



EXECUTIVE OFFICERS REPORT North Coast Regional Water Quality Control Board

June 2011

Update on Personnel

Luis Rivera

The North Coast Region continues a process of staff attrition as a number of individuals have retired and positions are eliminated due to budgetary constraints.

Although the resources for personal services have declined steadily throughout the last ten years, the recent spate of retirements among our senior staff has accelerated the rate of vacancies in our office and left six of our senior positions vacant.

Due to the shortfall in funding, and the current Executive Order from the Governor's office, there is a freeze on hiring, promotions, and increases in time base.

This summer we will be submitting a number of personnel action requests to address a number of our critical vacancies. Due to the budgetary constraints imposed on all state agencies, all of our proposed promotions will need to have a neutral impact on our budget. This will require the elimination of a number of our vacancies. These difficult choices will need to be a key element of the justifications for these actions. This is

not the first time these choices will be necessary. Under the Schwarzenegger administration attrition through the abolishment of vacancies became routine.

Over the last ten years the authorized positions allocated to the North Coast region have been reduced by 31.4% (105.4 positions in 2000-01 to 72.5 this fiscal year). Furloughs have substantially impacted our total personnel years resulting in an effective number for this fiscal year of about 62 personnel years.

Although much could change in the interim, the allocations for next fiscal year are anticipated to be roughly the same as the current year.

We aim to facilitate a transition to a smaller organization as managers retire. We will need to do a number of key reorganizations to make the best use of a diminishing budget, while continuing the job of issuing permits, cleaning up sites, adopting TMDLs and Basin Plan amendments, and pursuing enforcement actions against violators of water quality laws.

≈ ≈ ≈ ≈ ≈ ≈

Municipal Storm Water Outfall Monitoring

Mona Dougherty

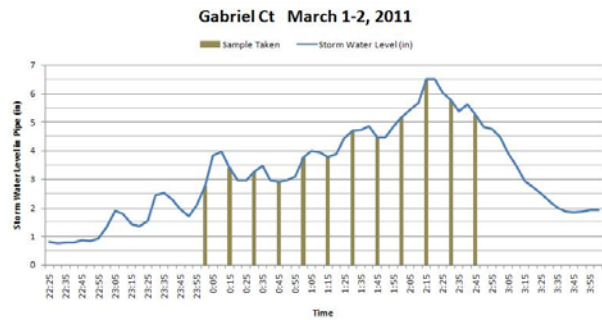
The Gabriel Court site collects storm water samples from a 36-inch pipe that drains approximately 22 acres of residential area in Santa Rosa to Piner Creek. On March 10, 2011, North Coast Region staff attended a demonstration of the sampling equipment and procedures at one of these sites. The Municipal Storm Water Permit for the City of Santa Rosa, Sonoma County, and the Sonoma County Water Agency was renewed on October 1, 2009, and for the first time required wet weather and dry weather sampling of six storm drain outfalls annually. The City of Santa Rosa has three sites that use automatic samplers to collect storm water for flow weighted composite chemical analyses.

While on site, Ken Hutchins from the Santa Rosa Storm Water Team described the use of the equipment, how the equipment is mounted into a manhole, the flow weighted compositing method, the lab tests conducted on the samples, and the bacteria grab-sampling procedure.



Manhole where the equipment is mounted

As an example of the kind of data gathered, the graph below shows the relationship between depth of storm water in the pipe, flow duration, and the automatic sampler collecting samples for a storm in early March 2011.



≈ ≈ ≈ ≈ ≈ ≈ ≈



Ken Hutchins from the Santa Rosa Storm Water Team described the use of the equipment

Scotia Update Spring 2011

Lisa Bernard



Town of Scotia, Main Street

Over five years ago, the Pacific Lumber Company (PALCO) submitted an application to Humboldt County to subdivide the Town of Scotia. An additional application was filed with the Local Agency Formation Commission (LAFCo) to form a Community Services District (CSD) to operate and maintain basic infrastructure.

On January 18, 2007, PALCO filed for protection under Chapter 11 of the U.S. Bankruptcy Code. On July 8, 2008, the court issued its judgment and order confirming the Plan of Reorganization submitted by secured creditor Marathon Structured Finance Fund (Marathon), joined by Mendocino Redwood Company (MRC). Pursuant to that plan, most of the Town of Scotia's real and personal assets transferred to a reorganized entity wholly owned by Marathon, Town of Scotia Company, LLC (TOS) now the applicant, and project proponent. Under the plan, the active Scotia sawmill facilities and other ancillary office buildings will transfer to a second reorganized entity, Humboldt Redwood Company (HRC) in which Marathon and MRC both have interests.

In July 2008, PALCO's real and personal assets for Scotia were transferred to the Town of Scotia Company, LLC (TOS), and TOS became the applicant proceeding with the Application for CSD formation.

In addition, to reflect the legal reorganization of responsible parties, the Regional Water Board adopted name changes to numerous permits previously held under PALCO, including the National Pollutant Discharge Elimination System (NPDES) for discharges from the wastewater

treatment facility and co-generation power plant.



Scotia Wastewater Treatment Facility, Operations Building, and Secondary Clarifier

In October 2010, LAFCo approved formation of the Scotia Community Services District with the authority to provide the following services: water; wastewater; storm drainage; street lighting; parks and open space management; recreation; road maintenance; landscape maintenance within public rights-of-way; and fire protection.



RED-Scotia Power Plant, Cooling Tower B

As of November 12, 2010, Town of Scotia completed the sale and transfer of the Scotia co-generation power plant to RED-Scotia, LLC, a division of

Greenleaf Power, LLC. The new owner will acquire all the assets and operations of the power plant and the Tank Gulch Ash Transfer Facility, and Greenleaf will continue to observe all the terms and conditions of applicable law and regulation, existing permits and conditions. Regional Water Board staff is coordinating with Town of Scotia and Red-Scotia during the forthcoming NPDES application cycle to capture the applicable changes in responsibilities and regulatory status. We anticipate an updated draft NPDES permit for Board consideration in Fall 2011.

≈ ≈ ≈ ≈ ≈ ≈

Fish Kill Response Training with the Klamath Fish Health Assessment Team

(Staff: Katharine Carter, Andrew Baker, Timothy Walcott, & Clayton Creager)

On May 11, 2011, staff of the North Coast Regional Water Board, California Department of Fish and Game, Yurok Tribe, Karuk Tribe, and U.S. Fish and Wildlife Service conducted the Klamath Fish Health Assessment Team (KFHAT) Fish Kill Response Training at the Oak Bottom campground on the Salmon River (a tributary to the Klamath River). KFHAT is a technical workgroup which formed during the summer of 2003 with the purpose of providing a coordinated response to a fish kill event in the anadromous portion of the Klamath River Basin (below Iron Gate Dam) such as occurred in the Fall of 2002. Over 40 people attended the training.



Regional Water Board and Yurok Tribe Staff conducting the water quality portion of the 2006 KFAT training

Participants in the training learned the basic skills that will be necessary when responding to a fish kill in the Klamath River Basin, including water sample collection, water quality monitoring equipment use, counting adult and juvenile fish in the event of a fish kill, recovering fish tags, and collecting tissue and scale samples from diseased fish for laboratory analysis. Additionally, participants reviewed the *Klamath River Basin Fish Kill Response Plan*, which describes the process and procedures agencies, tribes, watershed groups, and other organizations will use to respond to an adult or juvenile fish kill in the Klamath Basin.

This cross-training was an opportunity for those with an interest in the health of the Klamath River and its tributaries to learn proper fish kill response protocols so that valuable data can be properly collected in the event of another fish kill. Such information is critical to aid KFHAT members in their attempt to better understand the specific conditions and warning signs of an impending fish kill in the Klamath River Basin.

≈ ≈ ≈ ≈ ≈ ≈

Congratulations to the Cleanup Staff

Catherine Kuhlman

I want to acknowledge the wonderful work performed by our cleanups division in cleaning up and closing an amazing number of sites this year. They have vastly exceeded their workplan commitments, but more importantly, they have steadfastly worked to protect our regions groundwater.

Congratulations and a job well done.

≈ ≈ ≈ ≈ ≈ ≈ ≈

Update on the Mendocino County Permit Coordination Program

Jonathan Warmerdam

The concept of “coordinated permitting” has been gaining traction in various parts of the state, including Mendocino County, as a way to streamline and promote the implementation of high-quality erosion control and stream restoration activities on private lands.

Landowners seeking to address problem areas on private lands face numerous challenges within the permitting arena: multiple fees, overlapping regulatory jurisdictions, understaffed agencies, public review, technical design requirements, endangered species, and implementation costs. At times, the permitting process alone can be cumbersome enough to cause well-intentioned landowners to avoid addressing problems altogether, or to implement changes without permits.

The overall goals and potential benefits provided through coordinated permitting are simple: (1) support landowners in their voluntary conservation efforts, (2) provide technical expertise to help identify problem areas and potential solutions on private lands, (3) consolidate agency permits and requirements, (4) ensure implementation of high-quality erosion control and stream restoration projects, and (5) provide landowners with financial assistance whenever possible to assist with permitting fees and implementation costs.

The Mendocino County Resource Conservation District (MCRCD) and the Natural Resources Conservation Service (NRCS) have partnered to develop the *Mendocino County Permit Coordination Program* which will provide programmatic permit coverage for projects countywide.



The *Mendocino County Permit Coordination Program* will establish programmatic permits and approvals

from the regulatory agencies to cover projects constructed according to a set of specific, standardized conservation practices including, but not limited to: erosion control on roads, critical area planting, and stream habitat improvements.

In July 2010, the *Mendocino County Permit Coordination Program* was provided “incidental take” coverage under the federal Endangered Species Act through the issuance of a Biological Opinion by the National Oceanographic and Atmospheric Administration – National Marine Fisheries Service – for the proposed conservation practices.

Before any work can begin on the ground, these programmatic conservation practices must go through the public review and comment process in accordance with the requirements of the California Environmental Quality Act (CEQA). In order to support the program, Regional Water Board staff secured the funding necessary for the MCRCD to conduct the CEQA analysis; a contract between the State Water Resources Control Board the MCRCD was finalized and approved on March 22, 2011.

Regional Board staff recognizes the valuable partnerships provided by the MCRCD and NRCS through the *Mendocino County Coordinated Permit Program*. We also share the same goals and objectives to protect and restore watersheds in the North Coast Region while also providing technical and financial support to landowners. The MCRCD and NRCS both have the unique ability to administer financial support to landowners through state and federal grants and bonds, several of which are provided directly from the

State Water Resources Control Board and managed by the North Coast Regional Water Quality Control Board.

Regional Board staff supports the use of the *Mendocino County Coordinated Permit Program* as yet another mechanism for promoting compliance with sediment and/or temperature impairments detailed within Total Maximum Daily Loads (TMDLs). Nine of the eleven watersheds located within Mendocino County and covered through this program are currently listed on Section 303d of the Clean Water Act as impaired due to excess sediment and/or elevated temperatures. During the upcoming year, staff from the Regional Board will begin development of a programmatic permit to provide coverage for the proposed conservation practices.

≈ ≈ ≈ ≈ ≈ ≈

Update on the *Wood for Salmon Workgroup*

Jonathan Warmerdam

For millennia, downed trees and rootwads have been playing an important, natural role in many fish-bearing streams throughout California. The benefits of large wood for salmon and trout include: refuge during high winter flows, protection from predators, and scouring pools that retain water during summer droughts. However, during the past century the large wood recruitment process has been greatly disrupted as forests were logged, instream wood was removed, and riparian zones were cleared. These activities have resulted in many North Coast streams that are deficient in large wood and riparian forests that will take decades or centuries to mature.

Resource professionals and stakeholders now recognize the important role that large wood provides for salmon and trout habitat. A key recovery action identified in state and federal recovery plans for endangered salmonids is the reintroduction of large wood back into streams now, until forests can recover enough in order to sustain adequate levels through the natural recruitment processes.

The *Wood for Salmon Workgroup*¹ includes several state and federal agencies, non-governmental agencies, and stakeholders. The workgroup's goal is to promote large wood augmentation projects on public and private lands in order to provide immediate habitat improvements for the benefit of threatened and endangered salmonids. The workgroup has embarked on a concerted effort to learn the current permitting pathways, identify roadblocks to beneficial restoration projects, provide recommendations to remove disincentives, support the development of coordinated permitting strategies for large wood projects, and to conduct outreach and education.

¹ The Wood for Salmon Workgroup includes representatives from: the North Coast Regional Water Quality Control Board, National Oceanographic and Atmospheric Administration (NOAA) – National Marine Fisheries Service (NMFS), CAL FIRE, California Department of Fish and Game, California Geological Survey, U.S. Army Corps of Engineers, Mendocino County Resource Conservation District, Natural Resources Conservation Service, The Nature Conservancy, Sustainable Conservation, Alnus Ecological, Campbell Timber Management, and the University of California Cooperative Extension.



(Photo Credit: Campbell Timberland Management, LLC)

The *Wood for Salmon Workgroup* is making progress. In January 2011, agency staff informed a gathering of Registered Professional Foresters and community members about the large wood permitting process at a University of California Cooperative Extension workshop. In April 2011, the workgroup issued a multi-agency signatory letter to the Director of the California Department of Fish and Game recommending modifications to improve the department's process for permitting large wood augmentation and other restoration projects. The workgroup is also seeking to develop a new permitting pathway to be administered through the CAL FIRE's *California Forest Improvement Program* (CFIP) that is designed to consolidate all of the various agency application requirements into one-single application form. The workgroup is developing a white paper to guide those seeking agency permits to implement large wood augmentation projects.

Recently, agencies represented by the workgroup have approved several accelerated wood loading projects in a number of watersheds throughout

Mendocino County; these projects are already showing rapid and significant improvements to salmonid habitat.

~ ~ ~ ~ ~

Update on Development of a Mixing Zone Policy

Holly Lundborg

The 2007-2010 Triennial Review Priority List included the development of a "Mixing Zone Policy" (Rank 12 of 29). As described in the Initial "Staff Report for the 2007 Triennial Review" (June 18, 2007), this "policy would be focused only on pollutant limits intended to protect municipal supply (nitrates, chlorine break-down products, etc). Examples of where limitations would be set, might include: a mixing zone established at a wastewater outfall that would be of limited size and would not be located near any existing or potential drinking water intake."

The development of a "Mixing Zones Policy for Human Health Related Constituents", or any Basin Plan amendment, requires the compilation of substantial background information to inform the environmental impacts and alternatives analysis required for a Basin Plan amendment. Regional Water Board planning staff resources were not available to develop this background information. Therefore, Regional Water Board staff and staff representing Publicly Owned Treatment Works (POTW) developed a "Scope of Work" that described the process by which the interested municipal discharge community would develop some of the necessary background information needed by Regional Water

Board staff to pursue this proposed Basin Plan amendment.

The report, titled "Evaluation of a Mixing Zone Policy for Health-Related Constituents" (January 11, 2011), was submitted to the Regional Water Board on January 27, 2011. The report contains:

- A description of the existing regulations and policies.
- Basin Plan Amendment Alternatives
- Environmental Analysis
- References
- Appendices

This report is available at the Regional Water Board's website at: http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/mixing_zone_policy.shtml. It will be used to provide background information in the development of Regional Water Board staff's project description for a proposed Basin Plan amendment to consider a "Mixing Zones Policy for Human Health Related Constituents".

A public participation strategy is currently being developed by Regional Water Board staff to ensure all interested stakeholders are fully informed of the Basin Plan amendment process and development of the proposed Policy. To be added to the LYRIS email list for this project please go to:

http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml

Contact: Holly Lundborg

~ ~ ~ ~ ~

Enforcement Report

Diana Henriouille

Enforcement Orders may be viewed by following the Enforcement link on the Regional Water Board's web home page.

http://www.waterboards.ca.gov/northcoast/water_issues/programs/enforcement/

Enforcement Report for June 2011 Executive Officer's Report

Date Issued	Discharger	Action Type	Violation Type	Status as of May 18, 2011
4/12/11	Graton Community Services District	ACLC	MMPs	Discharger has expressed interest in waiving right to hearing within 90 days and entering settlement discussions

Discussion: On April 12, 2011, the Regional Water Board Assistant Executive Officer (AEO) issued an Administrative Civil Liability Complaint No. R1-2011-0051 to Graton Community Service District proposing a penalty of \$84,000 for violations subject to MMPs. The Discharger has responded by letter expressing willingness to waive the right to a hearing within 90 days and to enter settlement discussions with prosecution staff. Accordingly, the prosecution team has withdrawn the hearing notice and will remove the hearing from the June 23, 2011 Board meeting.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 18, 2011
4/22/11	Bohan & Canelis	NOV	Failure to provide information requested through a 13267 Order	Ongoing

Discussion: On April 22, 2011, the Chief of Watershed Protection Division issued a Notice of Violation (NOV) for violations of the California Water Code section 13267 Order No. R1-2011-0036 issued on February 23, 2011. The Discharger has not supplied all the information required under that Order. Counsel for the Discharger has been in contact with Regional Water Board staff expressing interest in preparing a plan and schedule to provide the remaining information.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 18, 2011
5/13/11	Paul Hobbs Winery	NOV	Failure to enroll a THP for coverage under the General WDRs for Timber Harvest Activities	Ongoing

Discussion: On May 13, 2011, the Chief of Timber and Nonpoint Division issued a NOV to Paul Hobbs Winery for failure to enroll for coverage under the General WDRs for Timber Harvest Activities. In 2009, staff had advised the consultant and Registered Professional Forester (RPF) of GWDR enrollment requirements, and on March 14, 2009, the consultant advised Regional Water Board staff that the Discharger would enroll for GWDR coverage prior to start of operations. On May 6, 2011, staff learned that timber harvest activities had started. The NOV advises the Discharger that failure to enroll for GWDR coverage is a Water Code violation, and that the Discharger is subject to enforcement and potential penalties for each day in which the violation occurs.

≈ ≈ ≈ ≈ ≈ ≈ ≈