



## EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

February 04, 2021

### Executive Officer's 2020 Water Quality Stewardship Award goes to the Western Klamath Restoration Partnership and Pepperwood

*Matt St. John*

The Executive Officer's Water Quality Stewardship Award is an annual award given to an individual or group whose exceptional work contributes to the preservation and enhancement of surface water and groundwater quality in the North Coast Region. The Regional Water Quality Control Board and its staff spend much of its time and energy focused on the task of controlling waste discharges to the region's waters. This award is designed to acknowledge and honor our partners in water quality protection who augment the Regional Water Board's work with their own efforts in pollution prevention, waste minimization, water quality enhancement, and beneficial use restoration.

As if battling the horrors of the silent and deadly COVID-19 pandemic weren't enough, the North Coast and most of the rest of California faced another devastating wildfire season in 2020. As reported in the October 2020 Executive Officer's Report, over the past four years the staff of the Regional Water Board have become adept at helping to address the significant water quality threats that catastrophic wildfires can have on our watersheds. In providing technical and financial assistance and regulatory cover for numerous fire recovery projects throughout the region, our staff have learned many lessons and developed new partnerships. Through this process we have learned about and learned

from numerous organizations doing incredibly important work to reduce the environmental impacts resulting from catastrophic wildfires. Although there are many organizations within the North Coast doing this important work and deserving of recognition, this award is limited to only a few individuals or organizations per year, and therefore this year's award goes to the Western Klamath Restoration Partnership and to Pepperwood Preserve in Sonoma County.

The **Western Klamath Restoration Partnership** began in 2007 with an initial focus on in-stream fish habitat restoration of the Middle Klamath River sub-basin, but has evolved to become a 1.2 million-acre upslope restoration collaborative incorporating an "all lands" approach to address threats to people, property, cultural and natural resources at risk of high-intensity wildfire. The Partnership seeks to build trust and a shared vision for restoring fire resilience at the landscape scale.

Representatives from the Karuk Tribe, Mid-Klamath Watershed Council, Salmon River Restoration Council, and the U.S. Forest Service are co-leads of the collaborative group, but many other stakeholders, communities, and organizations are involved. A hallmark of the partnership is the Karuk Tribe's knowledge of fire, passed down from generation to generation. As stated on the Partnership's [website](#), "this traditional ecological knowledge shows us that traditional human/fire relationships of our past can guide the strategies of our future."





## Lower Mainstem Eel River Tributaries – Temperature Impairment Report Card

*Chris Watt*

The Federal Clean Water Act (CWA) established a comprehensive program to restore and maintain the chemical, physical and biological integrity of the Nation's waters. Section 303(d) of the CWA requires states to identify waters that do not meet water quality objectives and to establish a total maximum daily loads (TMDL), i.e. the amount of a pollutant from all sources which the waterbody can assimilate yet still support all beneficial uses. Water Quality Report Cards assess the water quality outcomes associated with either the implementation of adopted TMDL Projects or the implementation of other Regional Board programs that have addressed 303(d) listed waterbodies. TMDLs are generally incorporated into Regional Basin Plans as Action Plans, which include a program of implementation for achieving the TMDL, including a description of the nature of actions that are necessary to achieve water quality objectives, time schedules for the actions to be taken, and a description of surveillance to be undertaken to determine compliance with objectives.

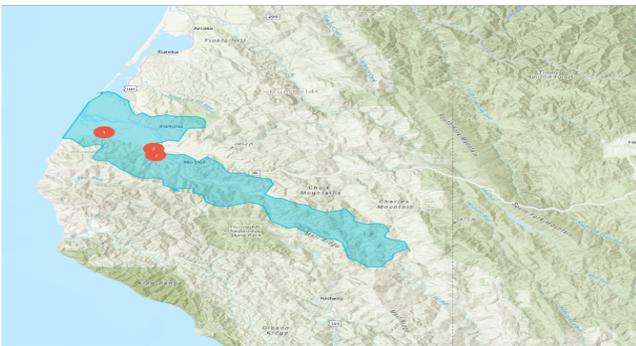


Figure 1 – Lower Main Eel Watershed. Red Circles denote studied tributaries.

In the 1990s, along with many segments of North Coast streams, tributaries of the Lower Mainstem Eel River were added to the 303(d) List of Impaired Waterbodies for increased temperature affecting cold freshwater habitat. The water quality objective for temperature (to paraphrase) shall not affect beneficial uses or, in the case of cold-water habitat, shall not be

increased by more than 5°F above background. The U.S. Environmental Protection Agency completed a TMDL for the Lower Mainstem Eel River watershed for temperature in 2007. Salmonid species are the main driver of the TMDL given that stream temperature governs almost every aspect of their survival. Stream temperature is the result of many physical factors and its increase in the Lower Mainstem Eel River watershed occurred because of decreased riparian shade. The TMDL determined there was no assimilative capacity for temperature, therefore the load allocation was set to zero. In 2012, the Eel River Forum was convened bringing together dozens of stakeholders with a common mission to coordinate and integrate conservation and recovery efforts in the Eel River watershed to conserve its ecological resilience, restore its native fish populations, and protect other watershed beneficial uses. In 2014, the Regional Water Board adopted the *Action Plan To Address Elevated Water Temperatures in the Eel River Watershed* which expanded protection and restoration of riparian shade among other key actions.

The eastern portion of the Lower Main Eel River watershed is mostly rural and remote, while the western (coastal) portion is more accessible, with the towns of Scotia, Fortuna, Ferndale, and Loleta. The upper portion of the watershed is dominated by open grasslands, oak, and associated ranching lands. The middle portion contains timberlands and relatively small tributaries such as Bear, Stitz, Jordan, and Greenlaw Creeks. The lower portion is dominated by dairy lands and estuarine habitat. Precipitation is highly seasonal with 40-50 inches annually with smaller tributaries going dry in late summer. Precipitation patterns vary with distance from the ocean and elevation, among other factors, and higher rainfall is generally observed closer to the ocean and at higher elevations.

### Report Card Findings

Stream temperature changes spatially and temporally creating a challenge for monitoring



## Update on Scott & Shasta Rivers TMDL Conditional Waivers and Related Activities *Eli Scott*

### Scott & Shasta Waivers Progress through 2020

The Scott and Shasta Rivers TMDL Conditional Waivers of Waste Discharge Requirements, Orders R1-2018-0018 and R1-2018-0019, respectively, (Waivers) were adopted in April 2018. Significant progress on their implementation has been achieved to date and this article provides a brief update. Since the onset of the Covid-19 pandemic, and associated restrictions on travel, staff's ability to do on-the-ground coordination with landowners has been drastically curtailed. Nonetheless, important progress to address the impairments in these watersheds continues.

Up to March 2020 when shelter-in-place orders were issued, approximately 46% of the stream frontage adjacent to agricultural operations had been assessed in the Scott and the largest landholdings within the critical spring-dominated Pluto Cave Basalt formation had been assessed in the Shasta. A total of seven Grazing and Riparian Management and Monitoring Plans were established in the Scott covering 36 miles of stream frontage. Five Ranch Management and Monitoring Plans were established in the Shasta covering critical habitat areas, including Big Springs Creek, Big Springs Lake, and Parks Creek upstream of I-5. Staff are hopeful that shelter-in-place orders will be relaxed in 2021 allowing staff to complete more ranch assessments. Further, staff expect to have Ranch Management and Monitoring Plans completed by the end of 2021 for all of Parks Creek, Big Springs Creek, and the Shasta River from Dwinell Dam to the A-12 Bridge based on ranch assessments conducted in 2019. This area includes 36 miles of stream frontage and coincides with the area covered by the Shasta Safe Harbor Agreement. These assessments were conducted independent of the Shasta Safe Harbor Agreement effort to ensure management

practices are in place that are compliant with the Shasta Waiver.

### 2020 Stewardship Efforts in-light of Covid-19

2020 was an unprecedented year for many reasons. As COVID-19 developed into a global pandemic, it was clear to staff that the systematic implementation of the Scott and Shasta Waivers would be disrupted. COVID-19 precautions prevented key parts of Waiver implementation such as getting on the ground with landowners to verify compliance. The year also proved to be critically dry within these watersheds, with April 1<sup>st</sup> snow water equivalent depth at the Scott Mountain and Middle Boulder 3 weather stations showing 7% and 66% of their 34-year average, respectively (see Figure 1).

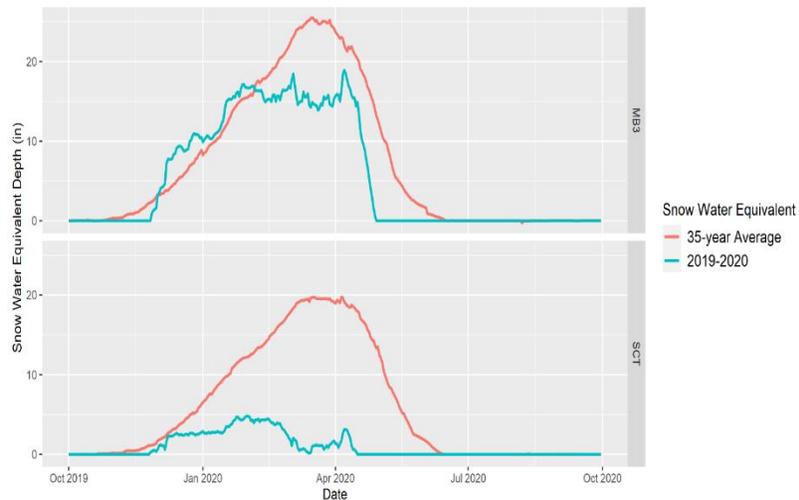


Figure 1 - Snow Water Equivalent at Scott Mountain (SCT) and Middle Boulder 3 (MB3) Weather Stations

Combined, these factors shifted staff focus to two areas key to Watershed Stewardship for the year – 1) emergency coordination with tribal, federal and state agencies, and NGO partners around the projected low flows that were expected to result from the critically dry water year and 2) watershed-scale water quality monitoring in the Scott to assess the current status of the 2012 biostimulatory conditions 303(d) listing of the Scott River.

## **Drought Coordination**

In April 2020 National Oceanographic and Atmospheric Administration (NOAA) Fisheries staff initiated flow coordination efforts in recognition of hydrologic conditions in the Scott and Shasta. The initial ongoing bi-weekly call included agency partners, and subsequent calls facilitated by Regional Water Board staff expanded to include representatives of the Karuk Tribe, Yurok Tribe, Quartz Valley Indian Reservation (QVIR), Scott River Watershed groups, CalTrout, NOAA Fisheries, California Department of Fish and Wildlife, State Water Board Division of Water Rights, Scott and Shasta Watermaster District, and the Regional Water Board. These biweekly coordination calls continue into 2021 with the ongoing goal of supporting functional flows for salmonids.

The 2020 coordination efforts lead to spring-time temporary water leases and voluntary diversion reductions that were instrumental in keeping critical spawning reaches wetted to support salmonid incubation, emergence, and redistribution to areas of refugial rearing habitat. While we do not have the data on emergence and outmigration, these efforts likely supported a larger 2020 cohort of juvenile Coho salmon than if no action was taken. The bi-weekly efforts also supported coordinated efforts to track the incoming migration of spawning adults in the fall and early winter and to identify spawning locations and density to guide actions in 2021 which is shaping up to be another critically dry year.

These biweekly coordination efforts coincided in late summer 2020 with the Karuk Tribe initiating a Government to Government consultation with the State Water Board to develop a strategy to address persistent low flows within the Scott and Shasta watersheds during dry and even normal water years. A Government to Government meeting, which the Regional Water Board participated in, was held in October 2020 and resulted in the formation of a new working group to identify short-term and long-term regulatory and non-regulatory actions to address these systemic issues.

## **Watershed Scale Monitoring**

Though face-to-face interactions were significantly restricted in 2020 due to COVID-19, staff was able to continue to implement a Scott River Watershed monitoring program by following the Regional Water Board's internal COVID-19 field work safety procedures. This monitoring program focuses on understanding the spatial extent of biostimulatory conditions in the Scott River, an impairment added to the 303(d) List in the 2012 listing cycle. To assess current biostimulatory conditions in the Scott staff deployed 8 dissolved oxygen and temperature loggers in key reaches across the Scott River Watershed, collecting data at 15-minute increments, and collected monthly nutrient samples. Staff is in the process of analyzing the monitoring data and plans to continue the monitoring program as part of the Surface Water Ambient Monitoring Program through 2023. This data will inform the current listing and ensure it properly characterizes conditions which lead to adverse algal growth and impacts the ability for the Scott River Watershed to support beneficial uses. Results from the monitoring program will also inform implementation of the current and future Waivers within the Scott River Watershed.

Of note, in the course of 2020 data collection, Regional Water Board staff identified toxic Cyanobacteria in the Scott River Watershed within the reach listed for biostimulatory conditions. Our office coordinated with staff from QVIR to sample this and several other areas suspected to have conditions that support Cyanobacteria growth in order to confirm its presence. Once confirmed, staff coordinated with the United States Forest Service to post signage protecting public health in these areas which are extensively used for human recreation. This was the first known documented occurrence of cyanobacteria in the Scott and underscores the importance of implementing actions to minimize the input of nutrients to surface water and support efforts to increase instream flows.



## Enforcement Report for February 2021 Executive Officer's Report

*Diana Henriouille and Jordan Filak*

Date Issued	Discharger	Action Type	Violation Type	Status as of January 19, 2021
December 15, 2020	City of Arcata Wastewater Treatment Facility	ACLO Administrative Civil Liability Order	122 WDR violations of effluent limitations	Ongoing

**Comments:** On December 15, 2020, the Executive Officer issued an administrative civil liability order to the City of Arcata wastewater treatment facility for 122 violations of effluent limitations set forth in the facility's NPDES permit. All 122 violations are subject to Mandatory Minimum Penalties (MMPs) pursuant to Water Code section 13385 in the amount of \$366,000. The City of Arcata and the Regional Water Board have agreed to offset up to \$366,000 of this penalty through costs incurred to implement a Compliance Project (CP). The CP consists of improvements to existing aerators in oxidation pond 1, the installation of a baffle wall in oxidation pond 2, and additional projects that will serve to produce a higher quality effluent, further reducing the potential for effluent limit violations. The City must submit to the Regional Water Board a certification of completion of the CP by March 29, 2021. This project is currently underway and reportedly on schedule.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 19, 2021
December 15, 2020	Meghan Moody	NOV (Notice of Violation)	1. California Water Code section 13264 2. Federal Clean Water Act Section 301 (a), 401 and 404	Ongoing

**Comments:** On December 15, 2020, the Enforcement Unit senior issued a Notice of Violation to Meghan Moody for violations of the California Water Code section 13264 and the Federal Clean Water Act Section 301 (a), 401 and 404. The subject property is located in the Van Duzen hydrologic area of the Eel River watershed, Humboldt County. The property was previously enrolled for coverage under the Regional Cannabis order, with discharger Tyler Meenan, effective February 2016. On June 24, 2019, the site was transferred to Meghan Moody and regulatory coverage transitioned to the Statewide Cannabis Order on July 1, 2019. On March 24, 2020, staff from the Regional Water Board inspected the property and observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. The NOV directs Meghan Moody to provide a plan and schedule to correct the violations discussed within 30 days of the date of the NOV. The Dischargers have been in contact with Regional Water Board staff to discuss compliance requirements. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 19, 2021
December 17, 2020	Eric Drosihn	NOV	1. California Water Code section 13260 and 13264 2. Federal Clean Water Act section 301 (a), 401 and 404 3. Basin Plan Section 4.2.1	Ongoing

**Comments:** On December 17, 2020, the Enforcement Unit senior issued a Notice of Violation to Eric Drosihn for violations of California Water Code sections 13260 and 13264, federal Clean Water Act sections 301 (a), 401, and 404, and Basin Plan Section 4.2.1. The subject property is located in the Van Duzen hydrologic area of the Eel River watershed, Humboldt County. The property was enrolled for coverage under the Regional Cannabis Order for the period from August 2016 through June 30, 2019. On July 1, 2020, regulatory coverage was transitioned to the Statewide Cannabis Order. On March 24, 2020, Regional Water Board staff inspected the property and observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. The NOV directs Eric Drosihn to provide a plan and schedule to correct the violations discussed within 30 days of the date of the NOV. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 19, 2021
December 11, 2020	Sonoma Luxury Resort LLC	ACLO (Administrative Civil Liability Order)	1. CGP Attachment E Sections B.5, D.2, E.1, E.3 E.4, F, B.1, B.2 2. CGP Section VI.C, III.A, and III.B 3. Basin Plan Section 3.3.17 4. 401 Certification Condition 7.	Ongoing

**Comments:** On December 11, 2020, the Regional Water Board held a public hearing to consider evidence and testimony to decide whether to issue an ACL order assessing administrative civil liability in the amount proposed by Prosecution Team staff, or a higher or lower amount, or reject the proposed liability. Following presentations, questions, and discussion, the board affirmed the proposed administrative civil liability amount of \$6,425,680. This matter stemmed from violations of the Construction General Stormwater permit, State Water Board Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ. These violations on the Discharger’s Saggio Hills Resort development, north of Healdsburg, were observed by Regional Water Board staff and/or reported by the discharger over the period from October 3, 2018 to May 19, 2019, and are described in ACLC No. R1-2020-0009 and amended by ACLC No. R1-2020-0027. The ACLO directs Sonoma Luxury Resorts to remit the penalty amount to the State Water Board’s Cleanup and

Abatement Account by January 10, 2021. On January 11, 2021, the discharger filed a petition with the State Water Board, appealing the Regional Water Board's decision. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 19, 2021
January 8, 2021	Arcata Scrap and Salvage, Inc	NOV	Industrial General Permit Section X.H	Ongoing

**Comments:** On January 8, 2021, the NPDES Unit senior issued a Notice of Violation to Arcata Scrap and Salvage, Inc. for multiple violations of the Industrial General Storm Water Permit (IGP) Section X.H. The Discharger submitted a Notice of Intent (NOI) to enroll the facility under the IGP on November 6, 2019, and Regional Water Board inspected the subject property on November 17, 2020. During the inspection, staff observed a significant amount of junk materials that the Discharger indicated was left from previous ownership. Staff directed that the Discharger clean up the property and implement proper BMPs. On November 17, 2020, staff conducted a secondary, follow-up inspection after a storm event. During this latter inspection, staff observed multiple BMP deficiencies and IGP violations. The NOV directs Arcata Scrap and Salvage to make various improvements to the facility and to incorporate proper BMP's to improve the overall housekeeping of the property and to come into compliance with the IGP. The NOV also directs Arcata Scrap and Salvage to submit a written response, with photographic evidence, demonstrating and documenting the measures taken to comply with the above items, and confirming that corrective actions are being monitored. This matter is 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.

### **April 15 & 16, 2021**

- Groundwater Basin Evaluations, Recommended Priorities, and Summary of Potential Regulatory Approach (*Chris Watt*)
- Anchor Bay NPDES Permit Renewal (*Cathy Goodwin*)
- Update on the Monte Rio/Villa Grande Wastewater Project to Implement the Russian River Watershed Pathogen TMDL (*Charles Reed, Alisha O'Loughlin-County of Sonoma*)

### **June 17 & 18, 2021**

- Humboldt Bay Resort Improvement District No. 1, Shelter Cove WWTP NPDES Permit Renewal (*Cathy Goodwin*)
- Hatchery NPDES General Order Renewal (*Justin McSmith*)
- Russian River CSD WWTP NPDES Permit Renewal (*Cathy Goodwin*)
- Roblar Road Quarry WDR & 401 Certification (*Ben Zabinsky*)
- Humboldt Creamery NPDES Permit Renewal (*Matt Herman*)
- Bodega Farms NPDES Permit Renewal (*Matt Herman*)