



# EXECUTIVE OFFICER’S REPORT

## North Coast Regional Water Quality Control Board

April 4, 2024

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### Regional Board Staff Initiate Effort to Improve Permittee Monitoring and Reporting Compliance

*Kelsey Cody, Ph.D.*

The Waste Discharge to Land Program within the Groundwater Permitting Unit initiated a process in October 2023 to audit the submittal and review of discharger Self-Monitoring Reports (SMRs) over the past five years, from July 1, 2018 through October 1, 2023. Because staff cannot possibly conduct all necessary monitoring themselves, SMRs are an indispensable component of the overall approach to water quality protection. Ensuring their timely submittal and review is a top priority of the Discharge to Land Program.

Staff pulled data the California Integrated Water Quality System (CIWQS), a computer system used by the Water Boards to manage permits, including collecting reports from permitted entities. Analysis of the data revealed that there are 242 dischargers required to submit SMRs in the Discharge to Land Program. CIWQS showed that 220 (90.9%) had missed at least one report over

the audit period, with 84 (34.7%) having submitted no reports at all. Twenty-two (9.1%) had a perfect submission record. The remaining 136 (56.2%) submitted an average of 66.7% of their required reports.

Of the 7,283 reports that were required over the audit period, 3,691 (50.1%) had been recorded as submitted in CIWQS. Program staff had reviewed 1,782 (48.3%) of the submitted SMRs. Fifty six of the 158 dischargers (35.4%) that submitted any required report had none reviewed by staff, while sixteen (10.1%) had all their SMRs reviewed by staff. Staff had reviewed an average of 59.6% of the required SMRs from the remaining 86 dischargers (54.4%).

#### **Permittee Outreach**

A tailored letter was sent to the permittee address on file, notifying the 220 dischargers of the missing SMRs. The letter introduced the Regional Board and the requirement to submit SMRs and contained the relevant order number and a list of the specific missing SMRs. The letter invited dischargers to: 1)

help correct our records, if they had indeed submitted the SMRs, 2) provide the missing SMRs if they had the data necessary to complete them, or 3) provide an explanation for the missing SMRs and the reasons none of the missing SMRs could be provided. The letter also reminded the dischargers of the requirement to submit all future SMRs on time and provided resources to assist in that endeavor, including a link to CIWQS<sup>1</sup>, the Regional Board adopted orders page<sup>2</sup>, the contact information of their assigned staff, and our GovDelivery listserv<sup>3</sup>.

### ***Initial Permittee Response***

In the following weeks, dischargers and staff corresponded to resolve many outstanding issues. As of 3/8/2024, 123 dischargers had responded to their letters, a response rate of 55.9%. Dischargers we asked to respond in 60 days, so this number is expected to grow through 3/30/2024 and beyond.

Through this process, a number of database deficiencies were identified. The most common database problem was staff failing to record SMRs as having been received in CIWQS, even though the SMRs were available in the facility file. Another, less common database problem was that some dischargers were set up in CIWQS as requiring monthly, quarterly, or annual SMRs when they were not actually required to submit reports at one of those frequencies per their orders.

The vast majority of the missing SMRs were simply due to delinquent reporting. Some common reasons for delinquent reporting included dischargers not knowing they were required to submit SMRs or not having the

budget to complete the required monitoring. Still other dischargers communicated that they no longer discharged and thought their order had been rescinded. Finally, especially when ownership had changed, some dischargers had never heard of the Regional Board at all.

### ***Findings and Lesson Learned***

Although this process is ongoing, there have been many positive outcomes. First, the database issues are being resolved and SMRs are being found and entered properly. Second, many delinquent SMRs have been submitted. Third, staff are working closely with dischargers to ensure that future reporting is done on time, that dischargers understand the requirements of their order, and that dischargers and staff are mutually aware of the challenges each faces in protecting water quality.

### ***What the Future Holds***

Although this process has been time consuming and has revealed some problems in the Discharge to Land Program databases, it is critical for the protection of groundwater quality. The next steps will proceed on a few fronts. First, staff are in the process of documenting the letters and missing SMRs in the discharger file record. For future SMRs, staff will review all annual summary reports for each discharger every two years, follow up with reviews of routine monthly or quarterly reports when violations are reported, and conduct random spot checks of monthly or quarterly reports for a subset of dischargers. This approach will balance available staff

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<sup>1</sup> [CIWQS](https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset)  
(<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset>)

<sup>2</sup> [Regional Board Adopted Orders](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/)  
([https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/))

<sup>3</sup> [GovDelivery listserv](https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=north_coast)  
([https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=north\\_coast](https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=north_coast))

resources with the need to ensure overall permit compliance.

In approximately 18-24 months, staff will initiate another audit of SMR submittal. At this stage, chronically delinquent dischargers will likely be issued a Notice of Violation, following Progressive Enforcement Policy, while others will be issued another letter if they have improved their submittal rate and/or have shown a good faith effort to comply with their monitoring and reporting requirements.



## **Recognizing our Office of Enforcement Attorneys with the Executive Officer's Award** *Jeremiah Puget*

In recognizing our partnership with the Office of Enforcement (OE) and acknowledging their key contributions towards eliminating our Mandatory Minimum Penalties (MMPs)<sup>4</sup> backlog, we are pleased to present the Executive Officer's Award to the following attorneys.

- Paul Ciccarelli, Attorney IV, R02
- Asa Standfeldt, Attorney III, R02
- Chris Law, Attorney III, R02
- Dan Kippen, Attorney IV, R02
- Kailyn Ellison, Attorney IV, R02

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<sup>4</sup> Section VII of the State Water Board Enforcement Policy defines Water Code 13385(h) and (i), which requires mandatory minimum penalties for wastewater treatment violations of effluent limitations established in NPDES-Permitted facilities. The Enforcement Policy also cites Water Code section

## **Background**

In 2021, the North Coast Region had the oldest MMPs on the books in the state, and now the Prosecution Teams are proactively planning to resolve the most recent violations from 2023. Through planning, coordination, and some creativity the teams made incredible progress while still adhering to the regional priority of supporting disadvantaged communities by encouraging the development of Compliance Projects (CPs) and Supplemental Environmental Projects (SEPs) to ensure the enforcement funds were used to address water quality impacts either at the facility or locally within the watershed.

In 2021, 19 facilities had outstanding MMP violations that needed resolution. To resolve those violations, the Enforcement Unit collaborated with NPDES Unit wastewater staff and OE legal staff by forming Prosecution Teams to prioritize and address the outstanding and historical violations. In the fall of 2021, the Prosecution Teams mailed several "Invitations to Enter into Settlement Discussions" to the dischargers responsible for these facilities.

However, relatively recent court decisions on the "statute of limitations" (aka laches) for MMPs led to changes in deadlines for resolving violations and modified Enforcement Program performance targets from the State Water Board. Given these changes, the North Coast Region changed its approach from inviting settlements to issuing formal administrative civil liability (ACL) complaints to meet these new metrics and act timely to

13385(k), provides an alternative for the Regional Water Boards in assessing MMPs against Publicly Owned Treatment Works (POTW) that serves a small community allowing the facility to spend an amount equivalent to the MMP amount toward a Compliance Project (CP) that is designed to correct the violation.

avoid invoking a laches defense<sup>5</sup>. Our OE attorneys were key participants in developing the ACL complaints and were accommodating to this new approach for our region. Our OE legal counsel helped with many difficult conversations ensuring that Prosecution Team staff were on track and represented legally when explaining to our Dischargers how to best navigate their options moving forward under the Enforcement Policy. OE staff were thoughtful in explaining our process while engaging with multiple facilities in settlement negotiations following the issuance of the formal enforcement actions. These conversations coupled with the formal enforcement actions resulted in numerous tangible benefits to water quality throughout the region as detailed below.

### **Summary of Accomplishments**

From 2021 to date, the Prosecution Teams issued 21 ACLs to 19 wastewater facilities within the North Coast Region. While several facilities are still developing their projects, so far, these enforcement actions have resulted in eight CPs designed to reduce facility violations; and five SEPs resulting in surface water restoration and stormwater pollutant reduction.

- 21 ACLs in two years.
- Over \$100k paid to the California Cleanup & Abatement Account.
- Over \$300k in MMPs offset by CPs and SEPs completed or in progress in Region 1.
- Regional enforcement actions leveraged over \$4 million in matching funds for water quality infrastructure improvement and habitat restoration projects.

### **Kudos!**

Please join us in acknowledging and thanking Paul, Asa, Dan, Chris, and Kailyn for their outstanding contributions to this successful initiative.



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<sup>5</sup> Laches is a legal term defined as unreasonable delay pursuing a right or claim, in a way that prejudices the opposing party.

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## Enforcement Report for April 2024 Executive Officer's Report

**Zane Stromberg**

Summary of Enforcement Actions issued between **January 13, 2024 – March 8, 2024**

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), CAOs, Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/ 13376 Directive), Staff Enforcement Letters, Compliance Notices (CNs), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued twelve NOVs, one 13267/13304 Directive Letter, four NNCs, and one CAO. 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). Settlement negotiations continued with dischargers on four cases during this reporting period.

### 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>6</sup>
CGO	Cannabis General Order <sup>7</sup>
CGP	Construction General Permit <sup>8</sup>
CSD	Community Services District
HA	Hydrologic Area
IGP	Industrial General Permit <sup>9</sup>
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
WDRs	Waste Discharge Requirement

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<sup>6</sup> [State Water Resources Control Board Resolution No. R1-2019-0007](#) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation

<sup>7</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>8</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>9</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. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
January 18, 2024	NOV	Mendocino Redwood Company, LLC	Mendocino County	Navarro River HA	Forest Activities Program	RWB Inspection on January 5, 2024
January 29, 2024	NOV	Jennifer Divine	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
January 29, 2024	NOV	Carmen F. Cortez and Robert Fernandez	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
January 29, 2024	NOV	Rafael Navarrete	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
January 29, 2024	NOV	Jerry J. Wilkins and James D. Wilkins	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023

**Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
January 29, 2024	NOV	Anthony Lucchetta	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023
January 29, 2024	13267/ 13304 Directive Letter	Mary Polson Larson Property	Mendocino County	South Fork Eel River HA	Cleanups Program	N/A
February 6, 2024	NNC	Little Lynn Pit Mine	Siskiyou County	Shasta Valley HA	NPDES Industrial Stormwater Program	N/A
February 6, 2024	NNC	Yellow Butte Pit Mine	Siskiyou County	Shasta Valley HA	NPDES Industrial Stormwater Program	N/A
February 6, 2024	CAO	City of Fort Bragg Scott and Mary Dabel	Mendocino County	Noyo River HA	Cleanups Program	N/A
February 8, 2024	NOV	Peter Herrmann	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 23, 2023

**Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs**

<b>Date Issued</b>	<b>Action</b>	<b>Owner/ OperatorName</b>	<b>County</b>	<b>Watershed</b>	<b>Program</b>	<b>Inspection Type/Date</b>
February 14, 2024	NOV	Cheng Vang	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 13, 2023
February 14, 2024	NOV	Kou Vang	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 13, 2023
February 23, 2024	NOV	Larabee Ranch Holdings, LLC	Humboldt County	Lower Eel River HA	Forest Activities Program	Multi-Agency inspection on October 3, 2023
February 29, 2024	NOV	David Tsang	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 13, 2023
February 29, 2024	NOV	Jose A. Chacon	Siskiyou County	Shasta Valley HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 13, 2023
March 5, 2024	NNC	Little Lynn Pit Mine	Siskiyou County	Shasta Valley HA	NPDES Industrial Stormwater Program	N/A
March 5, 2024	NNC	Yellow Butte Pit Mine	Siskiyou County	Shasta Valley HA	NPDES Industrial Stormwater Program	N/A



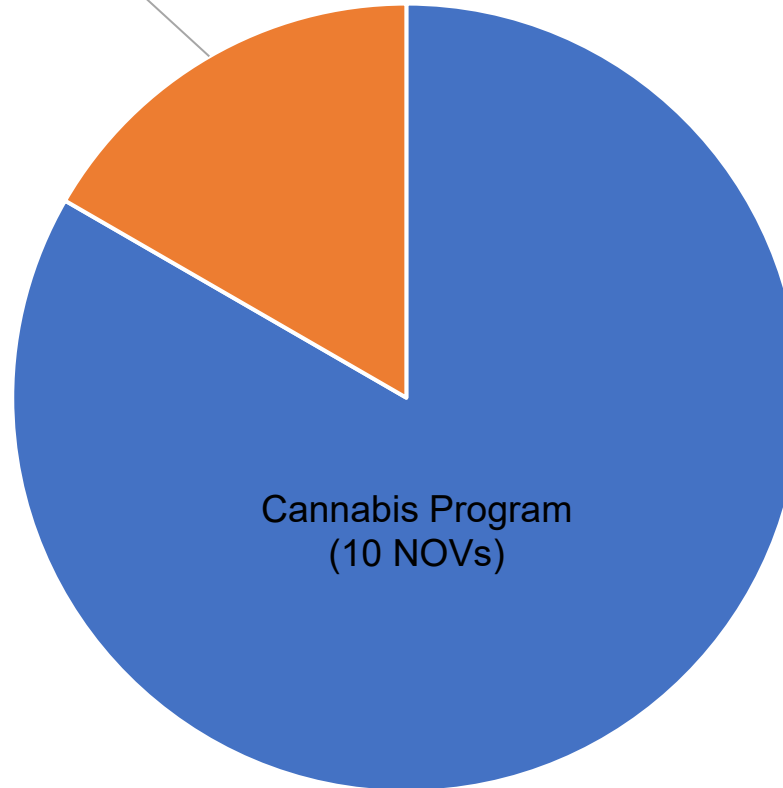
**Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs**

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
March 5, 2024	CAO	Reservation Ranch Smith River Ranch, LLC	Del Norte County	Smith River Plain Hydrologic Subarea	Dairy Program	N/A

Figure 1: NOVs Issued by the RWB Between January 13, 2024 and March 8, 2024

### NOVs Issued Between January 13, 2024 and March 8, 2024

Forest Activities Program  
(2 NOVs)

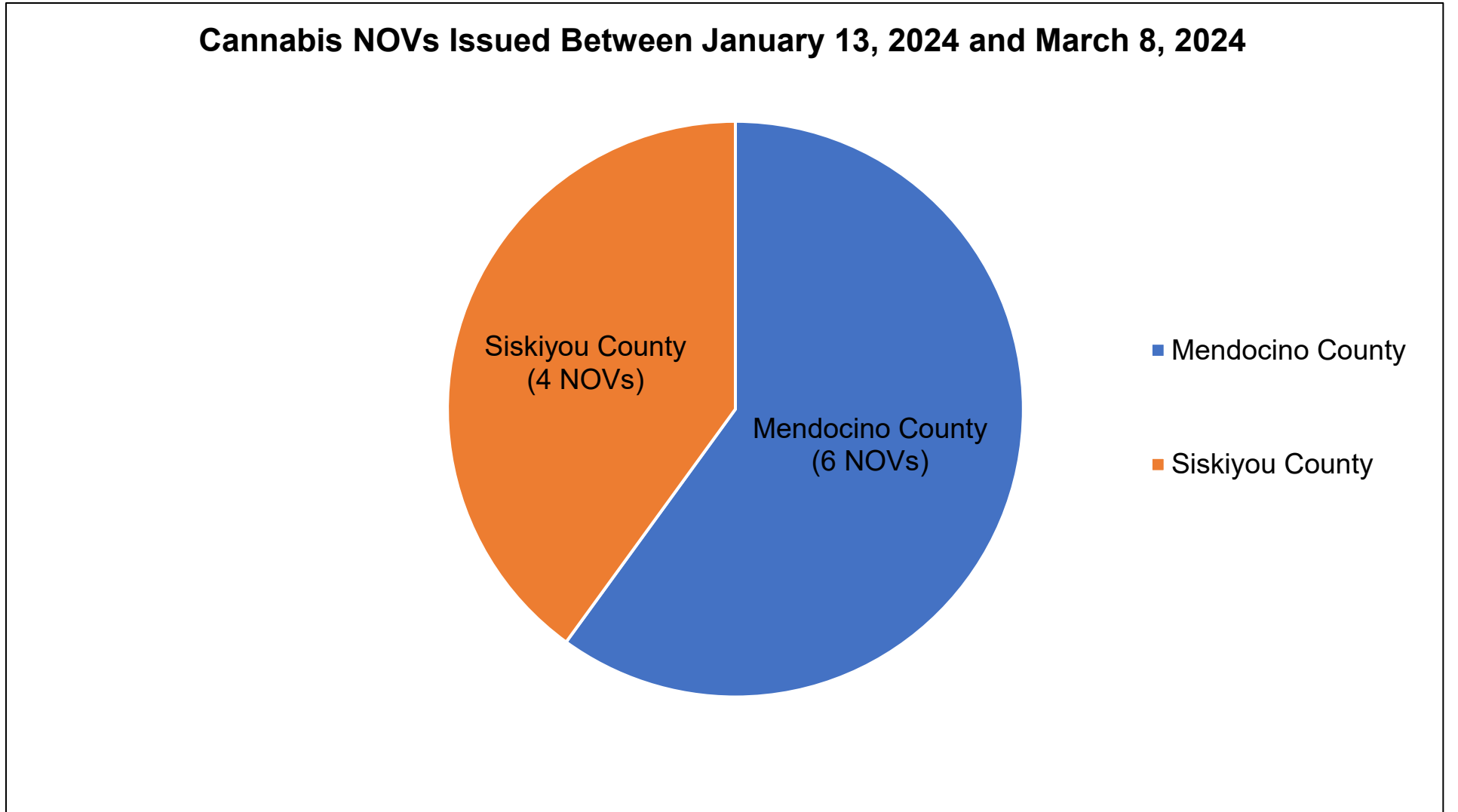


■ Cannabis Program

■ Forest Activities Program

Cannabis Program  
(10 NOVs)

Figure 2: Cannabis NOVs issued Between January 13, 2024 and March 8, 2024



**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
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	\$8,589,406	<b>Amended ACL Complaint No. R1-2021-0047-A</b> was issued on September 14, 2023, and includes an increased liability for additional violations that occurred after the first ACL complaint was first issued on September 10, 2021. Violation Period: December 2018 – January 2023	On January 29, 2024, the Advisory Team issued the Notice and Hearing Procedures for a Regional Water public hearing on October 2, 3, & 4, 2024. <sup>11</sup>
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	<b>ACL Complaint R1-2023-0008</b> issued on January 9, 2023.	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	<b>ACL Complaint No. R1-2023-0033</b> 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.

<sup>10</sup> More information on ACL Complaints and ACL Orders can be found online at the [Regional Water Boards Adopted Orders Page](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/): [https://www.waterboards.ca.gov/northcoast/board\_decisions/adopted\_orders/] or at the [California Integrated Water Quality System \(CIWQS\) Public Reports Portal](https://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.html): [https://www.waterboards.ca.gov/water\_issues/programs/ciwqs/publicreports.html]

<sup>11</sup> Both the Prosecution Team and the Discharger submitted timely comments on the tentative hearing procedures. A prehearing conference was scheduled by the Advisory Team with the parties on February 23, 2024 to discuss comments received.

**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$555,000	<b>Administrative Civil Liability Complaint No. R1-2023-0056</b> issued on October 15, 2023. Violation Period: March 15, 2018, to December 31, 2021	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	<b>Stipulated Order No. R1-2023-0025</b> 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.

**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
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	<b>ACL Complaint R1-2023-0009</b> issued on January 9, 2023.	<b>ACL Order No. R1-2023-0043</b> was adopted by the RWB on June 15, 2023. <sup>12</sup>

<sup>12</sup> **ACL Order No. R1-2023-0043** was adopted by the RWB on June 15, 2023.<sup>12</sup> 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. \$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 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. The Discharger has not complied with the CAO and all the required actions of the ACLO. Half of the liability has been paid timely with the remaining balance late and outstanding.

**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
<p>Enclave, LLC- Marlow Commons Development Site</p>	<p>NPDES Storm Water</p>	<p>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</p>	<p>\$46,200</p>	<p>Settlement Invitation issued on August 2, 2021 Violation Period: December 2019</p>	<p><b>Stipulated Order No. R1-2023-0052</b> was adopted on November 15, 2023 requiring \$26,000 in liability payment to the Cleanup and Abatement Account and \$20,000 to the San Francisco Estuary Institute SEP implementing the Russian River Regional Monitoring Program (R3MP) Project A.1.b. "Data Compilation Study: Laboratory Results of Basic Water Quality Monitoring Data." The Discharger is delinquent on payments to SFEI and the Cleanup and Abatement Account. RWB staff have remained in contact with the Discharger. However, the Discharger is not responsive to our request for payment therefore, RWB staff will be pursuing payment and collections.</p>

**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
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	<p><b>Stipulated Order No. R1-2023-0045</b> was adopted on August 22, 2023 and imposes a \$450,000 liability.</p>	<p>The liability has been paid by the Discharger. The Stipulated Order also required the Discharger to complete the proposed Restoration Mitigation and Management Plan (RMMP) by October 15, 2023, but the Discharger was granted an extension until October 15, 2024 in order to obtain necessary permits. This matter is ongoing.</p>



**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
Ken Bareilles	Southern Non-Point Source and Forestry Program	<p>- Discharges of waste into waters of the state in violation of Categorical Waiver<sup>13</sup> and Basin Plan</p> <p>- <b>CAO R1-2022-0009</b> Required Action No. 1 for failure to submit plan by deadline</p> <p>- <b>CAO R1-2022-0028</b> Required Action No. 1 for failure to submit plan</p>	\$276,000	<p><b>ACL Complaint No. R1-2023-0026</b> 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</p>	<p><b>ACL Order No. R1-2023-0040</b> was adopted by the RWB Board on June 16, 2023 and the administrative civil liability was increased to \$276,000. The Discharger was required to complete cleanup work on the property by September 29, 2023. After re-inspecting the site on February 27, 2024 staff have found that no major cleanup or restoration has been completed at the site. This matter is ongoing.</p>

<sup>13</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. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
Russian River CSD and Sonoma Water Agency	NPDES Wastewater	Violations of the Sanitary Sewer Order including unauthorized discharge of 885,664 gallons of raw sewage from the Russian River CSD collection system to the Russian River	\$1,033,546	<b>Order No. R1-2023-0049</b> includes Enhanced 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.	<b>Stipulated Order No. R1-2023-0049</b> was adopted on December 20, 2023. The Discharger has paid the liability portion of the Order. The agency plans to Award the Feasibility Study Consultant Agreement for the Enhanced Compliance Action by April, 2024.
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit and Late Reporting Violations subject to MMPs	\$123,000	Violation period: December 30, 2020, to December 30, 2022	<b>ACL No. R1-2023-0032</b> issued on May 8, 2023. The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.

**Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of March 8, 2024 <sup>10</sup>
Shadow Light Ranch, LLC Joshua Sweet	Cannabis	Violations of various provisions of the CGO, Basin Plan Prohibition 4.2.1., CWA section 401, failure to obtain CGP coverage for more than one acre of soil disturbance, and Water Code section 13267 for failure to report	N/A	No ACLC issued. RWB staff referred the case to the Attorney General's office on 18 June 2020.	This case also included violations pertaining to the Division of Water Rights, and the California Department of Fish and Wildlife and was referred to the State Attorney General's Office. The settlement for this case was approved on January 12, 2024. <sup>14</sup>
Sonoma Luxury Resort, LLC Saggio Hills Development Site (a.k.a. Montage Healdsburg)	NPDES Storm Water	Violations of various provisions of the CGP, Basin Plan Prohibition 4.2.1., Water Code section 13385, Clean Water Act sections 301, 401, & 404	\$6,425,680	<b>ACLC No. R1-2020-0027</b> was issued to the Discharger on September 14, 2020, and later adopted as <b>ACLO No. R1-2020-0040</b> by the RWB on December 11, 2020.	On October 25, 2023, the First District Court of Appeal affirmed trial court decisions sustaining the Regional Water Board's and State Water Board's demurrers to Discharger's petitions without leave to amend. On February 14, 2024, the California Supreme Court denied Discharger's petition for review, thus terminating Discharger's judicial challenge of the Order. RWB staff will proceed to billing and collections.

<sup>14</sup> More information on the Shadow Light Ranch, LLC settlement approval can be found here: [Court Approves \\$1.75 Million Settlement for Cannabis Cultivator's Violations](#)

## **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 13 & 14, 2024**

- 2023 Triennial Review (*Michelle Fuller*) [A]
- City of Ferndale NPDES Permit (*Justin McSmith*) [A]
- City of Dorris WDR Revision (*Mike Reese*) [A]
- McKinleyville CSD NPDES Permit (*Sabrina Cegielski*) [A]
- Roblar Road Quarry Name Change Permit Revision (*Lynette Shipsey*) [A]
- Division Work Plans for Fiscal Year 24/25 [I]

### **August 15 & 16, 2024**

- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Ukiah WWTP NPDES (*Matt Herman*) [A]
- Guerneville SWDS WDR Revision (*Terri Cia*) [A]
- Federal Lands Permit (*Devon Rabellino*) [A]
- Update on Status of Implementing Humboldt Redwood Company Elk River WDRs (*Jim Burke*) [I]

