



# EXECUTIVE OFFICER'S REPORT

## North Coast Regional Water Quality Control Board

October 5, 2023

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### Rural Roads General Order Development Update

*Jim Burke*

#### *Introduction*

The Nonpoint Source and Surface Water Protection Division (NPS Division) of the North Coast Regional Water Quality Control Board (Regional Water Board) is developing for Board consideration a new Rural Roads General Order, or RRG, which will include a General 401 Water Quality Certification and Waste Discharge Requirements intended to streamline the permitting process for routine watercourse crossing and/or road remediation projects.

The primary goals of the RRG are to improve the Regional Water Board's permitting tools for road-related construction/reconstruction activities, expand regulatory engagement, increase administrative efficiencies, and improve water quality protections.

The proposed Order does not require landowners to conduct projects that they otherwise were not planning to do, but rather

provides a permitting pathway for landowner-initiated projects. In addition to routine landowner-initiated rural road treatment projects, the RRG may also be used as a permitting tool for projects that are required pursuant to a regulatory action by the Regional Water Board or other agency, such as projects that are required through an enforcement action or a TMDL Action Plan.

#### *Problem Statement*

Many watersheds in the North Coast Region are identified as being impaired due to excess sediment which continues to impact the beneficial uses of water. Most of these impairments are partially or substantially attributed to existing roads and their associated watercourse crossings that are necessary to conduct a variety of land use activities, such as timber harvest, agriculture, rural residential, and recreation.

Road-related erosion and associated sediment discharges to watercourses are a significant challenge for the Regional Water Board. Although some of the Regional Water Board's programs include effective regulatory processes to efficiently address road and

watercourse crossing treatments, others do not, which can pose a challenge for landowners and an increased workload for staff.

### ***Project Standards***

The Regional Water Board has developed the RRG0 to more effectively address existing erosion and sediment discharge associated with road and watercourse crossings, or to expedite new road and watercourse crossing construction activities. Through the development of the RRG0, which requires adherence to established best management practices (BMPs), the Regional Water Board anticipates improved regulatory efficiencies for permitting routine watercourse crossing replacement and remediation activities as well as ensuring that the highest level of water quality protection practices is applied to construction of new roads and watercourse crossings, which will lead to greater erosion controls and reduced sediment discharges to watercourses.

The RRG0 will require permittees to adhere to enforceable standards based on current BMPs for projects that upgrade existing infrastructure (e.g., watercourse crossings), reduce road hydrologic connectivity to streams, or construct new infrastructure.

Approvable projects must adhere to pre-established BMPs, construction standards, and schematics (e.g., PWA Handbook on Forest, Ranch and Rural Roads, applicable operational provisions of the Forest Practice Rules, 5C Roads Maintenance Manual) to qualify for one of the five permitting categories described below. Appropriate BMPs must be implemented at all watercourse crossings, hydrologically connected road segments, and any road locations that have the potential to discharge sediment in violation of water quality requirements.

### ***Incentives for Restoration/Remediation Actions***

The RRG0 provides additional incentives for projects that are undertaken voluntarily for the purpose of improving aquatic habitat conditions (e.g., removal of barriers to fish migration) or to reduce sediment discharges to waterbodies. Projects that Regional Water Board staff determine are beneficial to water quality will qualify for reduced permit fees as provided by Category D – Ecological Restoration and Enhancement Projects, from the State Water Board’s fee schedule.

However, the RRG0 will also be available to enroll projects regardless of their primary purpose (i.e., new development projects or projects required through enforcement actions) provided they are implemented according to all necessary BMPs to protect waters of the state. These non-restoration or sediment remediation associated projects would not qualify for the EREP fee category and will be subject to the applicable fee as determined by the fee schedule for the project type.

### ***Eligible Project Categories***

The RRG0 provides additional incentives for projects that are undertaken voluntarily for the purpose of improving aquatic habitat conditions (e.g., removal of barriers to fish migration) or to reduce sediment discharges to waterbodies.

The RRG0 includes three project categories that are designed to qualify for the reduced EREP fee category in the State Water Board’s [Dredge and Fill Fee Calculator](https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xls) ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/docs/dredgefillcalculator.xls](https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xls)), and as described below:

1. Voluntary road and watercourse crossing projects that provide a benefit to water quality (see examples above).
2. Grant funded projects that are designed to provide water quality or aquatic habitat restoration benefits, such as those funded

through the 319h Nonpoint Source Control Program, CDFW Fisheries Restoration Grant Program, NOAA Fisheries Restoration Center, etc.

3. Projects on roads and trails on California State Parks lands that implement applicable BMPs from the guidance documents.

The RRG0 includes two project categories that are subject to the non-reduced fee categories described in the State Water Board’s [Dredge and Fill Fee Calculator](https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xls) ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/docs/dredgefillcalculator.xls](https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xls)) (contact the Regional Water Board for guidance on which fees apply to your project):

4. New road and/or watercourse crossing construction projects.
5. Projects conducted in response to regulatory enforcement actions by the Water Board, California Department of Fish and Wildlife, or other regulatory agencies.

### **Compensatory Mitigation/No Net Loss**

Some projects authorized through the RRG0 will require compensatory mitigation to offset losses of stream or wetland habitat features and to conform with California’s Wetlands Conservation Policy, also referred to as the “No Net Loss Policy” (Executive Order W-59-93). Other road and watercourse crossing projects, like those that provide environmental benefits for water quality or eliminate or remediate pollution discharges, may be considered “self-mitigating”, and therefore do not require compensatory mitigation.

Applicants will need to contact the Regional Water Board staff to discuss their project type, purpose, and overall effect on the environment to determine whether compensatory mitigation is required. Projects that propose new permanent impacts to wetlands, such as new watercourse crossings where wetland features are present and may

be impacted, must include an alternatives analysis, which demonstrates that impacts from the proposed project are the least environmentally damaging, feasible option to meet the landowner’s objectives. If requested by the Regional Water Board staff, the analysis must include compensatory mitigation.

### **Post-Project Monitoring**

The RRG0 will require project proponents to conduct monitoring and reporting including post-completion on-site evaluations to indicate whether BMPs and compensatory mitigation were implemented as designed (while still providing flexibility to make changes during implementation as conditions warrant) and are functioning properly/self-sustaining, or whether additional work is needed. Default duration of the monitoring requirement will likely be two years for watercourse crossing and road projects, and up to five years for compensatory mitigation, or as modified on a project-specific basis with Regional Water Board staff approval.

Monitoring Reports will be submitted by the project proponent on an annual basis to the Regional Water Board. Monitoring Reports will include:

- A brief summary of findings;
- Identification and discussion of attainment of, or any problems achieving performance standards and project goals;
- Proposed corrective measures to address problems described above.

### **Next Steps**

The RRG0 is currently projected to be considered for adoption at the Regional Board’s April 2024 meeting. The adoption hearing will be preceded by release of a public review draft and opportunity for public comment on the draft order.

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## Boonville Water and Wastewater Project

Roy O'Connor

The town of Boonville is located in Mendocino County, about 27 miles west of Highway 101, and about 30 miles east of the Pacific Ocean. The population is a little over one thousand people. The town is currently served by individual domestic water supply wells and individual septic systems. Due to the small downtown lots, many of the water supply wells are located adjacent to the septic systems and bacteria and nitrate contamination of the groundwater and failing septic systems have been well-documented. Development and reconstruction within the town is stymied by a lack of infrastructure to serve these small downtown lots.

For these reasons, in 2015 the Anderson Valley Community Services District (District) applied to the State Water Resources Control Board (State Board) for funding assistance to upgrade wastewater collection, treatment, and disposal in Boonville. Funding assistance was also requested for upgrading the drinking water supply and distribution system. Two \$500,000 planning grants were originally awarded to the District; \$500,000 for wastewater and \$500,000 for drinking water. Those amounts have since increased to \$752,500 for wastewater and \$692,000 for drinking water for a total of \$1,444,500. Additionally, the State Board provided Technical Assistance support to the District. The District's estimate to construct the wastewater project is approximately \$16,000,000, and the estimate to construct the drinking water project is approximately \$20,000,000.

The District has hired Brelje and Race Engineers (BRE) in Santa Rosa to develop engineering reports and scopes of work to implement the wastewater and drinking water projects. BRE developed scopes of work for each project. The drinking water project was less controversial, as the community bought-in on the concept of centralized drinking water infrastructure and the need for fire hydrants in

town. However, as is often the case, the concept of centralized sewers was met with more concerns from the community.

BRE prepared plans for an advanced wastewater treatment facility which would provide high-quality, tertiary-treated and disinfected wastewater effluent with disposal in effluent storage ponds out by the Boonville airport. However, the landowner of the potential effluent storage ponds parcel chose not to move forward, leaving the District without a disposal parcel. The District has been re-evaluating other potential disposal areas since that time, and has recently identified a potential effluent disposal parcel with an owner that is willing to sell the parcel to the District. The District has been working with the State Board, Regional Board, and BRE to evaluate the suitability of the new potential effluent disposal parcel. BRE is currently evaluating the suitability of the disposal parcel. Additionally, further CEQA analysis and an updated rate study will also be needed. With these items addressed, the wastewater project can continue moving forward. The District's anticipated completion dates for both projects are approximately 2026-2027.

Regional Board staff continue to assist the District in moving the wastewater project forward on all possible fronts. We've met with landowners of potential disposal parcels, attended community meetings and workshops, and coordinated with the State Board funding staff. Due to past Covid-19 restrictions our face-to-face interaction with the community was limited, making public awareness of the need and support for these types of infrastructure projects difficult. With fewer Covid-19 restrictions, we foresee more opportunities for face-to-face engagement with the community.

For more information please contact Roy O'Connor at 707-576-2670 or Roy.O'Connor@waterboards.ca.gov.

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

*Jeremiah Puget, Jordan Filak, and Zane Stromberg*

Summary of Enforcement Actions issued between **July 15, 2023 – September 11, 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), Cleanup and Abatement Orders (CAOs), Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/13376 Directive), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued forty-six NOVs, one 13267 Investigative Order, one CAO, and three NNCs. 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 one ACL Order, and continue 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
OE	Office of Enforcement, State Water Board
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. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
July 7, 2023 <sup>5</sup>	<a href="#"><u>NOV</u></a>	Jason Anderson	Mendocino County	South Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on June 7, 2023
July 7, 2023 <sup>5</sup>	<a href="#"><u>NOV</u></a>	Charlie Jefferson Mejia Ramon	Mendocino County	South Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on June 7, 2023
July 18, 2023	<a href="#"><u>NOV</u></a>	Jason and Kerry Jones Chunxu Fu and Menghan Guo JC Construction Consulting, LLC	Sonoma County	Middle Russian River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on February 22, 2018
July 18, 2023	<a href="#"><u>NOV</u></a>	Deren J Freeman	Humboldt County	South Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on September 15, 2022
July 27, 2023	<a href="#"><u>NOV</u></a>	Justin C Greer	Mendocino County	Upper Main Eel River HA	401 Program	RWB Inspection on April 26, 2023

<sup>5</sup> Both NOVs issued on July 7, 2023 were issued during the previous Enforcement Reporting period.

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
July 27, 2023	<a href="#"><u>NOV</u></a>	Elizabeth N. Olsen	Humboldt County	Eureka Plain Hydrologic Unit	WDRs Program	RWB Drive-By Inspection on May 10, 2023
August 8, 2023	NOV	Jesse Garcia	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 13, 2023
August 8, 2023	NOV	Lu He	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 13, 2023
August 9, 2023	<a href="#"><u>NOV</u></a>	Yesenia and Raul Carrillo	Mendocino County	Middle Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on May 9, 2023
August 10, 2023	NOV	Houa Lor	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023
August 10, 2023	NOV	Yang Vang	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023
August 10, 2023	NOV	Vue Yang	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
August 10, 2023	NOV	Thomas Salls	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023
August 11, 2023	NOV	Kevin Seng Thao	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023
August 11, 2023	NOV	Yia Xiong	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 11, 2023
August 11, 2023	<a href="#">NOV</a>	Yesenia and Rual Carrillo	Mendocino County	Middle Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on May 9, 2023
August 11, 2023	<a href="#">NOV</a>	Vince Wavue and Toua C. Lee	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
August 11, 2023	<a href="#">NOV</a>	Vue Yang	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023



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<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
August 11, 2023	<a href="#"><u>NOV</u></a>	Thomas Salls	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
August 11, 2023	<a href="#"><u>NOV</u></a>	Neil Thao	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
August 11, 2023	<a href="#"><u>NOV</u></a>	Sanee Thao	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
August 11, 2023	<a href="#"><u>NOV</u></a>	Meng Lor	Siskiyou County	Shastina Vally HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
August 14, 2023	<a href="#"><u>NOV</u></a>	Marwin Yang	Siskiyou County	Shasta Valley HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 13, 2023
August 14, 2023	<a href="#"><u>NOV</u></a>	Lam Andy Chao	Siskiyou County	Shasta Valley HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 13, 2023
August 15, 2023	<a href="#"><u>NOV</u></a>	Arturo Jimenez Espinoza	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 21, 2023

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
August 17, 2023	<a href="#"><u>NOV</u></a>	Jesus Arturo Jimenez Ayala	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 21, 2023
August 17, 2023	<a href="#"><u>NOV</u></a>	Richard Schumacher	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 21, 2023
August 17, 2023	<a href="#"><u>NOV</u></a>	Jose Luis Rodriguez	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 21, 2023
August 18, 2023	<a href="#"><u>NOV</u></a>	Brenda Kershenabum	Mendocino County	Middle Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 19, 2023
August 18, 2023	<a href="#"><u>NOV</u></a>	Martin Zeferio Toribio	Mendocino County	Middle Fork Eel River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 19, 2023
August 21, 2023	NNC	Juan Bernardino JCE Northwest Property, LLC	Siskiyou County	Shasta Valley HA	NPDES Program	N/A

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

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
August 21, 2023	<a href="#"><u>NOV</u></a>	Jake and Macy Burnham Larry Tardie Northcrest Mobile Home Park, LLC	Del Norte County	Smith River Hydrologic Unit	WDRs Program	N/A
August 22, 2023	<a href="#"><u>NOV</u></a>	Bao Vue	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 1, 2023
August 22, 2023	<a href="#"><u>NOV</u></a>	Martha Machuca Juan Carmona- Guevara	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 1, 2023
August 23, 2023	NOV	Louis Lee	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023

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

Date Issued	Action	Owner/ Operator Name	County	Watershed	Program	Inspection Type/Date
August 24, 2023	NNC	Ken Wahlund Darrel and Carole Polasek Polasek Quarry	Humboldt County	Eel River Hydrologic Unit	NPDES Program	N/A
August 24, 2023	<a href="#">13267 Inv. Order</a>	Jake and Macy Burnham Larry Tardie Northcrest Mobile Home Park, LLC	Del Norte County	Smith River Hydrologic Unit	WDRs Program	N/A
August 25, 2023	<a href="#">NOV</a>	Melanie Thibodeaux & Johannas Colby	Trinity County	Lower Trinity River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 26, 2023
August 25, 2023	<a href="#">NOV</a>	Evan Henshaw Plath	Trinity County	Lower Trinity River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 26, 2023
August 25, 2023	<a href="#">NOV</a>	Dorde Bursac Uniland Farms LLC	Trinity County	Lower Trinity River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 26, 2023

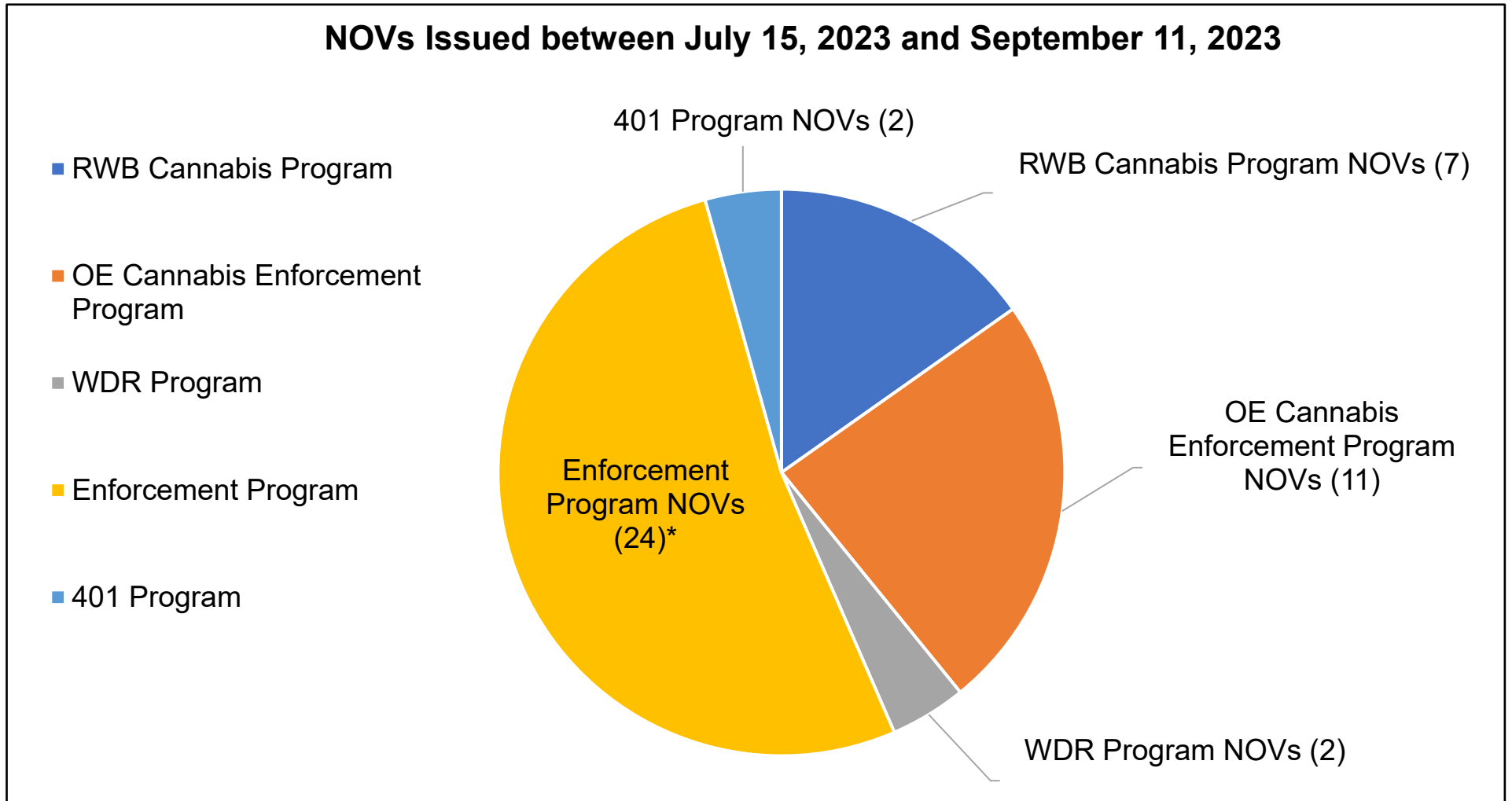
**Table 1. Notices of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), and Notices of Non-Compliance**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
August 25, 2023	<a href="#"><u>NOV</u></a>	Organic Grounded Greens, LLC Burnt Ranch Real Estate Holdings, LLC	Trinity County	Lower Trinity River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 26, 2023
August 28, 2023	CAO	Ray Chism Sierra Pacific Industries	Humboldt County	Van Duzen River HA	Forest Activities Program	RWB Inspection on March 23, 2023
August 31, 2023	NOV	Felipe Olvera	Sonoma County	Middle Russian River HA	401 Program	RWB Inspection on March 6, 2023
Sept. 1, 2023	<a href="#"><u>NOV</u></a>	Ryan Shields	Mendocino County	Middle Russian River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 19, 2023
Sept. 1, 2023	<a href="#"><u>NOV</u></a>	IIA LLC	Mendocino County	Middle Russian River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 19, 2023
Sept. 1, 2023	<a href="#"><u>NOV</u></a>	Cole Geyer	Mendocino County	Middle Russian River HA	Enforcement Program	Multi-Agency/ Warrant

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<b>Date Issued</b>	<b>Action</b>	<b>Owner/ Operator Name</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
						Inspection on July 19, 2023
Sept. 1, 2023	<a href="#"><u>NOV</u></a>	Robert L. Burge and Eric D. Williams	Mendocino County	Middle Russian River HA	Enforcement Program	Multi-Agency/ Warrant Inspection on July 19, 2023
Sept. 8, 2023	NOV	Ka Yee Vang	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 27, 2023
Sept. 8, 2023	NOV	Peter Xiong and Kathy Vang	Trinity County	Eel River Hydrologic Unit	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on August 9, 2023
Sept. 8, 2023	NOV	Tang Say Xiong and Teng Her	Siskiyou County	Shasta Valley HA	OE Cannabis Enforcement Program	Multi-Agency/ Warrant Inspection on July 12, 2023
Sept. 11, 2023	NNC	Capo Creek Winery	Sonoma County	Middle Russian River HA	NPDES Program	N/A

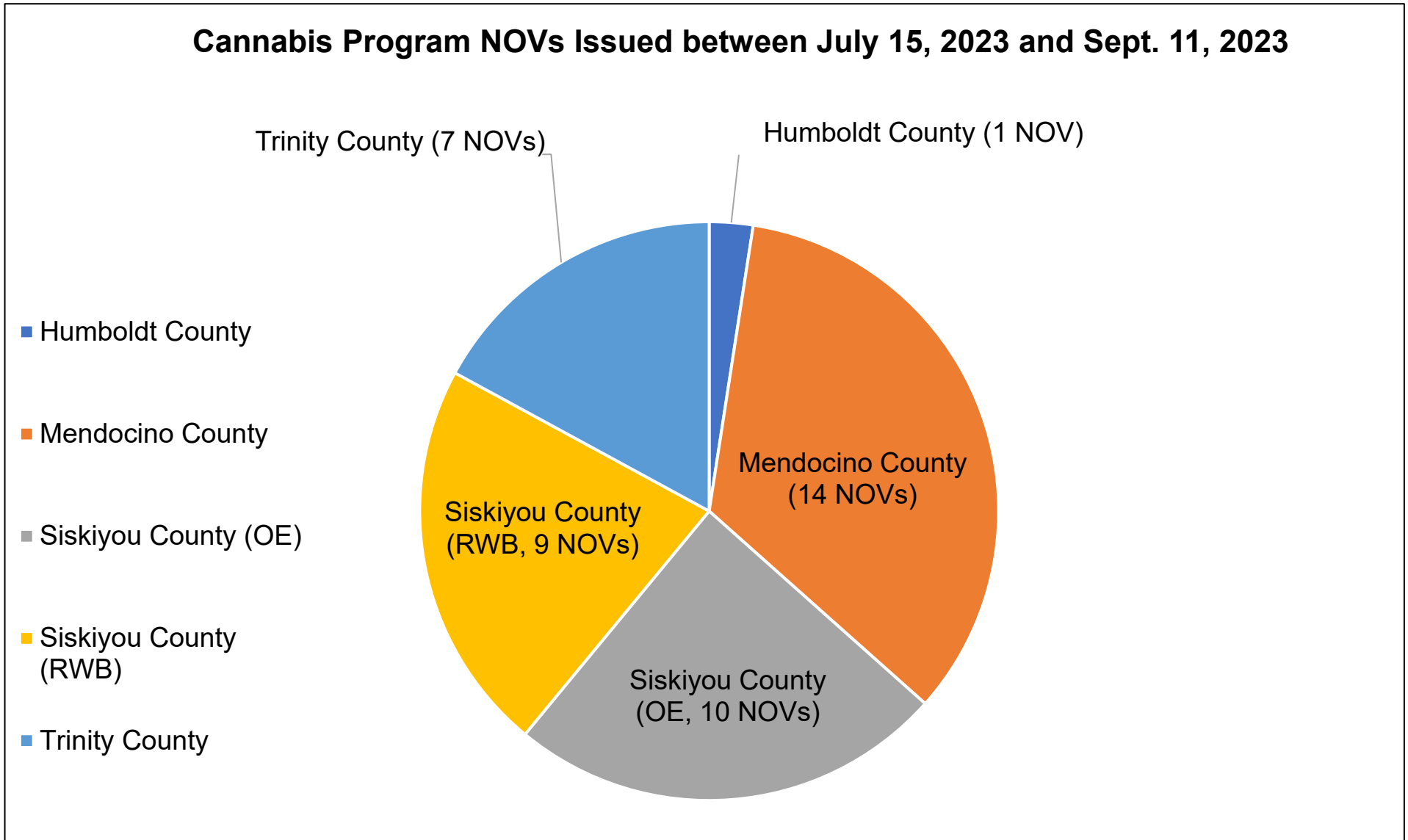
Figure 1: RWB NOVs Issued Between July 15 and September 11



Notes:

\* - 23 NOVs issued by Cannabis Enforcement Program staff. One NOV issued by Enforcement Program staff for Cannabis Enforcement Program CAO violations.

Figure 2: Cannabis NOVs issued Between July 15 and September 11, 2023





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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 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 sediment laden stormwater to Porter Creek, a tributary to the Russian River	\$4.5 million	<a href="#">ACL Complaint No. R1-2021-0047</a> issued on September 10, 2021 Violation Period: December 2018 – January 2023	Staff are preparing an amended ACLC including additional violations. This matter is ongoing.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	<a href="#">ACL 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	<a href="#">Stipulated ACL Order No. R1-2022-0044</a> adopted on February 9, 2023.	Low Impact Development Retrofit SEP underway. Final Report due on September 28, 2023. This matter is ongoing.
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	<a href="#">ACL Complaint No. R1-2023-0033</a> 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.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 2023
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$189,000	Settlement Invitation issued on November 16, 2021 Violation Period: March 15, 2018, to December 31, 2021	Settlement Negotiations Underway
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	<a href="#">Stipulated Order No. R1-2023-0025</a> 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.
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	<a href="#">ACL Complaint R1-2023-0009</a> issued on January 9, 2023.	<a href="#">ACL Order No. R1-2023-0043</a> 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.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 2023
					<p>\$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</p>

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 2023
					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.
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, awaiting signature from Discharger
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</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	<a href="#">ACL Complaint R1-2022-0024</a> issued on May 9, 2022, covers the period between July 31, 2018, and May 9, 2022, and includes allegations that the Discharger violated the Water Code, Clean Water Act, and <a href="#">CAO Order No. R1-2019-0045</a> .	<a href="#">Stipulated Order No. R1-2023-0045</a> was adopted on August 22, 2023 and imposes a \$450,000 liability. The Discharger is also required to complete the proposed Restoration Mitigation and Management Plan (RMMP) by October 15, 2023.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 2023
Ken Bareilles	Southern Non-Point Source and Forestry Program	- Discharges of waste into waters of the state in violation of Categorical Waiver <sup>6</sup> and Basin Plan - <a href="#">CAO R1-2022-0009</a> Required Action No. 1 for failure to submit plan by deadline - <a href="#">CAO R1-2022-0028</a> Required Action No. 1 for failure to submit plan	\$276,000	<a href="#">ACL Complaint No. R1-2023-0026</a> 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	<a href="#">ACL Order No. R1-2023-0040</a> was adopted by the RWB Board on June 16, 2023 and the administrative civil liability was increased to \$276,000. Discharger is required to complete cleanup work on the property by September 29, 2023. This matter is ongoing.
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	<a href="#">Stipulated Order No. R1-2022-0052</a> was adopted on July 25, 2023. Russian River Regional Monitoring Program SEP is underway and scheduled for completion by May 2026
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	\$1,033,546	Settlement Invitation issued on June 15, 2021 Violation Period: 2017 and 2019	<a href="#">Proposed Order No. R1-2023-0049</a> posted to Notice of Proposed Settlements Page until September 28, 2023. Includes Enhanced

<sup>6</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. Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of September 11, 2023
		system to the Russian River			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.
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$123,000	Violation period: December 30, 2020, to December 30, 2022	<a href="#">Administrative Civil Liability Complaint No. R1-2023-0032</a> issued on May 8, 2023. 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.

### **December 12 & 13, 2023**

- Federal Lands Permit Workshop (*Forest Fortescue*) [W]
- Crescent City WWTP NPDES Permit (*Matt Herman*) [A]
- Disadvantaged Community Needs Assessment (*Mike Reese*) [I]
- Information Item(s) regarding efforts in the Russian River Watershed (*Valerie Quinto*) [I]

### **February 8 & 9, 2024**

- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- 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]
- Timber Categorical Waiver Renewal (*Justin Fitt*) [A]
- 2023 Triennial Review (*Michelle Fuller*) [A]

