



# EXECUTIVE OFFICER'S REPORT

## North Coast Regional Water Quality Control Board

April 6, 2023

### 2023 Triennial Review

*Michelle Fuller*

#### *Purpose and Background*

The Water Quality Control Plan for the North Coast Region ([Basin Plan](#)) contains the regulations adopted by the North Coast Regional Water Quality Control Board (Regional Water Board) to control the discharge of waste and other controllable factors affecting the quality of waters of the state within the boundaries of the North Coast Region. The Basin Plan establishes the beneficial uses of water within the region; the water quality objectives necessary to protect those uses, including an antidegradation policy; the prohibitions, policies, and action plans, by which protections are implemented; and the monitoring, to be conducted to assess attainment of water quality standards.

Periodic updates to the Basin Plan are needed to keep pace with changes in regulation, new technologies, policies, and physical changes within the region. The Regional Water Board's [2023 Triennial Review of the Basin Plan](#) is now underway. The last Triennial Review was in 2018.

Over the next several months, Planning Unit staff will be reviewing the Basin Plan, crafting a staff report, soliciting public input, and presenting a recommended list of priority planning projects to the Regional Water Board for consideration. Once adopted, the list of priority projects

establishes the workplan of the Regional Water Board's Planning Unit for the next cycle.



*The Mad River, Humboldt County*

#### *Invitation for Proposals*

An initial call for Basin Plan amendment proposals was distributed on March 7, 2023 to interested parties subscribed to receive Basin Planning updates. There is an [online Form](#) to propose amendments to the Basin Plan. Proposals are sought from both internal and external project proponents, and staff will be performing outreach throughout the Triennial Review process. This invitation for proposals will be followed by a notice inviting public comment on the draft Staff Report, and the process will culminate in a

public hearing before the Regional Water Board.

<i>Public Engagement Opportunities</i>	<i>Estimated Timeframe</i>
Basin Plan amendment proposal submittals	March 7- May 5, 2023
Public review of draft staff report	Fall 2023
Board hearing adopting project list	Early 2024

Basin Plan amendment proposals can be submitted to the Planning Unit any time, but for consideration during the 2023 Triennial Review, proposals should be submitted by May 5, 2023. Many of the high priority projects identified in the 2018 Triennial Review are still underway and staff resources are committed to complete those projects. Staff recommendations for newly proposed projects will need to consider the necessary expertise, funding, and other resources available in the next planning cycle.

***Triennial Review Process***

To initiate the Triennial Review process, planning staff are reviewing the Basin Plan and changes to regulations since the last update, while Basin Plan amendment proposals are being accepted and reviewed. Proposals received will be prioritized based on factors such as: statutory or regulatory requirements, existing commitments, importance to implementation of other Regional Water Board programs, opportunities to improve clarity or consistency within the Basin Plan, existing priorities of the Regional or State Water Boards and US EPA, and the availability of staff and external resources to support the project.

The full list of proposals, including staff’s recommendations for the high priority list, will be summarized in a staff report published for public review and comment. Staff will update this report and recommendations as appropriate based upon public comment received. The

Regional Board will review the final draft staff report and consider adoption of the high priority list during a regularly scheduled Board hearing.

To receive future notice of the public review draft Triennial Review staff report and other Basin Planning updates please subscribe to our Basin Planning email list: [https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg1\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.html)

For assistance with the proposal submission [Form](#), or more information about the Triennial Review, please contact Michelle Fuller, Environmental Scientist in the Planning Unit: [Michelle.Fuller@waterboards.ca.gov](mailto:Michelle.Fuller@waterboards.ca.gov) or (707) 576-2350.

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**Status of Implementation of the Water Quality Control Policy for the Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) in Region 1**

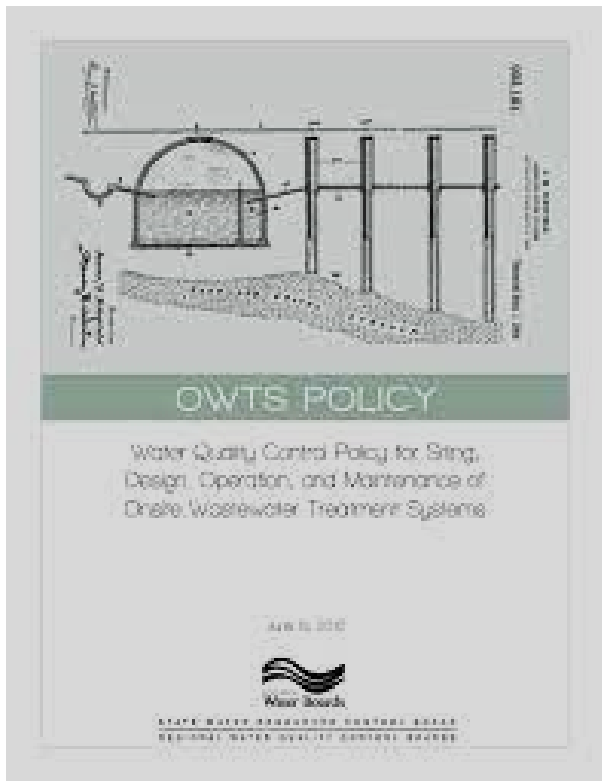
***Charles Reed***

***Background***

In adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) on June 19, 2012, the State Water Board established a statewide, risk-based, tiered approach for the regulation and management of onsite wastewater treatment system (OWTS) installations (also referred to as septic systems) and set the level of performance and protection expected from OWTS. Regional Water Boards were required to incorporate the Policy into their respective Basin Plans by June 19, 2013.

The OWTS Policy required that local agencies determine by May 13, 2018 whether the requirements within their local

jurisdiction would be limited to the water quality protection afforded by the statewide minimum standards in Tier 1 or whether the local agency would implement a Local Agency Management Program (LAMP) in accordance with Tier 2. A LAMP allows local agencies to propose siting and design standards for new and replacement OWTS that are different than those in the more prescriptive Tier 1 and more attuned to climatic and geological conditions within their jurisdictions, but that are still protective of water quality and public health. Prior to local agency implementation of a LAMP, the draft LAMP must be approved by the designated Regional Water Board<sup>1</sup> or the State Water Board.



As of March 2023, Humboldt, Mendocino, Glenn, and Modoc counties are implementing approved LAMPs and are designated as Tier 2 Local Agencies (see

table below). The status of other local agencies in R1 are as follows:

**Sonoma County.** Sonoma County submitted a draft LAMP for Regional Water Board staff review on May 13, 2016. Regional Water Board staff provided comments on the draft and recommendations for revisions needed for consistency with the OWTS Policy.

Since then, Regional Water Board staff has been working with Permit Sonoma staff to resolve outstanding issues so a revised draft can be submitted to the Regional Water Board for its approval. In parallel, a robust public review of the County’s OWTS Manual, which is the technical specifications document that is a component of the County LAMP, has ensued and has caused a delay in the County’s submission of a revised LAMP. It is anticipated that the County will complete its public process to finalize a draft LAMP and OWTS Manual by the end of calendar year 2023 and submit a revised draft LAMP to the Regional Water Board for its review and approval. A public hearing for the Regional Water Board to consider a resolution approving the Sonoma County LAMP is expected to occur in fiscal year 2023-24.

For **Del Norte, Siskiyou, Marin, and Lake** counties, draft LAMPs have been submitted or are in development and staff from the respective Regional Water Board are working with local agency staff to ensure that their draft LAMPs conform to the requirements of the OWTS Policy.

The OWTS Policy’s regulatory tiers, local agency tier assignment, and Regional Board oversight designations in Region 1 are set forth in the below table.

<sup>1</sup> Regional Water Boards, upon mutual agreement, may designate one Regional Water Board to regulate a person or entity that is under the jurisdiction of both (Wat. Code § 13228). The North Coast Regional Water Board shares jurisdiction with the Central

Valley Regional Water Board (Region 5) for Modoc, Lake, Siskiyou and Glenn counties and with the San Francisco Bay Regional Water Board (Region 2) for Marin and Sonoma counties.

	<b>Tier Description</b>	<b>Local Agency Assignment</b>
<b>Tier 1</b>	New and replacement OWTS that meet low risk siting and design requirements, where the local agency <u>does not have an approved LAMP</u>	Del Norte (R1), Trinity (R1), Siskiyou (R1), Lake (R5), Marin (R1), Sonoma (R1)
<b>Tier 2</b>	New and replacement OWTS where a local agency implements a LAMP that provides an alternative method from Tier 1 programs to protect water quality and public health	Humboldt (R1), Mendocino (R1), Glenn (R5), Modoc (R5)
<b>Tier 3</b>	Existing, new, and replacement OWTS that are near impaired water bodies	N/A
<b>Tier 4</b>	OWTS that require major repair or replacement because they are not properly functioning or are failing	N/A
<b>Tier 0</b>	Existing OWTS that are properly functioning and do not meet the conditions of a failing OWTS (Tier 4) and are determined not to be contributing to an impairment of surface water (Tier 3)	N/A

**Local Agency Program Annual Reports**

In addition to implementing a local OWTS regulatory program, local agencies in Tier 1 and Tier 2 must also submit to the applicable Regional Water Boards by February 1 of each year an annual report that describes:

- 1) the number and location of new and replacement OWTS approved within their jurisdictions and
- 2) the number and location of complaints pertaining to OWTS operation and maintenance and the identification of those which were investigated and how they were resolved.

Local agencies in Region 1 with Tier 2 LAMPs and local agencies where OWTS program oversight is shared between Region 1 and Region 5 (Central Valley Regional Water Board) have been consistently submitting the required annual reports. Local agencies in Region 1 with Tier 1 programs have been slow to begin providing the required annual OWTS Program reports. Regional Water Board staff will continue to send annual notices to Tier 1 local agencies reminding them of their obligation to submit annual reports.

**Local Agency Water Quality Assessment Programs**

As part of an approved LAMP, the OWTS Policy requires that Tier 2 local agencies maintain a Water Quality Assessment Program to determine the general operation status of OWTS and to evaluate the impact of OWTS discharges and assess the extent to which groundwater and local surface water quality may be adversely impacted. The focus of the assessment are areas with certain characteristics, such as:

- high vulnerability to pollution from OWTS due to hydrogeological conditions
- high quality waters or other environmental conditions requiring enhanced protection from the effects of OWTS
- shallow soils requiring a dispersal system installation that is closer to ground surface than is standard
- OWTS is located in area with high domestic well usage
- dispersal system is located in an area with fractured bedrock
- dispersal system is located in an area with poorly drained soils
- surface water is vulnerable to pollution from OWTS
- surface water within the watershed is listed as impaired for nitrogen or pathogens
- OWTS is located within an area of high OWTS density
- a parcel's size and its susceptibility to hydraulic mounding, organic or nitrogen loading, and whether there is sufficient area for OWTS expansion in case of failure
- geographic areas that are known to have multiple, existing OWTS predating any adopted standards of design and construction including cesspools

The Water Quality Assessment Program will include monitoring and analysis of water quality data, review of complaints, variances, failures, and any information resulting from inspections. The assessment may use existing water quality data from other monitoring programs and/or establish the terms, conditions, and timing for monitoring done by the local agency. At a minimum, this assessment will include monitoring data for nitrates, pathogens, and may include data for other constituents which are needed to adequately characterize the impacts of OWTS on water quality. A Water Quality Assessment Report must be prepared by all local agencies with an approved LAMP and submitted to the Regional Water Board every five years. The 5-year Water Quality Assessment Reports for local agencies that

have received LAMP approval in 2017 and 2018 will be submitted beginning in 2023.

Only Humboldt County has submitted its required Water Quality Assessment Report thus far. Region 1 and Region 5 staff have been working with the remaining Tier 2 local agencies to ensure that these comprehensive reports are submitted this calendar year.

### **Next Steps**

#### *Compliance Assistance to Local Agencies in Region 1*

Region 1 staff will continue to provide direction to Tier 1 local agencies on the importance of timely submitted and complete annual reports. Staff will also continue to work with Del Norte, Trinity, and Siskiyou counties on LAMP development, so that they can provide the best service possible to OWTS owners by developing permitting and regulatory programs that accommodate OWTS that are suitable for the climatic and geological conditions within their jurisdictions.

#### *Data Collection and Analysis*

Over the coming year, Regional Water Board staff will review local agency annual reports and Water Quality Assessment Reports to identify data potential data gaps and areas where there is a need for area-specific monitoring and/or investigation.

Regional Water Board staff will continue to work with Tier 2 local agencies to develop Water Quality Assessment Programs that effectively evaluate the impact of OWTS discharges and assess the extent to which groundwater and local surface water quality may be adversely impacted. Staff will seek opportunities to support local agency implementation of robust Water Quality Assessment Programs to include funding support and partnering with other municipalities and districts. Consistent with Resolution No. R1-2022-0040, Policy Statement for Groundwater Protection in the

North Coast Region, staff will engage with the State Water Board Groundwater Ambient Monitoring and Assessment Program to support groundwater quality data collection in Small and Disadvantaged Communities served by OWTS and private domestic wells, continue participating in State Water Board-led venues for the review/update the OWTS Policy, and develop recommended policy provisions for protecting groundwater quality from OWTS discharges to groundwater. Implementation of these actions will expand the availability of groundwater quality data needed to assess impacts of OWTS on groundwater.

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## Coastal Pathogen TMDL Project Update

*Lisa Bernard*

Fecal indicator bacteria measurements are used to assess the presence of fecal waste material in a waterbody. *E. coli* and enterococci bacteria are commonly measured as indicators of fecal waste. The presence of fecal waste material is correlated with the potential presence of illness-causing pathogens, such as bacteria, viruses, or protozoa, which can cause illness either through direct contact or incidental water ingestion, impacting the contact recreation beneficial use (REC-1) or through ingestion of contaminated shellfish (SHELL).

The 2012 Section 303(d) list identifies thirteen (13) freshwater streams in the North Coast Region as impaired for the water contact recreation (REC-1) beneficial use due to exceedances of fecal indicator bacteria criterion. The 2012 Section 303(d) list also identifies twelve (12) ocean beaches as impaired for SHELL beneficial use due to concentrations of fecal indicator bacteria. Development of a Total Maximum Daily Load (TMDL) is required under Section 303 of the Clean Water Act to address waterbody-pollutant pairs that are identified on the 303(d) list of impaired waters. The Ocean Beaches and Freshwater Creeks

Pathogen Total Maximum Daily Load (TMDL) Project (Coastal Pathogen TMDL Project) was first adopted as a high priority TMDL Project during the 2014 triennial review of the Basin Plan and again adopted as a high priority during the 2018 triennial review.

Beginning in 2016, staff collected dry and wet season ambient water quality data from listed ocean beaches, listed freshwater streams, reference streams, and suspected fecal waste source areas over two calendar years. Initial analyses of stream data indicated strong human markers for Jolly Giant Creek. To follow-up, in collaboration with Humboldt Bay Keeper and the City of Arcata, staff initiated additional source identification monitoring specific to Jolly Giant Creek. Supplemental monitoring in Jolly Giant Creek began in September 2021 and was completed in November 2022.



*Clam Beach at Strawberry Creek*

Staff are working to develop technical reports describing results for Jolly Giant Creek monitoring, data collected for the overall Coastal Pathogen Project, as well as fecal indicator data from California Beach Watch monitoring and from the California Department of Public Health's Shellfish program. Staff have drafted the streams assessment report, beaches assessment report, and Humboldt Bay report which compare fecal indicator bacteria concentrations to water quality objectives for either contact recreation or shellfish consumption, or both in the case of ocean

beaches. Staff is also formulating a source assessment report which will consider land use and microbial source tracking data assembled under the Coastal Pathogen Project. All of these technical reports and supporting memoranda are underway and will be completed by June 30, 2023. Once the reports are final, staff will conduct a series of outreach meetings to review the data analyses findings and solicit feedback from interested parties. After these outreach and engagement efforts, staff will develop a synthesis report, including recommendations for next steps.

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## Protection and Restoration of Montane Peat Fens

*Jake Shannon*

Over the past decade, Regional Water Board staff in partnership with staff from the California Department of Fish and Wildlife (CDFW) and the California District Attorneys Association have been working on the restoration, preservation, and protection of rare montane peat fens. Fens are peat-forming wetlands that are supported by groundwater. Most, if not all, of the montane peat fens in the north coast are found in the southeastern corner of Humboldt County within the Van Duzen River watershed in an area called McClellan Mountain.

Constant soil saturation in fens results in oxygen-deprived soils with very low decomposition rates that allow the accumulation of organic matter produced by generations of wetland plants. Fen peat accumulates very slowly and persists for thousands of years. Coring at the most intact fen on McClellan Mountain has been aged at 4,220 years old (+/- 70 years) and the peat was determined to be over ten meters deep. Fens are hotspots of biological diversity for both flora and fauna species and the McClellan Mountain fens act as key cold-water sources for the Van Duzen River through the hot, low-flow summer months,

providing thermal refugia for summer steelhead trout and other species. Unfortunately, most of these fens have been damaged or destroyed by decades of illegal, underground peat mining. Dried and processed peat is a soil amendment and a valuable commodity in cannabis cultivation. It is estimated that over 19.2 acres of peat fen have been permanently destroyed and converted to open water as a result of illegal mining on McClellan Mountain. However, the state of California’s environmental enforcement and protection efforts have resulted in elevated awareness and protection of the remaining fens, as well as restoration and reclamation of damaged but not fully destroyed fens. Read on to learn more about all that has gone into the protection and restoration of these rare and valuable wetland resources.

In 2009, CDFW staff were using the recently-unveiled Google Earth to scan the hinterlands of Humboldt County for potential environmental degradation associated with illegal cannabis cultivation and other forms of “behind the gate” development when they discovered what appeared to be an active peat mining operation occurring in a small basin that drains into the Van Duzen River. Looking back at past orthoimagery clearly showed the progression of draining large wetlands, building roads into the dewatered wetlands, and off-hauling, stockpiling, and processing materials. A CDFW flight-based inspection in 2010 revealed multiple active and mined out sites, as well as multiple stockpiling and processing areas and a retail operation selling truckloads of dried peat. After several warrant inspections, arrests, and eventual felony charges of three counts of violations of California Water Code, the defendant entered into a Deferred Entry of Judgement Agreement (DEJ) with State Prosecutors. The DEJ included a long list of conditions and terms, which included over \$379,000 in fines, 500 hours of community service, and most importantly, the development, permitting, and implementation of a restoration plan for the Wotherspoon Fen (also known as the Van Duzen Fen).



*An intact Wotherspoon/Van Duzen Fen before illegal mining.*



*Wotherspoon/Van Duzen Fen after illegal mining impacts.*

Upholding the DEJ presented some challenges, requiring persistent follow-up from staff. From 2014 through early 2019, Stormer Feiler and Jake Shannon from the Regional Water Board, Michael van Hattem from CDFW, and Matthew Carr from the California District Attorneys Association pursued follow-through on the DEJ, along with additional enforcement actions, and played a heavy role in the shaping of the restoration plan. In 2018, the addition of engineer Mat Nyberg to the project team marked a pivotal moment in the project's progress. Mat's desire to do environmentally beneficial work, skills in developing engineered solutions to complex problems, and willingness to partner with agency staff accelerated project development, and in 2019 the Clean Water Act section 401 Water Quality Certification and Lake and Streambed Alteration Agreements were issued and the Wotherspoon Fen restoration project broke ground.

In addition to the restoration work at Wotherspoon Fen, mitigation requirements of the section 401 Water Quality Certification process led to a conservation easement on another peat fen located on McClellan Mountain named the Conspicuous Scoop Bog (named for the conspicuous scoop excavated from it in the late 1960s that persists to this day). The Conspicuous Scoop Bog is the most intact and functional remaining peat fen, now protected and accessible by agencies in perpetuity due to the easement. With technical help of Regional Water Board staff Adona White, we were also able to establish 300-foot buffers around the bog, and accomplish the removal of a hydrologically connected well from the basin and the decommissioning of all adjacent roads to and around the bog.

In tandem with the enforcement and restoration efforts occurring at the Wotherspoon Fen, and the protection of the Conspicuous Scoop Bog, Regional Water Board and CDFW staff developed a cooperative agreement with Caltrans that resulted in the protection of another fen, known as the Burke/Robey Fen, in exchange for Clean Water Act section 401 Water Quality Certification mitigation credits for multiple Caltrans right-of-way projects in the Eel River watershed. The Burke/Robey Fen is home to a robust population of Northern Red-legged Frogs on the eastern (inland) extent of the species range. All told, the cooperative agreement provided Caltrans with 5.2 acres of wetland mitigation credits in exchange for the acquisition of a 114-acre parcel containing the entire basin that feeds the Burke/Robey Fen with surface and ground water in CDFW's name and an endowment for maintenance of the property. This effort could not have been possible without the heavy lifting of the Regional Board's Gil Falcone and Nathan Jacobsen, and Caltrans' Lorna Mcfarlane.





*The over 4,200-year-old and ten meter deep Conspicuous Scoop Bog, now protected under a conservation easement.*

The story of the damaged, restored, and protected peat fens on McClellan Mountain evokes mixed feelings. The loss of over 19 acres of rare and ecologically valuable aquatic habitat is tragic. Wetlands that took over 4,000 years to develop were destroyed in a fraction of that time. However, that unfortunate circumstance led to the preservation and protection of remaining peat fens, none of which would have been possible without the progressive and tenacious problem solving and decision-making of a passionate group of agency staff. This story highlights the power that even rank-and-file technical staff can have to achieve monumental conservation outcomes. For many of us, it's a prime example of why we do what we do for a living.

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

*Jeremiah Puget, Jordan Filak, and Zane Stromberg*

Summary of Enforcement Actions issued between **January 13, 2023 – March 17, 2023**

Throughout the year, with support from the State Water Board's Office of Enforcement, 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), Cleanup and Abatement Orders (CAOs), Investigative Orders (13267 Orders), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued eight NOVs, three NNCs, and one CAO/ 13267 Investigative Order. Table 2 summarizes ACL Complaints, ACL Orders, and settlement negotiations pending the adoption of a final Stipulated ACL Order. During this reporting period, Staff issued one ACL Complaint, adopted one Stipulated ACL Order, one Expedited Payment Letter, filed a property lien in Humboldt County for the Szagora LLC ACL Order, and continue settlement negotiations with dischargers on nine cases.

### Table notes and other acronyms:

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CGO	Cannabis General Order <sup>2</sup>
CGP	Construction General Permit <sup>3</sup>
CRMP	Cleanup, Restoration, and Monitoring Plan
CSD	Community Services District
CP	Compliance Project
IGP	Industrial General Permit <sup>4</sup>
LTRMP	Long-Term Restoration and Monitoring Plan
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
SEP	Supplemental Environmental Project
WDRs	Waste Discharge Requirements

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<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. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
<a href="#">NOV</a> Jan. 13, 2023	Ken Bareilles	Sonoma County Healdsburg Middle Russian River Hydrologic Area	Southern Non-Point Source and Forestry Unit	- Failure to comply with CAO Order No. R1-2022-0028.  - Failure to comply with multiple provisions of the Categorical Waiver. <sup>5</sup>	- Discharger is required to submit the LTRMP as directed by CAO No. R1-2022-0028 for RWB Staff approval (although the deadline for submission of the LTRMP has passed, the requirements of the CAO remain in effect).	- Discharger has not yet submitted the LTRMP or communicated the intention of submitting the Plan to RWB Staff. This matter is ongoing.
NNC January 24, 2023	Ori Carpenter IROC Landscape Supply Carpenter Investment Group, LLC	Sonoma County Cloverdale Middle Russian River Hydrologic Area	NPDES Unit	- Failure to obtain coverage under the IGP for discharges of stormwater associated with industrial activities.	- Discharger is required to submit all applicable IGP enrollment documents by March 24, 2023.	- Discharger has not yet responded to the NNC.

<sup>5</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 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
<p><a href="#">NOV</a> February 10, 2023</p>	<p>Brian Heim Kyle Hoppes Jordan Heim- Hoppes</p>	<p>Sonoma County Sebastopol  Middle Russian River Hydrologic Area</p>	<p>Cleanups Unit</p>	<p>- Failure to comply with Health &amp; Safety Code Section 25296.10 and 23 California Code of Regulations section 2727.</p>	<p>- Discharger is required to submit a Feasibility Study and Corrective Action Plan addendum for unauthorized releases of hazardous substances from underground storage tanks.</p>	<p>- This matter is ongoing.</p>
<p><a href="#">NOV</a> February 13, 2023</p>	<p>Mad River Road Trust</p>	<p>Trinity County Mad River Mad River Hydrologic Unit</p>	<p>Cannabis Unit Multi-Agency/ Warrant Inspection on September 9, 2022</p>	<p>- Failure to comply with Basin Plan section 4.2.1.  - Failure to comply with Water Code sections 13260 &amp; 13264.  - Failure to comply with Federal Clean Water Act section 301.  - Failure to enroll for coverage under the CGO.</p>	<p>- Discharger is required to install a bridge and properly maintain road surfaces on the property to reduce impacts to water quality.  - Properly store refuse and cannabis cultivation chemicals/ products on the property.  - Water storage features on the property need to be designed and maintained to prevent release into waters of the state in the event of a containment failure.</p>	<p>- Discharger has not yet responded to the NOV. This matter is ongoing.</p>

**Table 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
<p><a href="#">NOV</a> February 13, 2023</p>	<p>Viktor Ushagelov  Angela Morcada</p>	<p>Trinity County  Mad River Mad River Hydrologic Unit</p>	<p>Cannabis Unit Multi-Agency/ Warrant Inspection on September 9, 2022</p>	<ul style="list-style-type: none"> <li>- Failure to comply with Basin Plan section 4.2.1.</li> <li>- Failure to comply with Water Code sections 13260 &amp; 13264.</li> <li>- Failure to comply with Federal Clean Water Act section 301.</li> <li>- Failure to enroll for coverage under the CGO.</li> </ul>	<ul style="list-style-type: none"> <li>- Discharger is required to install a bridge and properly maintain road surfaces on the property to reduce impact to water quality.</li> <li>- Properly store refuse and cannabis cultivation chemicals/ products on the property.</li> <li>- Water storage features on the property need to be designed and maintained to prevent release into waters of the state in the event of a containment failure.</li> </ul>	<p>- Discharger has not yet responded to the NOV. This matter is ongoing.</p>
<p><a href="#">CAO &amp; 13267 Investigative Order</a> February 17, 2023</p>	<p>Teresa Thurman  dba Houser Holdings CA, LLC  dba Creekside Cabins and RV Resort</p>	<p>Mendocino Willits  Upper Main Eel River Hydrologic Area</p>	<p>Groundwater Permitting Unit  County of Mendocino Warrant Inspection on January 18, 2023</p>	<ul style="list-style-type: none"> <li>- Unauthorized discharge of domestic waste.</li> <li>- Failure to comply with Water Code sections 13050, 13260, &amp; 13376.</li> <li>- Failure to comply with Basin Plan section 4.2.1.</li> </ul>	<ul style="list-style-type: none"> <li>- Discharger is required to cease all discharges of domestic waste to ground surface and surface waters.</li> <li>- Submit a Corrective Action Plan to replace, repair, or modify onsite wastewater treatment systems and submit approval of septic system repair from County of Mendocino.</li> </ul>	<p>- No response has yet been received from the Discharger. This matter is ongoing.</p>

**Table 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
					- Submit a Final Report documenting all actions taken to return the onsite wastewater treatment system to proper function.	
Second NNC February 23, 2023	Ori Carpenter IROC Landscape Supply Carpenter Investment Group, LLC	Sonoma County Cloverdale Middle Russian River Hydrologic Area	NPDES Unit	- Failure to obtain coverage under the IGP for discharges of stormwater associated with industrial activities.	- Discharger is required to submit all applicable IGP enrollment documents by March 24, 2023.	- Discharger has not yet responded to the second NNC.
<a href="#">NOV</a> February 23, 2023	Dean Soiland Santa Rosa Hot Plant BoDean Company, Inc.	Sonoma County Santa Rosa Middle Russian River Hydrologic Area	NPDES Unit	- Failure to comply with requirements in CDO R1-2021-0027.  - Failure to comply with the IGP for failure to sample and report monitoring data.	- Discharger is required to return to compliance with requirements within CDO R1-2021-0027 and the IGP (all requirements remain active and enforceable).	- Discharger has yet to respond. This matter is ongoing.

**Table 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
<p>NNC March 1, 2023</p>	<p>Tarik Taeha Skyline Seven, Inc.</p>	<p>Sonoma Windsor Middle Russian River Hydrologic Area</p>	<p>NPDES Unit Dec. 6 and Dec. 12, 2023 Inspections by the Town of Windsor</p>	<p>- Failure to obtain coverage under the CGP.</p>	<p>- Discharger is required to file a Notice of Intent, submit all appropriate documents and fees, and obtain CGP coverage by May 1, 2023.</p>	<p>- Discharger has not yet responded to the NNC. This matter is ongoing.</p>
<p><a href="#">NOV</a> March 1, 2023</p>	<p>Roy Holliday Flat Iron Farms, LLC</p>	<p>Sonoma Santa Rosa Middle Russian River Hydrologic Area</p>	<p>Southern Non-Point Source &amp; 401 Certification Unit RWB Inspection on Sept. 20, 2022</p>	<p>- Failure to comply with Water Code sections 13260, 13264, &amp; 13376. - Failure to comply with Clean Water Act sections 301, 401, &amp; 404. - Failure to comply with the Basin Plan section 4.2.1.</p>	<p>- Discharger is required to contact RWB Staff within 30 days of the issuance of this NOV to discuss a plan to correct violations at the site. - Submit a Water Quality Certification and/or WDRs addressing the unpermitted features surrounding Coleman Creek by April 30, 2023. - Complete any construction or remediation activities in Coleman Creek by October 15, 2023 for inspection.</p>	<p>- Discharger has not yet responded to the NOV. This matter is ongoing.</p>

**Table 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of March 14, 2023
<a href="#"><u>NOV</u></a> March 6, 2023	Aleksandar Aleksandrov  Otto Farms LLC  and  Open Road Agency LLC	Humboldt County  Bridgeville  Van Duzen River Hydrologic Area	Cannabis Unit  Inspection on December 6, 2022  Follow up to Multi-Agency Inspection	- Failure to comply with CAO Order No. R1-2021- 0053 Required Actions 3, to fully implement the approved CRMP by November 15, 2022.	- Retain a qualified professional to implement the approved CRMP immediately.	- Discharger has not yet responded to the NOV. This matter is ongoing.
<a href="#"><u>NOV</u></a> March 13, 2023	Dominic Hardin  Eel River Disposal  White Circle Commerce LLC  Eel River Scrap and Salvage	Humboldt County  Fortuna  Eel River Hydrologic Unit	NPDES Unit RWB Inspection on February 8, 2023	- Failure to comply various requirements of the IGP.	- Discharger is required to submit past due Level 1 and 2 Exceedance Response Action reports and submit updated SWPPP and Site Map by May 1, 2023.  - Submit past due Annual Reports no later than March 31, 2023.  - Develop and submit a report documenting the correction of all the BMP deficiencies at the facility by May 1, 2023.	- Discharger has not yet responded to the NOV. This matter is ongoing.



**Table 2. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 14, 2023
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 laden stormwater to Porter Creek, a tributary to the Russian River.	\$ 4.5 million sediment	<a href="#">ACLC No. R1-2021-0047</a> issued on September 10, 2021 Violation Period: December 2018 – August 2020	Settlement Negotiations Underway
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs.	\$ 48,000	Settlement Invitation issued on 12/14/2022 Violation Period: March 1, 2019 to November 30, 2022	<a href="#">Expedited Payment Letter Order No. R1-2022-0051</a> adopted on January 23, 2023. EPL has been paid, this matter is resolved.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs.	\$ 243,000	Settlement Invitation issued on 01/09/2023 Violation Period: February 12, 2020 to September 30, 2022	<a href="#">Administrative Civil Liability Complaint R1-2023-0008</a> issued on January 9, 2023. The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Eureka – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs.	\$ 165,000	Settlement Invitation issued on 11/16/2021 Violation Period: July 3, 2017, to September 30, 2022	<a href="#">Stipulated Order No. R1-2022-0044</a> adopted on February 9, 2023.

**Table 2. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 14, 2023
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs.	\$ 189,000	Settlement Invitation issued on 11/16/2021 Violation Period: March 15, 2018, to December 31, 2021	Settlement Negotiations Underway
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	Settlement Negotiations Underway
Daniel Maldonado Suarez	Cannabis	Violations of Water Code sections 13267 and 13304 for failure to submit a CRMP by May 1, 2022 and implement the CRMP by October 15, 2022.	\$ 424,575	The RWB will hold a hearing on this Complaint during the Board meeting scheduled on June 15-16, 2023	<a href="#">Administrative Civil Liability Complaint R1-2023-0009</a> issued on January 9, 2023. This matter is ongoing.
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 Negotiations Underway

**Table 2. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 14, 2023
Hugh Reimers and Krasilsa Pacific Farms LLC	Non-Point Source Program Complaint Response	<ul style="list-style-type: none"> <li>- Basin Plan Section 4.2.1.</li> <li>- Water Code Section 13376 for Dredge/ Fill in Wetlands designated as waters of the United States.</li> <li>- CAO Required Action 5 and Action 9 for failure to submit RMMP acceptable to the Regional Water Board or it's Delegated Officer and failure to implement an approved RMMP, respectively.</li> </ul>	\$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 Krasilsa 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 <a href="#">ACL Complaint No. R1-2022-0024</a> . The Discharger has formally waived the right to a hearing and settlement discussions are ongoing. A tentative settlement agreement has been reached.
Kou Xiong and Susan Yang Xiong	Cannabis	<ul style="list-style-type: none"> <li>- CAO R1-2021-0040 Required Action 1, failure to submit an acceptable CRMP by September 17, 2021.</li> <li>- CAO Required Action 4, failure to implement CRMP by October 31, 2021.</li> </ul>	\$ 506,813	<a href="#">ACL Complaint R1-2022-0039</a> issued on September 9, 2022. The Complaint alleges violations of CAO No. R1-2021-0040 Required Actions 1 and 4.	Regional Water Board adopted <a href="#">ACL Order No. R1-2023-0017</a> on February 2, 2023.
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.	\$ 46,000	Settlement Invitation issued on September 14, 2021 Violation Period: January 2020	A tentative settlement agreement has been reached. An SEP is in development, approval of the SEP from the Office of Enforcement is pending.

**Table 2. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 14, 2023
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	Settlement Invitation issued on June 15, 2021 Violation Period: 2017 and 2019	Settlement Negotiations Underway
Szagora, LLC	Cannabis	Violations of Water Code sections 13267 and 13304 for failure to submit a CRMP by July 1, 2021 and implement the CRMP by October 15, 2021.	\$ 322,351	<a href="#">ACL Complaint No. R1-2022-0023</a> was issued on May 9, 2022, and subsequently adopted as <a href="#">ACL Order No. R1-2022-0033</a> on August 4, 2022.	Effective January 25, 2023, a lien was placed on the Property in the amount of the Administrative Civil Liability.

## 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.

### June 15 & 16, 2023

- Bodega Bay PUD WWTP WDRs (*Ben Zabinsky*) [A]
- Covelo CSD WWTP NPDES Permit (*Sabrina Cegielski*) [A]
- Hopland PUD WWTP WDRs (*Lynette Shipsey*) [A]
- Manila CSD WWTP WDRs (*Roy O'Connor*) [A]
- Annapolis SWDS Revision of WDRs (*Terri Cia*) [A]
- Five Counties Salmonid Conservation Program Waiver (*Maggie Robinson*) [A]
- Potential Pending Administrative Civic Liability Complaint(s) (*Staff TBD*) [A]
- FY 23/24 Division Work Plans (*Valerie Quinto and Executive Staff*) [I]

### August 3 & 4, 2023

- Federal Lands Permit Workshop (*Forest Fortescue*) [I]
  - Vineyard Properties Permit and EIR Workshop (*Chris Watt*) [I]
  - Rio Dell CSD WWTP NPDES Permit (*Sabrina Cegielski*) [A]
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