



## EXECUTIVE OFFICERS REPORT North Coast Regional Water Quality Control Board

September 2013

### **North Coast Dairy Program Receives the Governor's Streamlining Superstar Award** *Cherie Blatt*

The Governor's Office of Business and Economic Development (GO-Biz) was created by Governor Brown to serve as California's single point of contact for economic development and job creation efforts. GO-Biz offers services to business owners including: attraction, retention and expansion services, site selection, permit streamlining, clearing of regulatory hurdles, small business assistance, international trade development, and assistance with state government to get businesses customized help.



Paul Martin, formerly of Western United Dairymen, is now the Deputy Director for Permit Assistance at GO-Biz, and notified the Regional Board in July of their Streamlining Superstar Award. The article on the website states that GO-Biz recognizes the North Coast Regional Water Quality Control Board as a Streamlining Superstar for their efforts to work collaboratively with the dairy

community and other stakeholders. It states that the Regional Board staff worked diligently to understand the business of dairying and the operational constraints that dairy farmers must deal with and that it meant staff getting boots-on-the-ground to do it. Dairy visits, program issue discussions, and on-site water quality assessments to provide advice and clarity were acknowledged. Appreciation for staff availability and support were expressed, especially with respect to the training workshops presented by the California Dairy Quality Assurance Program. One particular quote from the article is noteworthy: Local chairman of the Sonoma County Farm Bureau's Animal Resource Management Committee, Donald DeBernardi, stated *"For nearly 25 years dairy producers in the North Coast Region have fostered a strong partnership with the Regional Water Board. Through the years, the agency has worked to understand how we operate our farms and in return, dairy producers have been proactive in the protection of water quality. Through this partnership we have been able to work together to implement a results-based regulatory program that rewards dairies for their efforts to maintain high water quality and nutrient management standards. I couldn't imagine doing it any other way and look*

*forward to the continued successes of our partnership with the Regional Board."*

GO-Biz recognized the Dairy Program’s efficient and cooperative relationship with the dairy farms and other interested parties and states that the shared benefits to water quality protection and the proactive, collaborative approach makes the Regional Board a Streamlining Superstar!



For more information on Go-Biz, please visit the following link:

<http://business.ca.gov/>

To see the full Dairy Program Article and other Streamlining Superstars on the GO-Biz website, visit:

<http://www.business.ca.gov/Programs/Permits/StreamliningSuperstars.aspx>

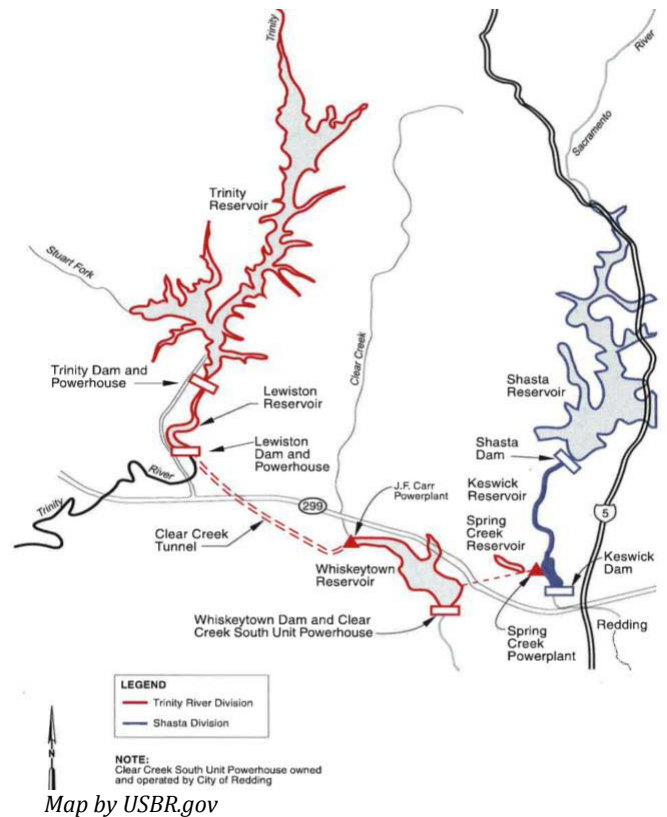
Also, an article on the Dairy Program Appreciation Resolution was published in Ag Alert, <http://www.agalert.com/> an online publication by the California Farm Bureau, in the June 19, 2013 issue. The article states that *"It's not every day that dairy farmers and regulators come together to trade compliments but it happened at a recent meeting of the North Coast Regional Water Quality Control Board"* The article goes on to quote much of the information as presented at the May 2, 2013 Regional Water Board Meeting.

≈ ≈ ≈ ≈ ≈ ≈ ≈

### **Judge Lifts Temporary Restraining Order on Klamath River Flow Augmentation via Releases from the Trinity River, but Full Hearing Set for October.**

*Katharine Carter*

On August 6, 2013, the U.S. Bureau of Reclamation (USBR) finalized the Environmental Assessment and Finding of No Significant Impacts documents for their 2013 proposal to augment flow in the Klamath River with releases from Lewiston Dam on the Trinity River. The water releases are intended to prevent an adult fish kill.



Shortly thereafter, the Westlands Water District and the San Luis & Delta Mendota Water Authority filed a lawsuit to prevent the flow releases from Lewiston Reservoir, stating that the water should go to San Joaquin Valley farmers for irrigation purposes, as the water allocations to farmers have been reduced due to the declaration of a dry water year.

On August 12, 2013, U.S. District Court Judge Lawrence O’Neill issued a Temporary Restraining Order (TRO), to prevent the USBR from implementing the flow augmentation recommendations, which were set to begin on August 15. Judge O’Neill also asked Federal Defendants to show cause why the TRO should not be converted to a preliminary injunction until the Court hearing had occurred and a decision on the legal issues had been made. The court expressed particular interest in learning more and seeing additional documentation about the scientific basis for the recommended flow augmentation.

A two-day hearing was held on August 21<sup>st</sup> & 22<sup>nd</sup> during which representatives of the Yurok Tribe, Hoopa Valley Tribe, US Fish and Wildlife Service, Stillwater Sciences, and other organizations and agencies provided details on the science behind the recommended flow releases, and how they would benefit fish in the Klamath River.

On August 22, 2013, Judge O’Neill found that, based on the evidence and testimony presented, it was in the public interest to permit the flow augmentation to proceed and lifted the temporary restraining order and denied the preliminary injunction request.

Following the ruling, the USBR began to implement the flow augmentation recommendations to ensure that flows at the Klamath River near Klamath, CA remained around 2,800 cfs through September 21. Flows may remain at 2,800 cfs through September 30 if average daily water temperatures are projected to be above 23 degrees Celsius in the Klamath River near Klamath, or if the fish present are exhibiting “behaviors of concern.”

Although Klamath River flow augmentation is scheduled to occur this year, the legal issues surrounding the flow releases have not yet been resolved. A trial date is expected to be set for October 2013, and the outcome of the trial will determine if flow augmentation via releases from Lewiston Dam will be allowed to occur in future years.



Map by Wikimedia.org/Wikipedia

≈ ≈ ≈ ≈ ≈ ≈ ≈



## Enforcement Report for September 2013 Executive Officer's Report *Diana Henriouille*

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
6/21/13	Don Roberts/ Stephen and Taylor Whitley	NOV	Failure to provide information required under a CAO and 13267 Order	Ongoing

**Comments:** On June 21, 2013, the Acting Assistant Executive Officer (AEO) issued a Notice of Violation to Don Roberts and Stephen and Taylor Whitley for continued failure to provide technical information directed under CAO and 13267 Order No. R1-2013-0007. The subject Order pertains to unauthorized placement of fill in wetlands and watercourses associated with construction of a road on property near Laytonville. The Dischargers have provided some, but not all, of the technical information and reports required under the Order.

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
7/31/13	City of Sebastopol	NOV	Municipal Storm Water permit violations	Ongoing

**Comments:** On July 31, 2013, the Acting AEO issued a Notice of Violation to the City of Sebastopol for violations of the MS4 Phase II Storm Water permit. The NOV directs the City to provide a plan and schedule to address the violations.

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
8/19/13	City of Fortuna	NOV	Municipal Storm Water permit violations	Ongoing

**Comments:** On August 19, 2013, the Acting AEO issued a Notice of Violation to the City of Fortuna for violations of the MS4 Phase II Storm Water permit. The NOV directs the City to provide a plan and schedule to address the violations.

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
8/26/13	County of Humboldt	NOV	Municipal Storm Water permit violations	Ongoing

**Comments:** On August 26, 2013, the Acting AEO issued a Notice of Violation to the County of Humboldt for violations of the MS4 Phase II Storm Water permit. The NOV directs the County to provide a plan and schedule to address the violations.

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
8/29/13	College of the Redwoods	ACLC	MMP violations	Ongoing

**Comments:** On August 29, 2013, the Acting AEO issued Administrative Civil Liability Complaint R1-2013-0060 to College of the Redwoods assessing a proposed penalty of \$108,000 for violations subject to mandatory minimum penalties (MMPs).

Date Issued	Discharger	Action Type	Violation Type	Status as of 9/5/13
July/ August 2013	Various	Staff enforcement letters	Industrial Storm Water permit violations/ potential violations	Ongoing

**Comments:** In July and August 2013, staff from the Regional Water Board's Core-Regulatory Unit received and reviewed annual monitoring reports for facilities enrolled for coverage under the Industrial General Storm Water Permit, State Water Resources Control Board Order No. 97-03-DWQ.

At present, there are 342 facilities in Region 1 enrolled for coverage under the Permit. As of August 29, 2013, staff have received and reviewed 306 annual reports. Based on review of those reports, staff determined the following:

\*47 dischargers did not collect any runoff samples. The permit requires samples be collected during two storms over the reporting period.

\*48 dischargers collected runoff samples from only one storm event.

\*The remaining 211 dischargers collected runoff samples from two storm events, as required under the permit.

Staff have sent letters to the dischargers who failed to collect samples during two runoff events advising them of the sampling requirements under the permit.

Of the 211 reports that included sampling information, 122 reports indicated that runoff samples contained pollutants in concentrations exceeding United States Environmental Protection Agency (US EPA) benchmark levels for water quality protection. Staff have sent letters to dischargers with benchmark level exceedances encouraging them to implement additional pollution control efforts at their facilities in order to reduce and/or eliminate the discharges of pollutants of concern.

Statistics compiled for this year's annual reports and water quality data provided in those reports will serve as a basis for comparison in future months and years, and staff will include periodic updates in this report advising the Board of improving or declining trends in water quality and in program compliance, and any associated enforcement actions taken.