	\$3,750,852	ACL Complaint issued on May 9, 2022, covers the period between July 31, 2018, and May 9, 2022, and includes allegations that Hugh Reimers and Krasilisa Pacific Farms LLC violated the Basin Plan and Clean Water Act Section 301 by filling or allowing fill to be placed in watercourses and wetlands on the property	Regional Water Board Assistant Executive Officer issued ACL Complaint No. R1-2022-0024 . The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
Kou Xiong and Susan Yang Xiong	Cannabis Program	<ul style="list-style-type: none"> - CAO R1-2021-0031 Required Action 1, failure to submit an acceptable CRMP by September 17, 2021 - CAO Required Action 4, failure to implement CRMP by October 31, 2021 	\$506,813	ACL Complaint issued on September 9, 2022, covers the period between June 26, 2019, and September 9, 2022, and includes allegations that Kou Xiong and Susan Yang Xiong violated CAO R1-2021-0040 Required Actions 1 and 4	Regional Water Board issued ACL Complaint No. R1-2022-0039 on September 9, 2022. This matter is ongoing.

Table 3. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 18, 2022
Russian River CSD and Sonoma Water Agency	NPDES Wastewater	Violations of the Sanitary Sewer Order including unauthorized discharge of 2.33 million gallons of raw sewage from the Russian River CSD collection system to the Russian River	Statutory Maximum \$23.31 million	Invitation issued on June 15, 2021 Violation Period: 2017 and 2019	Settlement Negotiations Underway
Enclave, LLC-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	Invitation issued on August 2, 2021 Violation Period: December 2019	Settlement Negotiations Underway

Table 3. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 18, 2022
BoDean Company, Inc.- Mark West Quarry Site	NPDES Storm Water	Violation of Industrial General Permit 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	\$4.5 million	ACLIC No. R1-2021-0047 issued on September 10, 2021 Violation Period: December 2018 – August 2020	Settlement Negotiations Underway
Rodney Strong Vineyards	WDRs to Land and NPDES Storm Water	97,000 gallons of wine discharged into Reiman Creek, a tributary to the Russian River, a water of the United States, in violation of discharge prohibitions in the Industrial General Permit and WDRs Order No. 88-54	\$46,000	Invitation issued on September 14, 2021 Violation Period: January 2020	Tentative Settlement Agreement Reached. SEP in development and awaiting approval
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	Invitation issued on October 27, 2021 Violation Period: 2016 and 2017	Settlement Negotiations Underway

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.

February 2 & 3, 2023

- Redway Community Services District Wastewater Treatment Facility NPDES Permit (*Matt Herman*) [A]
- Willow Creek Community Services District Wastewater Treatment Facility Waste Discharge Requirements (*Roy O'Connor*) [A]
- North Coast Regional Water Board Resolution Supporting Racial & Tribal Equity (*Devon Jorgenson*) [A]
- Potential Pending Administrative Civil Liability Complaint (*Staff TBD*) [A]
- Presentation by North Coast Resource Partnership on *A Vision for North Coast Resilience: Priorities for Enhancing Watershed, Forest and Community Resilience in the North Coast Region* (NCRP Staff) [I]

April 6 & 7, 2023

- Fall Creek Hatchery NPDES Permit (*Justin McSmith*) [A]
- Scott River and Shasta River Total Maximum Daily Load Waiver of Waste Discharge Requirements Short Term Renewal (*Elias Scott*) [A]
- Potential Pending Administrative Civil Liability Complaint (*Staff TBD*) [A]

