



# EXECUTIVE OFFICER’S REPORT

## North Coast Regional Water Quality Control Board

### December 12-13, 2023

#### In this Issue

- SWAMP: Collaboration and Coordination..... 1
- Implementation of Federal Pretreatment Program in Region 1..... 3
- Confab Recap..... 5
- Enforcement Report..... 8
- Projected List of Future Board Agenda Items..... 25

#### **SWAMP: Collaboration and Coordination** *Rich Fadness*

The Surface Water Ambient Monitoring Program (SWAMP) was established by the California legislature in 2000 to coordinate all ambient water quality monitoring conducted by the State and Regional Water Boards. SWAMP was designed to use both regional and site-specific monitoring to provide a picture of the status and trends in water quality and achieve the following goals:

1. Assess all hydrologic units of the State using consistent monitoring, sampling and analytical methods, consistent data quality assurance protocols, and centralized data management;
2. Document ambient water quality conditions regardless of suspected or documented pollution levels;
3. Identify specific water quality problems negatively affecting beneficial uses; and

4. Evaluate the effectiveness of water quality regulatory programs in protecting beneficial uses.

Annually, each of the nine Regional Water Boards are allotted staff and resources to implement their SWAMP programs.

Between 2001 and 2012, the North Coast region SWAMP program focused on the region’s status and trends monitoring program, which consisted of 28 long-term monitoring locations supplemented by an annually rotating set of locations within specific watersheds. This monitoring resulted in several Clean Water Act section 303(d) impaired water listings (i.e., aluminum), however, in general, the water quality conditions in the North Coast region met water quality standards and were protective of the beneficial uses in the North Coast Regional Water Quality Control Board’s Water Quality Control Plan (Basin Plan).

Between 2009 and 2022, the North Coast region shifted SWAMP program monitoring priorities to support programmatic needs and focus on larger research issues. For instance:

- In 2009, the North Coast Regional Board and The Nature Conservancy initiated a joint monitoring program to evaluate the changing instream conditions of the Garcia River. The Garcia River Monitoring Program included approximately 80 permanent monitoring reaches throughout the watershed and was recognized as one of the largest physical and biological monitoring programs in the state. The monitoring program was active until 2019;
  - Between 2011 and 2013, the North Coast SWAMP program funded, established, and maintained the Region's ELAP Certified Bacteriological Lab to provide the TMDL Division with the means to process the water samples needed to develop the Russian River Pathogen TMDL;
  - In 2013, the North Coast SWAMP program initiated sample collection that led to the development, and continued implementation, of the Smith River Plain Water Quality Management Plan. Sampling is expected to continue through 2024;
  - In 2015, in response to multiple dog deaths in the Region, the North Coast SWAMP program was the first in the state to develop benthic cyanobacteria harmful algal bloom monitoring and assessment protocols focused on riverine cyanobacteria. North Coast SWAMP staff provided guidance and input to the procedures and protocols used to monitor for benthic cyanobacteria. These protocols were used in the development of the Statewide Freshwater Harmful Algal Bloom (FHAB) program. This work identified the need for additional resources to protect the recreating public and led to the creation of dedicated program and staff position in the North Coast Region, which is currently staffed by our Freshwater Harmful Algal Bloom (FHAB) Monitoring & Response Program Coordinator, Mike Thomas. FHAB monitoring and coordination efforts are ongoing;
  - In 2017 and 2018, in response to the devastating Tubbs and Nuns fires that swept through Sonoma and Napa Counties, the North Coast SWAMP program assessed potential impacts to surface waters downstream of burned areas by monitoring surface water quality; and
  - Since 2019, the North Coast SWAMP program has been assisting in the development and implementation of the Scott and Shasta River Watershed monitoring programs, which are designed to collect the data necessary to inform staff of progress towards meeting these TMDLs and to aid the development of the Scott and Shasta Rivers TMDL Conditional Waivers.
- In 2022, the North Coast SWAMP program began transitioning into a support program for the Region by integrating SWAMP resources into many of the Region's programs and projects. For instance, the SWAMP program provides project funding, fieldwork, and guidance to other North Coast Regional Board programs, manages the laboratory contracts, trains staff to collect samples as well as calibrate, maintain, and use equipment, and has developed a library of resources from which staff can create and implement a variety of water quality projects to further their work.

Moving forward, SWAMP will be focusing on the development of a long-term vision and monitoring framework for the Region to support the Region's various programs. This effort will capitalize on the SWAMP program's strengths, monitoring and data collection, to aid in answering monitoring questions specific to our programs.

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## Implementation of Federal Pretreatment Program in Region 1

*Justin McSmith*

### **Background**

In 1978, U.S. EPA promulgated extensive regulations requiring many Publicly Owned Treatment Works (POTWs) to develop and implement local pretreatment programs. U.S. EPA delegated the responsibility to oversee these pretreatment programs to the State Water Board and Regional Water Boards in 1989. As a result, the State and Regional Water Boards are responsible for the review and approval of new and modified POTW pretreatment programs. The NPDES permits for these POTWs spell out the pretreatment program monitoring and reporting requirements.

POTWs are required to have pretreatment programs when their total design flows are greater than five million gallons per day (5 mgd) and they receive industrial pollutants that could pass through or interfere with POTW operations. POTWs with smaller flows (5 mgd or less) may also be required to implement a pretreatment program if they receive industrial waste and pretreatment is warranted.

The General Pretreatment Regulations apply to all nondomestic sources that introduce pollutants into a POTW. These sources of indirect discharges are more commonly referred to as Industrial Users (IUs). Because an IU can be as simple as an automated, coin-operated car wash or as complex as an

automobile manufacturing plant or a synthetic organic chemical producer, EPA developed four criteria that define a significant IU (SIU). Many of the General Pretreatment Regulations apply to SIUs as opposed to IUs; the distinction is based on the presumption that control of SIUs will, in most cases, provide adequate protection of the POTW. Where a smaller IU has the potential to adversely affect the POTW, the POTW would be expected to designate the facility as an SIU.

An SIU is defined in 40 CFR 403.3(v) as any of the following:

- An IU subject to federal categorical pretreatment standards
- An IU that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW
- An IU that contributes a process wastestream making up 5 percent or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant
- An IU designated by the POTW as such because of its reasonable potential to adversely affect the POTW's operation or violate any pretreatment standard or requirement

The two key terms used in EPA's objectives for the National Pretreatment Program, interference and pass through, are defined in 40 CFR 403.3(k) and (p):

**Interference:** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and
- Therefore is a cause of a violation of any requirement of the POTW's

NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations).

**Pass Through:** A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

### ***Pretreatment Program in Region 1***

The North Coast Region has four pretreatment programs in conformance with federal requirements in 40 CFR Part 403. These programs are established in NPDES permits for the cities of Santa Rosa, Arcata, Eureka, and Crescent City. In addition, there are seven smaller POTWs in the region that do not meet the federal pretreatment classification mentioned above but have adopted local limits and legal authority to protect their wastewater treatment plant from pass-through and bypass.

The US EPA requires pretreatment compliance inspections for the federal official pretreatment programs each year with a pretreatment compliance audit to be performed on top of the NPDES compliance inspections. Pretreatment compliance inspections verify the compliance status of POTWs, focusing on the POTW's own compliance monitoring and enforcement activities. Pretreatment compliance audits involve a comprehensive review of all elements of a POTW's pretreatment program and may take up to six weeks of staff time to prepare for and execute. Audits take place every five years. Pretreatment compliance inspections usually occur every year, except when an audit is scheduled. In addition, EPA recommends that Region 1 staff inspect the

unofficial pretreatment programs once per year as well.

### ***Recent Changes to Implementation of Pretreatment Program in Region 1***

NPDES Pretreatment Program support to the nine regional water boards was historically provided through in-kind contractor support funded through the U.S. EPA's [Water Pollution Control \(section 106\) Grant](https://www.epa.gov/water-pollution-control-section-106-grants) (<https://www.epa.gov/water-pollution-control-section-106-grants>). In FY 2020-21, U.S. EPA terminated its nearly 20-year contractor assistance agreement with the Water Boards. As a result of this change, Regional Water Board NPDES staff are now tasked with program responsibilities previously completed by third-party contractors: pretreatment compliance audits and inspections, annual and semiannual report reviews, program modifications, and enforcement activities for the POTWs with federal pretreatment programs throughout the north coast region.

### ***Challenges***

A key goal in Governor Newsom's Water Supply Strategy is to recycle and reuse at least 800,000 acre-feet of treated wastewater statewide by 2030, effectively creating new sources of water supply to replace and replenish the water supply predicted to be lost due to hotter and drier conditions caused by climate change. To ensure that these new sources of water are safe from contamination by priority pollutants and emerging contaminants such as per- and polyfluoroalkyl substances (PFAS), effective and enhanced wastewater pretreatment programs are needed to identify and map SIUs in sewersheds, conduct audits and inspections of POTWs producing recycled water, and increase permit compliance. Unfortunately, regional water boards were not supplied staff resources to provide the critical regulatory oversight to compensate for the elimination of EPA support for implementation of the federal Pretreatment Program. To address this critical shortfall Regional Water Board staff will continue to pursue additional staff positions



and contract support through all available avenues.



## The Region 1 Confab *Valerie Quinto*

Since early 2020, many of the Regional Board’s staff have shifted their primary work location to their home or some other alternative work site. Through the dedication and hard work of staff, combined with the availability of new technology tools and the support of the Water Boards’ telework program, this new way of working has proven an efficient and effective way to conduct much of the Regional Board’s business. At the same time, executive leadership recognize that the organization benefits from the collaboration, support, mentorship, creativity, team building, and workplace culture that come with in-person interactions. With this in mind, we decided to launch a new all-staff event, dubbed the “Region 1 Confab” that would bring all staff together for three days of meetings, training, team building, and open time.



*Jonathan Warmerdam leads a discussion during the tabling and poster session.*



*Racial Equity Action Plan Development – a Discussion of Equity and Inclusion (Led by Water Boards’ Workplace Equity and Inclusion Advisor, Veronica Paulette Farwell)*

I’m happy to report that our first Confab occurred November 14th through 16th and was a great success. Our days were filled with conversation, learning, and laughter. Some highlights included:

- A panel discussion of the Regional Board’s Vision: Healthy Watersheds. Effective Regulation. Strong Partnerships.
- Remarks from Board Chair Hector Bedolla followed by an engaging question-and-answer session.
- Concurrent session on topics including how to change a flat tire on our field vehicles; technology tools we use in our work; our role in restoration and grants; maintaining personal resilience in the face of climate change; career advancement within the Water Boards; and the Sackett Supreme Court Decision on waters of the United States.
- A tabling and poster session to share information on the Regional Board’s programs and projects.
- A discussion on equity & inclusion, in support of our Racial Equity Action Plan development.

We also had an awards session to recognize the exemplary efforts of individual staff and project teams. We presented Superior Accomplishment Awards to four individuals and four teams. These included:

**Dr. Lance Le** for his outstanding efforts and contributions to the Planning Unit (including a riparian shade model for the Laguna de Santa Rosa), and the excellent technical support he provides office-wide.

**Dave Fowler** for over a decade of collaboration with the Board of Forestry, benefitting water quality through improvements to the Forest Practice Rules.

**Lisa Bernard** for extraordinary efforts leading the Planning Unit.

**Katharine Carter** for her stellar efforts leading the Watershed Adaptive Management Unit (since the time that award was developed, Katharine has been promoted to Supervisor for the Planning and Watershed Stewardship Division).

The team responsible for **clearing the backlog of violations requiring mandatory minimum penalties**, resulting in improved performance on State Water Board targets and implementation of eight compliance projects and five supplemental environmental projects, all of which will benefit water quality. This team included Jordan Filak, Zane Stromberg, Justin McSmith, Matt Herman, Sabrina Cegielski, Heaven Moore, Jeremiah Puget, and Kason Grady.

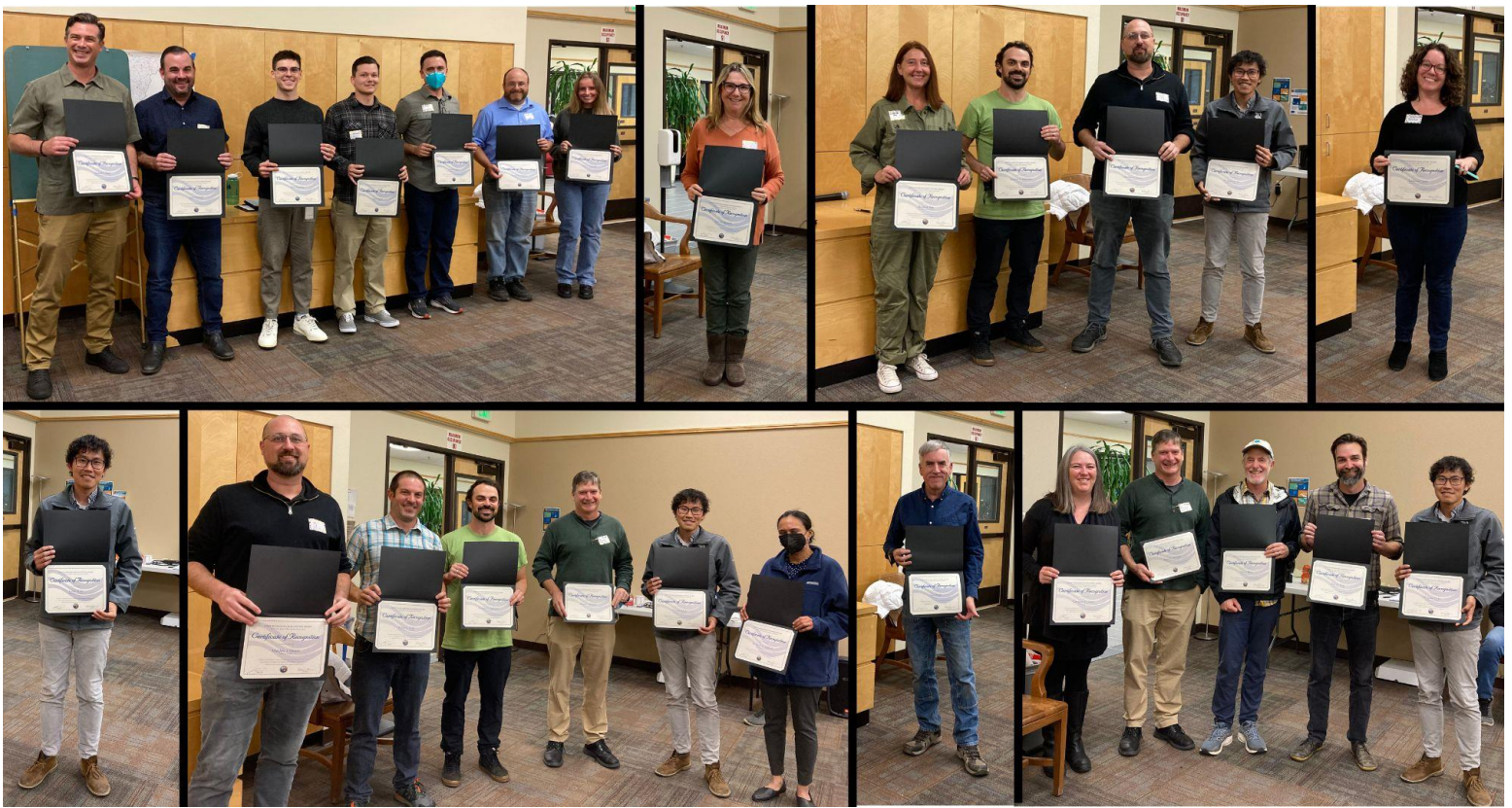
The team responsible for **assessing the first 5 years of progress on the implementation of the Upper Elk River Sediment TMDL**, including presentation of results at a special meeting of the Regional Board in August 2022. This team included Jim Burke, Elizabeth Pope, Lance Le, Matt Graves, and Nick Fetherston.

The team responsible for **developing a staff report supporting draft TMDLs for the Laguna de Santa Rosa** watershed addressing nutrients, sediment, temperature, and dissolved oxygen impairment. This team included Kelsey Cody, Lance Le, Bryan McFadin, Matt Graves, Nick Fetherston, and Prachi Kulkarni.

The team responsible for **developing an innovative and effective approach to support Caltrans' efforts at complying with multiple sediment and temperature TMDLs** in the region, resulting in Caltrans' commitment (so far) to implement 7 projects that will reduce sediment loading by a total of 835 tons per year and add more than 43 acres of riparian shade. This team included Chris Watt, Jake Shannon, Carrieann Lopez, Eli Scott, and Bryan McFadin.

All in all, the Confab was a success. I had the pleasure of meeting many staff that I have never met in person, and I know others experienced the same. We had many lively conversations, as an entire team, in smaller group meetings, and casually in the hallways. We learned from one another, discussed new ideas for serving the people and watersheds of our region, and after hours we supported local businesses with our social gatherings. I am grateful to all of our staff for their engaged participation and look forward to the next time we can be together!





*Recipients of the Superior Accomplishment Awards.*



*Nathan Jacobsen and Bayley Toft-Dupuy lead a session on the Sackett Supreme Court Decision on waters of the United States.*



*Dave Fowler leads a session on how to change a tire on a field vehicle.*



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## Enforcement Report for December 2023 Executive Officer's Report

**Zane Stromberg**

Summary of Enforcement Actions issued between **September 12, 2023 – November 14, 2023**

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

Table 1 summarizes Notice of Violations (NOVs), CAOs, Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/ 13376 Directive), Staff Enforcement Letters, Compliance Notices (CNs), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued thirty-three NOVs, one Staff Enforcement Letter, one Compliance Notice, one 13267/13383 Investigative Order, two NNCs, and one CAO. Table 2 summarizes ACL Complaints, ACL Orders, settlement negotiations pending the adoption of a final Stipulated ACL Order, and the status of Compliance Projects (CPs) and Supplemental Environmental Projects (SEPs). During this reporting period, Staff adopted two ACL Complaints, and continued settlement negotiations with dischargers on seven 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 Requirements

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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>
August 24, 2023 <sup>5</sup>	NOV	Ta Vang and Yong Yia	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 1, 2023
August 24, 2023 <sup>5</sup>	NOV	Rafael Iraheta	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 1, 2023
August 24, 2023 <sup>5</sup>	NOV	Pa Vang	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023
August 24, 2023 <sup>5</sup>	NOV	Chong Lor	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023
August 25, 2023 <sup>5</sup>	NOV	Lor Cheng	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023

<sup>5</sup> All NOVs issued on August 24 and 25, 2023 were issued during the previous Enforcement Reporting period, but were not included in the previous Report.

**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>
August 25, 2023 <sup>5</sup>	NOV	Va Cha Yang	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023
August 25, 2023 <sup>5</sup>	NOV	Ivan Lor	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023
August 25, 2023 <sup>5</sup>	NOV	Darlene Lo	Trinity County	Butte Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 2, 2023
September 13, 2023	NOV	Dakota James Trosky	Trinity County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 9, 2023
September 13, 2023	NOV	Sierra Pacific Industries	Humboldt County	Van Duzen River HA	Forest Activities Program	RWB Inspection on March 23, 2023
September 18, 2023	NOV	Silviano Viscanio	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 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>
September 19, 2023	NOV	Rafael Carillo	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
September 20, 2023	NOV	Jose Rodriguez	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
September 21, 2023	NOV	Alfredo Vizcaino	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
September 21, 2023	NOV	Gary Greer	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
September 21, 2023	NOV	Karla Navarrete	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
September 22, 2023	NOV	R & P Investments, LLC	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 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>
September 22, 2023	NOV	Diego Alba Barriga	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
September 22, 2023	NOV	Estrada Real Estate Investment Corp. R&P Investments, LLC	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
September 22, 2023	NOV	Marco Antonio Sanchez Equivel	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
September 22, 2023	NOV	Eladio Diaz	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
September 22, 2023	NOV	Vince Lee	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 27, 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>
September 27, 2023	NOV	Ryan Miller and Rick Jones	Sonoma County	Lower Russian River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 29, 2023
September 28, 2023	NOV	Chris Nevarez and Yvonne Marie Demarce	Humboldt County	South Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 17, 2023
September 28, 2023	NOV	Evaristo Medrano, Omar Villareal-Lara, and Julian Medrano-Escalante	Humboldt County	South Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 17, 2023
October 3, 2023	NOV	Evan Kouchalacos	Humboldt County	Mattole River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on September 7, 2023
October 16, 2023	Staff Enforcement Letter	Dennis A. Chase Jr.	Humboldt County	South Fork Eel River HA	Cannabis Program	OE/ RWB Compliance Inspection on March 7, 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>
October 16, 2023	Compliance Notice	Elias Munoz and Alma Navarette	Mendocino County	Middle Fork Eel River HA	Cannabis Program	N/A
October 16, 2023	NOV	Martha Vertrees, Billee Muecke, and Claire McAdams	Humboldt County	Mad River Hydrologic Unit	Forest Activities Program	RWB/ CALFIRE Inspections on September 6 and September 13, 2023
October 16, 2023	CAO	Sexton Properties, LLC	Humboldt County	Eel River Hydrologic Unit	Cannabis Program	N/A
October 20, 2023	NOV	Ivan Vlahov OG Kush Diet, LLC	Trinity County	Trinity River Hydrologic Unit	Cannabis Program	RWB Compliance Inspection on May 22, 2023
October 25, 2023	NOV	Zhen Ping Huang	Mendocino County	Upper Russian River HA	Cannabis Program	RWB Inspection on October 13, 2023
October 30, 2023	NOV	Houser Holdings, CA, LLC dba Creekside Cabins & RV Resort	Mendocino County	Upper Main Eel River HA	Onsite Wastewater Treatment Systems Program	N/A



**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>
November 3, 2023	NOV	Shawn Gutshall	Sonoma County	Middle Russian River HA	401 Certification Program	RWB Complaint Inspections on October 19 & 23, 2023
November 3, 2023	NOV	Mary Byrnes	Sonoma County	Middle Russian River HA	401 Certification Program	RWB Complaint Inspections on October 19 & 23, 2023
November 6, 2023	NOV	Kristi Carr	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Inspection on August 23, 2023
November 7, 2023	13267/ 13383 Investigativ e Order	Humboldt Sawmill Company, LLC	Humboldt County	Eel River Hydrologic Unit	NPDES Industrial Stormwater Program	Multi-Agency Compliance Inspections on May 9 & 10, 2022
November 8, 2023	NNC	Overtime Brewing, Inc.	Mendocino County	Noyo River HA	NPDES Industrial Stormwater Program	N/A
November 13, 2023	NNC	Fritz Winery	Mendocino County	Middle Russian River HA	NPDES Industrial Stormwater Program	N/A

Figure 1: NOVs Issued by the RWB Between September 12, 2023 and November 14, 2023

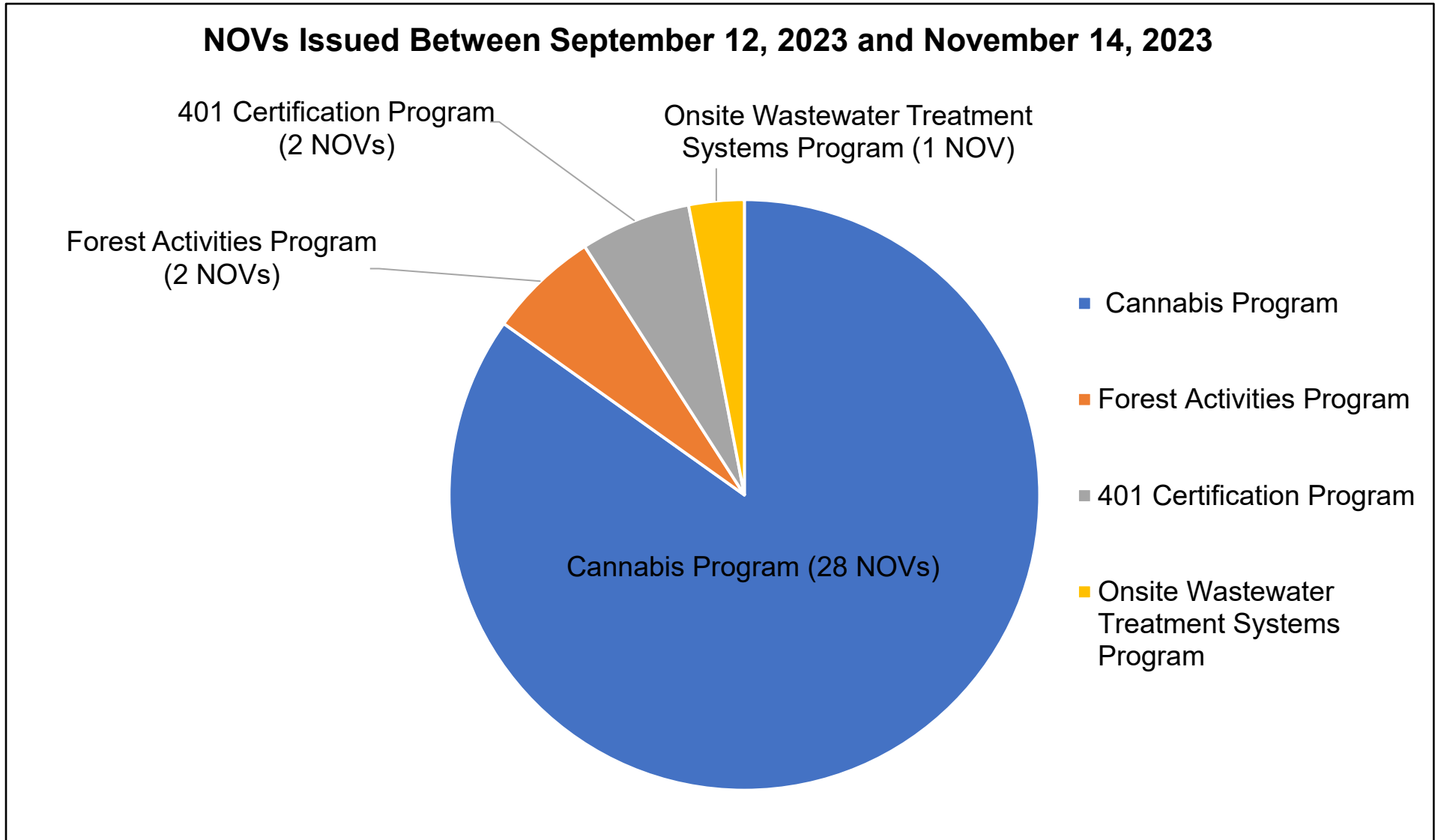
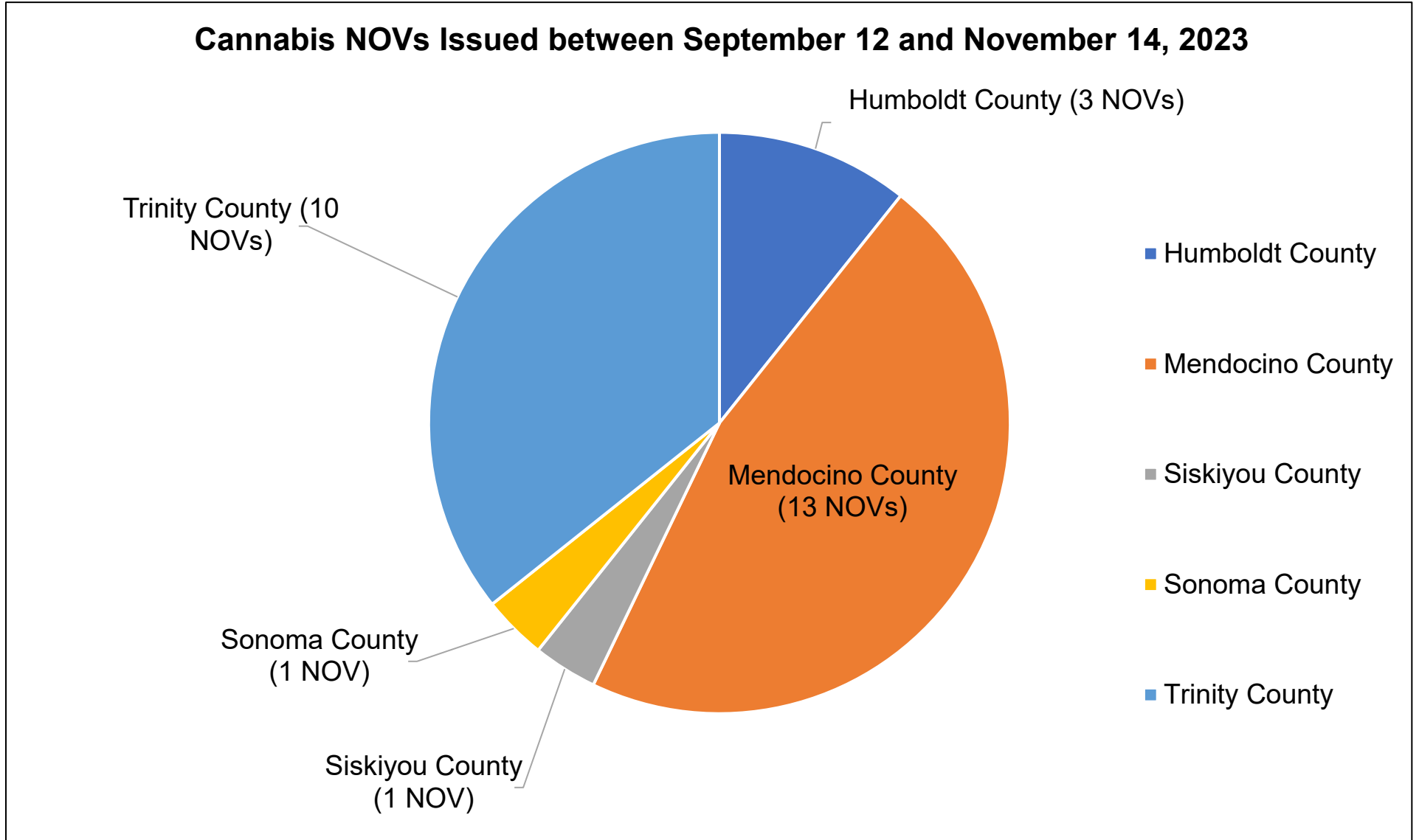


Figure 2: Cannabis NOVs issued Between September 12 and November 14, 2023





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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</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>ACL Complaint No. R1-2021-0047</b> issued on September 10, 2021  Violation Period: December 2018 – January 2023	The <b>First Amended ACL Complaint No. R1-2021-0047-A</b> was issued on September 14, 2023, and includes an increased liability for additional violations that have occurred since the Complaint was first issued on September 10, 2021. The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	<b>ACL Complaint R1-2023-0008</b> issued on January 9, 2023.	The Discharger has formally waived the right to a hearing and settlement discussions 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.

<sup>6</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]

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</sup>
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$555,000	<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.
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 still underway.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</sup>
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>
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	Settlement Invitation issued on August 2, 2021 Violation Period: December 2019	Settlement reached, the Stipulated Order is pending approval by the Executive Officer.

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



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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</sup>
Hugh Reimers and Krasilisa 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	<p><b>Stipulated Order No. R1-2023-0045</b> was adopted on August 22, 2023 and imposes a \$450,000 liability.</p>	<p>The Stipulated Order also required the Discharger to complete the proposed Restoration Mitigation and Management Plan (RMMP) by October 15, 2023, but the Discharger was granted an extension until October 15, 2024 in order to obtain necessary permits. This matter is ongoing.</p>
Ken Bareilles	Southern Non-Point Source and Forestry Program	<ul style="list-style-type: none"> <li>- Discharges of waste into waters of the state in violation of Categorical Waiver<sup>8</sup> and Basin Plan</li> <li>- <b>CAO R1-2022-0009</b> Required Action No. 1 for failure to submit plan by deadline</li> <li>- <b>CAO R1-2022-0028</b> Required Action No. 1 for failure to submit plan</li> </ul>	\$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, however, the Discharger has not communicated to Staff whether cleanup work has been completed. 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 November 14, 2023 <sup>6</sup>
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 IGP and WDRs Order No. 88-54	\$44,718	Settlement Invitation issued on September 14, 2021  Violation Period: January 2020	<b>Stipulated Order No. R1-2022-0052</b> was adopted on July 25, 2023. The Discharger has submitted payment for 50% of the ACL, while the remaining 50% of the ACL will be spent on a Supplemental Environmental Project.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</sup>
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	\$1,033,546	Settlement Invitation issued on June 15, 2021 Violation Period: 2017 and 2019	<b>Proposed Order No. R1-2023-0049</b> posted to Notice of Proposed Settlements Page until September 28, 2023. 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. Numerous comments received from West County residents on the Proposed Order. Parties prepared a response to comments. Advisory Team to decide whether to approve order or to schedule a hearing on the matter.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of November 14, 2023 <sup>6</sup>
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$123,000	<p><b>Administrative Civil Liability Complaint No. R1-2023-0032</b> issued on May 8, 2023.</p> <p>Violation period: December 30, 2020, to December 30, 2022</p>	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.



## **Projected List of Future Regional Water Board Agenda Items**

The following is a list of Regional Water Board agenda items that staff are planning for the 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 8 & 9, 2024**

- Executive Officer's Quality Stewardship Awards (*Valerie Quinto*) [I]
- Mendocino County Permit Coordination Program Renewal (*Jake Shannon*) [A]
- Forestville WWTP NPDES Permit (*Sabrina Cegielski*) [A]
- Willow Creek CSD WWTP WDRs (*Roy O'Connor*) [A]
- Timber Categorical Waiver Renewal (*Justin Fitt*) [A]
- 2023 Triennial Review (*Michelle Fuller*) [A]

### **April 4 & 5, 2024**

- Federal Lands Permit Workshop (*Forest Fortescue*) [W]
- Rural Roads General Order (*Jim Burke*) [A]
- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Ferndale NPDES Permit (*Justin McSmith*) [A]
- Keysight Technologies WDRs (*Lynette Shipsey*) [A]
- Update on Climate Resilience Initiatives (*Matt St. John*) [I]

