

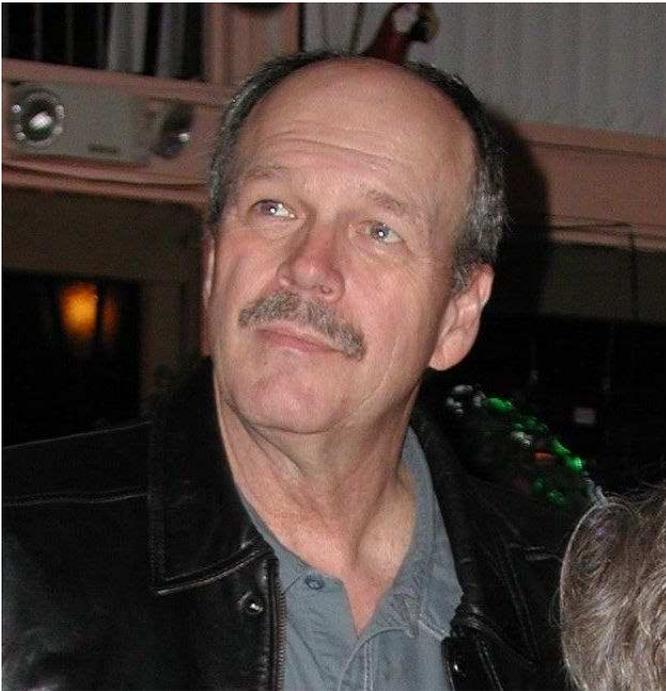
**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

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September 2008

In Memory of Elmer Dudik Jr.



It is with great sadness that we announce that our colleague and dear friend Elmer Dudik passed away this weekend at age 60. He had an allergic reaction to a bee sting while camping with his wife.

Elmer, dedicated father, grandfather, and son, beloved husband and soul mate of Robin Beeman, was a big man. He was our gentle giant. An expert in flora and fauna, he captured the beauty of the natural world through his love and mastery of the art and technique of photography.

Elmer attended Petaluma High School, and served in the U.S. Coast Guard. In the years following he was a self-employed commercial fisherman, operating out of Bodega Bay, and a welder and machinist in Santa Rosa. He attended Santa Rosa Junior College and graduated from Sonoma State University with a degree in Biology, and later enrolled at SSU as a graduate student. He began working as a Student Intern at the North Coast Regional Water Board in 1992.

Elmer had a varied career as an Environmental Scientist at the North Coast Regional Water Board. He worked in the region's Timber Harvest, Site Cleanup and Planning programs. He was most recently engaged in the issues associated with the water quality impairments in the Klamath River system.

His work as part of the team writing the Total Maximum Daily Load (TMDL) for the Klamath River as well as his field work at Copco and Iron Gate Reservoirs is a legacy and an inspiration for those who care passionately about our natural resources and water quality. Elmer was looking forward to spending a week in Siskiyou County WORKING ON Klamath River issues.

There, as in previous years, he would apply his gentle demeanor to the thorny issue of algal blooms and health warnings.

We will miss our renegade Petaluma kid, our nice guy, our passionate expert.

NEW STAFF:

We have 2 new staff in Cleanup Division

Caryn Woodhouse

In a demonstration of recycling, an old staff member is back. Caryn Woodhouse has rejoined the Regional Water Board as a Staff Environmental Scientist, where she will be working on clean-up issues related to dioxins, and providing assistance to the Cleanup Division in risk assessment and vapor intrusion. She had most recently been working at the Governor's Office of Emergency Services as a Senior Emergency Services Coordinator in the Nuclear Power Preparedness program, working on offsite emergency preparedness and dose assessment for the Diablo Canyon Power Plant. Her psychological fitness to deal with the complex and contentious issues related to the clean-up of dioxins in Humboldt Bay was well-tested after enduring a hiring process punctuated multiple times with "process malfunctions". In a nice twist, the torture will continue for a period of time, with on-going irregular paperwork issues. Ms. Woodhouse previously worked at the Regional Water Board in the TMDL and Basin Planning programs.

Rob Dickerson

Rob is thrilled to be here working at the Regional Board to protect our water resources and looks forward to sharing his professional experience with everyone.

His family has resided in Sonoma County for over 100 years and his great grandfather operated a winery on Sebastopol Road in Santa Rosa in the early 1900s. He lives in Healdsburg with his sweetie Ann. His daughter Kathryn is a senior at Windsor High School. He is a Board Member with the Stewards of the Coast and Redwoods working with California State Parks at Sonoma Coast, Armstrong

Redwoods and Austin Creek. Walking/hiking, biking, travel and photography are what he does for fun.

He attended Santa Rosa Junior College and has a BS in Geology from UC Davis. He worked in the geothermal industry for over 22 years. Ten years were spent working on exploration, production and development of geothermal energy in the western US and other prospects around the world. The last twelve years were devoted to environmental, health and safety compliance at The Geysers for Unocal and Calpine.

He just completed almost 5 years as the Project Manager for the Trout Unlimited North Coast Project. This innovative project invested over \$6,000,000 in public and private funds to restore the North Coast's endangered cold water fisheries. The specific focus was watershed scale sediment reduction, fish passage, and large woody debris projects on industrial timberlands in coastal Mendocino County for the benefit of Coho salmon.

And Welcome to our new Office Technician

Patti Corsie

Patti has been a resident of Santa Rosa for the past 24 years working in the Medical Insurance Billing field, processing Medicare and Private Insurance for various specialties. Her last job of 3 years was for a Billing Service that billed claims for Audiologists throughout the state. Prior to that, she was in the United States Air Force, enlisting right out of high school. She was stationed in Lubbock, Texas and then in Zweibrucken, Germany for four years. She enjoys wood carving, jigsaw puzzles, swimming, bike riding, shopping and good restaurants.

INTERNS:

Two student interns recently started working for John Short's Core Regulatory Unit. Brian Lindell is a Sonoma State University (SSU) student studying Environmental Studies with a concentration in water quality technology. Amber Taxiera is also an SSU student studying Environmental Studies with a planning emphasis. She is working on 401 Certifications in the southern half of region and is in her fourth year of an Environmental Studies and City Planning Major.

Emmet O'Grady has joined the Planning Unit. Emmet is a Northern California native, born in Oakland and raised in Castro Valley. He attends Sonoma State University and is majoring in environmental studies and planning with a focus on water quality. He will be a Junior in the Fall semester and start his third year in the ENSP department. He enjoys outdoor sports (golf, biking, kayaking, hiking), caring for his lush backyard garden and observing it develop.

Brandon Mallicoat has joined the TMDL Unit, and is a SSU student in Environmental Studies with a focus on Water Quality Technology. Brandon will primarily be conducting field work this summer in support of the Laguna TMDL.

Two new students have also started working with Lori Foster on CIWQS. Emily Murray and Shawn Singmeuangthong are currently sitting in the cubicle at the back of the clerical area.

If you haven't met the new interns, please stop by and introduce yourself and welcome them.

Klamath River TMDLs - Administrative Draft Stakeholder Meetings ***Matt St. John***

The TMDL Unit has completed an administrative draft of the Klamath River TMDL Staff Report. During the last week of July and in early August Regional Water Board staff,

along with staff from US EPA Regions 9 and 10 and Oregon Department of Environmental Quality, met with key stakeholders to present the key findings and recommendations in the administrative draft, answer questions, and solicit input. Representatives from the following agencies and organizations attended the meetings: US Fish & Wildlife Service, National Marine Fisheries Service, US Bureau of Reclamation, State Water Resources Control Board, California Department of Fish and Game staff, Hoopa Valley Tribe, Yurok Tribe, Karuk Tribe, Quartz Valley Rancheria, Resighini Rancheria, Klamath Tribe (of Oregon), the Klamath Water Users Association, and PacifiCorp. A meeting with the US Forest Service is being scheduled for September. The meetings were productive. Staff requested written comments on the material presented at the meetings by mid-September, and staff will report to the Regional Water Board in October on the content of the comments received.

Blue Green Algae in the Klamath Basin

With the onset of blue green algae blooms in Copco and Iron Gate reservoirs, staff has posted the reservoirs advising the public to avoid allowing pets to drink the water, human contact, and eating fish from the reservoirs.



Iron Gate just below Copco

Update on Dioxin Investigation at Dwinnell Reservoir **Cody Walker**

At the April 24, 2008 Board meeting in Weed, an agreement was reached between the Weed Remediation Group (WRG) and the Board's staff to conduct a cooperative investigation of dioxin in fish from Dwinnell Reservoir. As part of the agreement, the WRG agreed to pay for costs associated with collecting and analyzing fish samples. Board staff agreed to carry out the logistical work of obtaining the fish samples.

Shortly after the April Board meeting, staff coordinated with the California Department of Fish and Game (DFG) to facilitate the collection of fish from Dwinnell Reservoir. As part of the *State's Surface Water Assessment Monitoring Program (SWAMP)*, the DFG already had Dwinnell scheduled for fish sampling. Staff notified the DFG that as part of the WRG sponsored investigation, the collection of three fish species (trout, bass and catfish) was required. Since the DFG was only targeting bass for the SWAMP sampling, they indicated they would look for trout and catfish specimens. However, based on their method of fish capture, electro-fishing, they did not expect to encounter the bottom-dwelling catfish.

During early May 2008, the DFG conducted electro-fishing of Dwinnell Reservoir. As anticipated, they were able to collect bass and trout specimens. However, no catfish specimens were encountered. Trout specimens were sent directly to Frontier Analytical Laboratory. Bass specimens were retained by DFG until their in-house laboratory prepared the samples for analysis, and were then shipped to Frontier.

On June 17, 2008, the results of the trout samples were provided to staff. Results indicate that no dioxin congeners were identified above standard laboratory detection

limits. On July 23, 2008, the bass laboratory sample analysis results were reported to this office and again, no dioxin congeners were identified above standard laboratory detection limits.

Based on the finding that the DFG did not encounter catfish using the electro-fishing capture technique, staff proceeded to implement the alternative capture technique using hook-and-line sampling. On June 24 and 25, 2008, using hook-and-line sampling, staff was not able to catch any catfish. Staff's communication with a DFG fisheries biologist and individuals experienced in fishing the reservoir indicate that collecting catfish from Dwinnell might be most effective pre-spawn, which occurs in May.

Staff will be coordinating for a follow up attempt at collecting the catfish during March or April of 2009.

Impact of the Budget Impasse

As of August 15, 2008, the State has no budget. On July 31, the Governor signed an Executive Order reducing the pay of all State employees covered by the Fair Labor Standard Act. Some activities and departments have subsequently exempted. Additionally, contracts were suspended resulting in the following impacts on our office:

- We released our two superstar retired annuitants Manuel Baldenegro and William Rodriguez and consequently quite a few enforcement actions are not staffed.
- The contract for the Russian River TMDL is also frozen, stopping work on this important task.
- We will not be reimbursed for any travel expenses; this is affecting the number of compliance inspections we are able to conduct this summer.
- We cannot buy anything unless it is an emergency.

Issues of Statewide Significance

1. Cities of Arcadia, et al. v. State Water Resources Control Board, et. al.

The superior court in Ventura issued a ruling on July 2, 2008 that affects the regulation of storm water runoff in the Los Angeles Region (RB4). The writ of mandate prohibited RB4 from processing applications for required storm water permits, considering or adopting TMDLs to reduce loads from storm water discharges, inspecting industrial or municipal storm water facilities and, taking enforcement on existing permits or unauthorized storm water discharges. The effect of the ruling was to remove from RB4 all regulatory authorities regarding storm water discharges and inadvertently halted all new construction that required storm water permits.

On August 1, through a stipulation by the parties, the court limited the ruling to allow regulation to continue. The Natural Resources Defense Council has challenged the court's ruling and the Regional Board and State Board plan to pursue a new trial.

This court ruling does not affect The North Coast Region.

2. Response to the June and July fires.

The Office of Emergency Services is assembling multiagency teams to assess damage from the fires around the State. Our staff is being trained in fire line safety and will be paid in full while on duty. The USFS has also asked for our help. David Hope is our lead on this issue.

An update on recent enforcement actions and administrative civil liability (ACL) settlements. *Diana Henriouille*

Notices of Violation

On July 3, 2008, the Regional Water Board Assistant Executive Officer (AEO) issued a Notice of Violation (NOV) to the **City of Yreka** for a spill of raw sewage from the City's wastewater collection system. Approximately 2,500 gallons of raw sewage entered Yreka Creek. The NOV directs the City to submit a spill contingency plan and capital improvement plan by September 1, 2008.

On July 15, 2008, the AEO issued an NOV to **Michael Lockwood** for violating requirements of CAO Order No. R1-2007-0103 (CAO). Mr. Lockwood has failed to submit a final report (due April 30, 2008), implement reclamation work (during summer 2008), and notify the Regional Water Board by April 15, 2008 of the contractor hired to do the work in the Elk River watershed, Humboldt County. The NOV requires the work to be completed without further delay or civil penalties may result.

On July 16, 2008, the AEO issued an NOV to **Robert Lewis, Registered Professional Forester**, of Roseburg Resources Company for failing to enroll Timber Harvest Plan (THP) 2-06-155 TRI under General Waste Discharge Requirements (GWDRs) for Timber Harvest Activities in the North Coast Region. The Regional Water Board informed the Discharger of the enrollment requirement in writing on November 7, 2006, and November 21, 2006, and by phone on April 30, 2008. A notice of commencement of timber operations was filed with CAL FIRE, and work began. The Regional Water Board has advised the Discharger to cease timber harvest activities until a complete application package is received and the Executive Officer enrolls the THP under the GWDRs.

On July 17, 2008, the AEO issued an NOV to **Anne Mack Johnson** for failing to comply with CAO No. R1-2008-0041. The CAO requires the Discharger to cleanup and abate discharges to surface waters from a failing septic system located at rental property in Cloverdale. The Discharger has failed to submit a plan and time schedule for completing tasks to come into compliance (due April 28, 2008) or a request for an extension. The NOV requests submittal of all information required under provisions of the CAO by September 1, 2008.

On July 31, 2008, the AEO issued a NOV to the **City of Eureka** for deficiencies in the City's pretreatment program that result in noncompliance with the City's NPDES permit. The NOV summarizes the results of a Pretreatment Compliance Inspection, the deficiencies in the City's pretreatment program, and actions to be taken by the City to comply. The NOV requires the City to correct the violations by December 1, 2008.

On August 1, 2008, the AEO issued an NOV to **Joel Butler** for violating Waste Discharge Requirements (WDRs) Order No. R1-2006-0053 for the wastewater treatment plant at Bohemian Grove. The NOV lists violations of effluent limitations and other waste discharge requirements, and deficiencies in the self-monitoring reports submitted by the Discharger. The NOV requires the Discharger to correct the monitoring and reporting violations.

The AEO issued two NOV Orders in July for violations subject to mandatory minimum penalties. Specifically:

Order No. R1-2008-0089 issued to **Redway Community Service District** on July 2, 2008 in the amount of \$3,000 for two nonserious and one serious violation.

Order No. R1-2008-0093 issued to the **Humboldt County Resort Improvement District No. 1, Shelter Cove** on July 28, 2008, in the amount of \$6,000 for two nonserious and two serious violations.

Cleanup and Abatement Orders (CAOs)

Cleanup and Abatement Order No. R1-2008-0096 was issued on July 30, 2008 to **Mr. Robert O'Brien** for unauthorized dredge and fill of stream, riparian and wetland habitats within and adjacent to a creek that is tributary to Atascadero Creek. The Discharger also illegally constructed a stream bypass channel that changed the hydrologic conditions of the creek, Atascadero Creek, and the surrounding wetland complex. The CAO requires the Discharger to provide short-term and long-term workplans to the Regional Water Board, and implement the workplans after Executive Officer written concurrence.

Administrative Civil Liabilities (ACLs)

Administrative Civil Liability Complaint (ACLC) No. R1-2008-0097 was issued by the Regional Water Board to **Evergreen Pulp, Inc.** for violations of effluent limitations and discharge prohibitions contained in Waste Discharge Requirements Order No. R1-2004-0047. The violations occurred during the period from March 1, 2005 to December 31, 2007. The total Administrative Civil Liability is \$463,000, which is a combination of mandatory and discretionary penalties.