

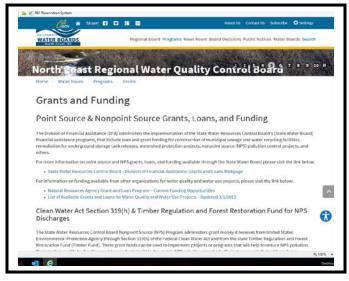
EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board June 19 & 20, 2019

New Grants and Funding Webpage *Katharine Carter*

We are pleased to announce our new Grants and Funding webpage!

If you are looking for information on financial assistance programs available from the State Water Resources Control Board and other California Natural Resource Agencies, look no further. Our new website includes information on point source and nonpoint source loan and grant funding opportunities for construction of municipal sewage and water recycling facilities, remediation for underground storage tank releases, watershed protection projects, nonpoint source (NPS) pollution control projects, and more.



Screenshot of NCRWQCB Grants and Loans page.

Information on grants and loans from federal agencies including the Department of Food and Agriculture, National Oceanic and Atmospheric Administration, and US Environmental Protection Agency is also available from our website.

Come visit us at the link below or click <u>here</u>: <u>https://www.waterboards.ca.gov/northcoast/water iss</u> <u>ues/programs/grants/</u>

If you are interested in joining the State Water Resources Control Board's grant and loan funding e-mail notification list, please follow the instruction on the bottom of the website.



Regional Water Board Staff Now Accepting Proposals for Supplemental Environmental Projects

Diana Henrioulle

In response to the recently revised Supplemental Environmental Projects (SEP) Policy, North Coast Regional Water Board staff are seeking project proposals to help build a new SEP list for Board consideration and adoption at its October 2019 Board meeting.

On December 5, 2017, the State Water Resources Control Board (State Water Board) adopted a revised SEP Policy, rescinding the previous, 2009 SEP Policy. The 2017 SEP Policy included revisions intended, in part, to better align it with the State Water Board's 2017 revised Water Quality Enforcement Policy and to fulfill legislative requirements to include provisions intended to benefit disadvantaged communities, environmental justice communities, and communities with financial hardships.

The 2017 SEP Policy defines a SEP as "an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty." SEPs typically enhance the beneficial uses of waters of the state, provide a benefit to the public at large, and at the time they are included in the resolution of an Administrative Civil Liability (ACL) action, are not otherwise required of the discharger. SEPs are intended to address or mitigate environmental harm to affected waters.

Dischargers that have been assessed an ACL (monetary penalty) by the Regional Water Board may satisfy up to 50 percent of the total liability by funding an eligible SEP. For settlements of violations giving rise to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivision (h) or (i), where the penalty amount equals fifteen thousand dollars (\$15,000) or less, the entire penalty amount may be directed to be expended on a SEP without prior approval from the Director of the Office of Enforcement (OE), provided the SEP meets the requirements of this 2017 SEP Policy. Where MMPs total more than \$15,000, \$15,000 plus 50% of the remaining civil liability may be directed towards a SEP without prior approval from the Director of OE.

The 2017 SEP Policy requires in part that Regional Water Boards solicit and evaluate SEP proposals in their jurisdictions and post on their websites a list of potential SEPs. Regional Water Boards may also compile an interested parties list that, while they may not have specific projects on the list, could be contacted at the time of settlement of an enforcement case to solicit a SEP proposal.

On May 28, 2019, Regional Water Board staff sent a letter to dozens of agencies and organizations throughout the North Coast Region, providing information about SEPs, and soliciting SEP proposals. Staff have also posted updated information on Region 1's website describing the SEP Policy and the process for proposing projects.

There is no deadline for submitting project proposals, however responses and proposals received by staff through August 31, 2019, will comprise the project set for initial screening and evaluation, and presentation to the Regional Water Board for consideration and approval at its October 2019 meeting. For more information about the SEP Policy, project solicitation, and projects underway contact Diana Henrioulle at (707)576-2350 or, by email, at

<u>Diana.Henrioulle@waterboards.ca.gov</u> or visit this link:

https://www.waterboards.ca.gov/northcoast/water_iss ues/programs/enforcement/#Supplement_Environmen tal_Project



Update on Enhancement Activities in and around Humboldt Bay

Clayton Creager & Chuck Striplen

Humboldt Bay Update

Regional Water Board staff believe it is timely for this update on enhancement activities in and around Humboldt Bay due to the increased number of planning initiatives and individual projects in the area. There are enough linkages between these activities to suggest it may be time to contemplate a more comprehensive strategy for the Humboldt Bay basin. These past few years have seen something of a renewed flurry of activity in Humboldt Bay. With the completion of the Elk River Recovery Assessment and relaunching of the Stewardship Program; permitting and imminent construction of the Elk Estuary Enhancement project; Martin Slough Fish Passage and Marsh Enhancement; new efforts to study and address sea level rise; and scores of other projects and initiatives - Humboldt Bay is more active than ever. Summarized below are several notable projects permitted by this agency that should be considered

within the context of a Humboldt Bay Watershed Stewardship framework.

<u>Elk River</u>

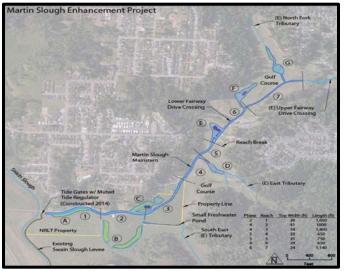
In the last several months, as described at the February 2019 Board meeting, the 5-year effort to complete the Elk River Recovery Assessment (ERRA) and Recovery Framework is now complete. The report is available on the agency's website, numerous hard copies have been provided to Elk River residents and agency personnel, and the ERRA team is now working through the Elk River Watershed Stewardship Program to meet with individual and small groups of landowners to interpret the material and evaluate possible projects. In addition, the permitting process for the two Sediment Remediation and Channel Rehabilitation Pilot Projects persists in earnest. Staff and the ERRA team have been meeting frequently with California Department of Fish and Wildlife and NOAA-NMFS staff members - and all landowners have now signed the necessary permits to move forward. The Regional Water Board serves as Lead CEQA agency for this project, and construction is planned to take place over the next two summers. The Elk River Waste Discharge Requirements (WDR), which includes the regulatory provisions for implementing the Upper Elk River Sediment TMDL is administered by Regional Water Board timber staff, with increasing coordination with the Stewardship Program.

Elk River Estuary and Martin Slough

Two exciting projects in the Elk Estuary have made great strides in recent months - Martin Slough Fish Passage and Marsh Enhancement, led by the Northcoast Regional Land Trust (NRLT); and the City of Eureka's Elk River Estuary, Tidal Wetlands Enhancement and Coastal Access Trail Project.

NRLT purchased the 43-acre Martin Slough property in 2011 with the goals of restoring riparian and wetlands habitats, improving fish access and habitat quality, reducing upstream flooding, and maintaining traditional agricultural production. Late Summer of 2014 saw the successful installation of the new, state-of-the-art The remaining phases of the project enhance available salmon habitat and improve flood containment. Both of these goals will be met by expanding the slough channel in strategic locations on NRLT property, creating a series of ponds (three located upstream on the Eureka Municipal Golf Course and two downstream on NRLT property), expanding an existing pond, which consistently supports a high number of juvenile coho salmon annually on the Eureka Municipal Golf Course, repairing a vulnerable dike along Swain Slough, and the planting of native riparian, wetland and salt marsh plants in restored areas.

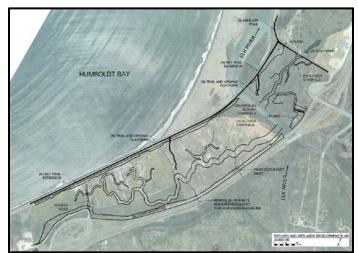
The last Martin Slough Stewardship Day, in partnership with the Redwood Community Action Agency, occurred on May 25, 2019. Additional information on this project may be found at: <u>http://ncrlt.org/restoration</u>.



Martin Slough Enhancement Project Map

The Elk River Estuary and Inter-Tidal Wetlands Enhancement Project is a multi-phase, multi-year project to expand the estuary on Elk River and enhance inter-tidal function of Buhne Slough and nearby tidal channels connecting to the South Humboldt Bay. There are two components to the City of Eureka's planning grant from the State Coastal Conservancy: expand Elk River's estuary; and enhance inter-tidal wetlands. The project area is composed of two areas connected to Elk River Slough, and two areas connected to Buhne Slough and South Bay. The potential increase of 123 acres of estuary habitat and 100 acres of inter-tidal habitat will help restore ecosystem functions for many aquatic species, including Chinook and Coho salmon, tidewater Goby, eelgrass, and other species. The project has now been permitted and construction of Phase I is planned for this summer. Additional information on this project may be found at:

http://humboldtbay.org/sites/humboldtbay2.org/files/ documents/Eureka Elk%20R%20Enhance%20Acc%20I S-MND%2008%2014%2017%20combined reduced.pdf



Estuary & Wetlands Development Plan Map

Humboldt Bay Initiative

The Humboldt Bay Initiative (HBI) is the result of the collaborative efforts of scientists and resource managers working and living in the Humboldt Bay region to work towards an ecosystem-based management (EBM) approach to resource management. EBM emphasizes collaborative, science-based management, sustainability, ecological health and inclusion of humans in the ecosystem. With a strong scientific foundation and local leadership and coordinated by the Coastal Ecosystems Institute of Northern California, HBI promotes productive and resilient ecosystems that can help ensure a healthy and sustainable future for Humboldt Bay's natural and human communities. HBI convened their annual meeting in Eureka on April 11-12 of this year at the Wharfinger Building in Eureka and featured 2 days of presentations and

a poster session. More than 200 people attended each day. The meeting consisted of four sessions: Sea Level Rise; Restoration; Ocean Science; and Economic Development. There were nearly 30 individual presentations on topics ranging from adaptation to a rising bay, to coastal ethnobotanical concerns of the Wiyot people, eelgrass monitoring, ocean acidification, aquafarms, and dredging. Of particular interest was the breadth and diversity of collaborative research and restoration projects taking place in the Bay. Additional information on this project may be found at:

http://www.coastalecosystemsinstitute.org/about-hbi/

Conclusion

Regional Water Board staff, grantees, contractors, and other partners are involved in a great number of these ongoing Humboldt Bay initiatives. As such, it becomes increasingly important to ensure that there is sufficient coordination among these efforts to ensure complementary outcomes. As local efforts, such as HBI, expand the scope of their coordination activities, the Regional Water Board – via our Watershed Stewardship Program, is well positioned to support and expand on these efforts.



Potter Valley Project Relicensing Update Bryan McFadin

The future of the Potter Valley Project (the Project) continues to be deliberated and has resulted in much regional participation. In addition to the formal public participation associated with Federal Energy Regulatory Commission (FERC) relicensing, Congressman Huffman is sponsoring an ad hoc committee to develop a comprehensive solution that best serves regional interests. Pacific Gas & Electric (PG&E) owns the Project, which includes Lake Pillsbury, Van Arsdale Reservoir, diversion works, a penstock, and hydropower facilities. The Project produces marginal amounts of hydroelectric power but has great regional importance due to the surplus water it creates in

the Russian River watershed, which provides water to municipalities and agricultural operations in the upper Russian River watershed, and the miles of salmonid spawning and rearing habitat that are blocked by the Project.



Scott River Dam. Photo taken by PG & E.

PG&E's FERC license to operate the Project expires in 2022. PG&E began initial efforts to relicense the Project in 2016, but announced in May 2018 its intention to sell the project facilities and the FERC license in an auction process. In January 2019, PG&E announced it was withdrawing from the FERC relicensing process and abandoning its effort to sell the project, citing its inability to justify the costs of moving forward in the FERC process given that it will not be the project operator. PG&E estimated that the costs associated with their relicensing process at over \$30 million.

PG&E's plan to withdraw from the FERC process led to FERC soliciting interested parties to submit a notice of intent (NOI) and pre-application document by June 28, 2019 to move forward with re-licensing of the current Project license. Parties interested in taking over the license would then have until April 2020 to submit a re-licensing application. If no application is filed by April 2020, any prospective operator would have to restart the application process. If no applicant steps forward, FERC may require PG&E develop a surrender plan, which could include plans for decommissioning the project.

One important aspect of the FERC process is the standing of municipalities and other governmental

interests, which have preferential standing in the process should multiple entities step forward to take over the Project. The governmental interests do not need to be local. The implication is that if local interests don't step forward in the FERC process, an entity with no interest in local water supply and environmental concerns could step forward and take over the project to pursue power generation interests.

Given the regional importance of the Project and the water supplies that it impacts, Congressman Huffman formed an ad hoc committee to explore and pursue a <u>two-basin solution</u> that serves interests in both the Eel River and Russian River basins rather than a winner-takes-all outcome. The ad hoc committee has met since the beginning of the relicensing process. The ad hoc committee includes two sub-committees to explore the feasibility of fish passage through the Project and minimize or avoid impacts to water supply reliability. Regional Water Board staff have participated in the ad hoc committee and the water supply subcommittee.

Given the uncertainty in the FERC process moving forward, Congressman Huffman has urged regional interests to collaborate in submission of an NOI that implements a two-basin solution. CalTrout, the Mendocino Inland Water and Power Commission, and Sonoma Water (formerly known as the Sonoma County Water Agency) have announced an agreement to jointly explore moving forward with submittal of an NOI implementing a two-basin solution, and have been speaking to Humboldt County, the Round Valley Indian Tribes, Friends of the Eel River and others about joining the consortium. An NOI submittal would include a preapplication document and a project plan, fisheries restoration plan, and a financial plan.

For further information on the project, the FERC process, and ad hoc committee discussions, go to pottervalleyproject.org.

Enforcement Report for June 2019 Executive Officer's Report Diana Henrioulle & Caila Heintz

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
03/26/2019	Danny Kuehl	NOV	Failure to comply with requirements of the Construction General Permit Order No. 2012- 0006 DWQ and the Regional Cannabis Order No. R1-2015-0023	Ongoing

Comments: On March 26, 2019, Assistant Executive Officer (AEO) Claudia Villacorta issued a Notice of Violation (NOV) to Danny Kuehl for the unlawful discharge of earthen materials into waters of the state and failure to comply with the requirements in the Construction General Permit Order No. 2012-0006 DWQ and the Regional Cannabis Order No. R1-2015-0023. The NOV pertains to water quality violations observed by Regional Water Board staff during a June 9, 2017, inspection. Violations were associated with development of a site for cannabis cultivation, with large scale land disturbance, placement of earthen materials on steep slopes (estimated 75%-85% slope) with the potential to discharge into nearby surface water, unauthorized construction of a watercourse crossing and disturbance of the riparian area of a Class III stream. The property is located in Lewiston, in the Trinity River watershed. Staff provided the Discharger with a copy of the inspection report on August 23, 2018. The NOV delineated violations identified in the inspection report, acknowledged efforts made by the Discharger to date to comply with applicable requirements/recommendations, and encouraged the Discharger to continue to correct violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/02/2019	Gary VanDenBerghe	NOV	Discharge of earthen materials to waters of the state	Ongoing

Comments: On April 2, 2019, the Enforcement Unit Supervisor issued a NOV to Gary VanDenBerghe for the unlawful discharge of earthen materials to waters of the state and failure to comply with standard conditions in the Regional Cannabis Order No. 2015-0023. The property has been enrolled for coverage under the Regional Cannabis Order since July 3, 2017. On April 3, 2018, Regional Water Board staff inspected the property, located in the Spy Rock Hydrologic Subarea of the Eel River watershed, and observed features and conditions violating the Basin Plan, Water Code, and Regional Cannabis Order. The NOV requested a Water Resource Protection Plan for the enrolled property which includes a proposed schedule to correct the violations discussed in the inspection report issued by staff within 30 days. As of May 24, 2019, the discharger has not submitted the requested information. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/16/2019	Richard Davis- Lowell, Tr., William J. Lowell Tr., and William J. Lowell Tr.	CAO	Unauthorized discharges of waste to receiving waters	Ongoing

Comments: On April 16, 2019, the Executive Officer (EO) issued a Cleanup and Abatement Order R1-2019-0025 to Richard Davis-Lowell, Tr., William J. Lowell Tr., and William J. Lowell Tr., for the discharge and threatened discharge of waste into Austin Creek through the unmitigated installation of rock and mixed size aggregate within waters of the state for bank stabilization. The property is in Sonoma County in Cazadero. Austin Creek is a tributary to the lower Russian River. On September 22, 2016, the Regional Water Board staff issued a 401 Certification to Richard Thomas David for his bank stabilization project, which specified that no rip rap would be placed into the watercourse channel. During a May 10, 2018, inspection, after work had been completed, staff observed the project area devoid of vegetation, a heavy equipment access route at an unauthorized location causing continuing impacts to the riparian area and function, rock and mixed rock aggregated placed in areas unauthorized for rip rap, and smaller-diameter materials that had migrated downslope to the watercourse. The CAO requires the discharger to clean up, abate, and mitigate the effects of discharging rock and mixed sized aggregate into Austin Creek and to eliminate the threat of future discharge. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/17/2019	Patrick Imbimbo, Conde Associates Encore Event Rentals	NOV	Unauthorized discharge of sediment-laden storm water	Ongoing

Comments: On April 17, 2019, the Construction Storm Water Unit Supervisor issued a NOV to Patrick Imbimbo, Conde Associates, for the unauthorized discharge of sediment-laden storm water and other materials to the municipal storm water sewer system. The project site is in Windsor, and drains to the Town of Windsor's municipal separate storm sewer system (MS4), and thence to Pool Creek and Windsor Creek, tributaries to Mark West Creek and the Russian River. The site is enrolled for coverage under the Construction General Storm Water Permit. On November 21, 2018, Regional Water Board staff inspected the project site during a rain event, and observed a concrete pump truck operator washing concrete out of the pump hose and rinsing concrete contact water directly onto unpaved surfaces. Staff also observed bare/erodible soil with no erosion control BMPs; insufficient sediment control BMPs; turbid stormwater flowing from the site into the storm drains; and poor housekeeping on the site. The NOV provided recommendations for the project site to come into compliance with the Construction General Permit. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/19/2019	Juliet and Boden Hegdal	CAO	Unauthorized dredge/fill in surface water	Ongoing

Comments: On April 10, 2019, the EO issued a Cleanup and Abatement Order (CAO) No. R1-2019-0026 to Juliet and Boden Hegdal for the discharge and threatened discharge of waste to receiving waters associated with construction of a pond and earthen berm in two Class III watercourses and an area of probable wetlands. Surface waters on the site are tributary to Redwood Creek, in the South Fork Eel River watershed. Regional Water Board staff inspected the site on December 7, 2018, during a watershed-wide cannabis enforcement effort in Redwood Creek. Observations made by staff during that inspection, as well as observations and reported observations made following this inspection suggested potential for imminent failure of pond containment, warranting immediate preventive efforts, to be followed by longer term cleanup/restoration. The CAO requires the discharger to immediately minimize inflow to the pond, minimize turbid discharges to surface waters, provide an Interim Site Stabilization Plan, and monitor the effectiveness of implemented actions. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
04/22/2019	Francesco Galofaro, Contadino Properties, LLC	NOV	Failure to comply with the Regional Cannabis Order No. 2015-0023	Ongoing

Comments: On April 22, 2019, the Enforcement Unit Supervisor issued a NOV to Francesco Galofaro, Contadino Properties, LLC., for failure to comply with the Regional Cannabis Order, under which their property has been enrolled since July 3, 2017. On July 23, 2018, staff from the Regional Water Board inspected the property, in the Sequoia Hydrologic Subarea of the Eel River Watershed, in Humboldt County. During the inspection, staff observed several features that failed to comply with the standard conditions in the Regional Cannabis Order. The NOV accompanied an inspection report, providing recommendations to correct the violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/01/2019	Dean Soiland, President of BoDean Company, Inc.	NOV & 13267	Failure to comply with the Industrial General Storm Water Permit (IGP)	Ongoing

Comments: On May 1, 2019, the AEO issued a NOV and 13267 Investigative Order R1-2019-0029 to Dean Soiland, president of BoDean Company, Inc., for failure to comply with the requirement of the Industrial General Permit Order No. 2014-0057 at the Mark West Quarry project site in Sonoma County. On several inspections of the site and surrounding areas in late 2018 and early 2019,

Regional Water Board staff observed discharges and evidence of discharges of sediment-laden runoff from the site into Porter Creek. On January 9, 2019, during a rain event, staff from the Regional Water Board inspected the site and observed sediment-laden storm water flowing from the site into Porter Creek. Staff collected TSS samples during the inspection, which documented increased levels of TSS in Porter Creek. Staff from the Regional Water Board inspected the site again on January 16, 2019 and February 13, 2019, collecting samples at the same location as the January 9, 2019 inspection. The NOV identifies violations of IGP discharge prohibitions, effluent limitations, and receiving water limitations, as well as Clean Water Act violations for unauthorized discharges. The Investigative Order was issued concurrent with the NOV and directs the discharger to provide technical and monitoring information. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/02/2019	Juliet and Boden Hegdal	NOV	Failure to enroll for coverage under the State Cannabis Order WQ 2019- 0001-DWQ	Ongoing

Comments: On May 2, 2019, the Northern Cannabis Regulatory Unit Supervisor, issued a NOV to Juliet and Boden Hegdal for failure to enroll for coverage under the State Cannabis Order WQ 2019-0001-DWQ. The NOV requires the discharger to enroll for coverage under the statewide cannabis Order. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2019
05/03/2019	Marshall Speck	NOV	Cannabis cultivation without regulatory coverage; Basin Plan prohibition violations	Ongoing

Comments: On May 3, 2019, the Enforcement Unit Supervisor issued a NOV to Marshall Speck for observed Basin Plan prohibition violations at several locations on his property in the Mattole River watershed. Staff also observed cannabis cultivation of sufficient scope to require coverage under the State Cannabis Order WQ 2019-0001-DWQ. The NOV requires the discharger to enroll for coverage under the statewide cannabis Order. 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 June and August Board meetings in 2019. <u>This list of agenda items is intended for general planning</u> **purposes and is subject to change**. Questions regarding the listed agenda items should be addressed to the identified staff person.

<u> August 14 - 15, 20-19 (Santa Rosa, CA)</u>

- County of Sonoma LAMP (*Charles Reed*) [A]
- Russian River Pathogen TMDL Action Plan (Alydda Mangelsdorf and Charles Reed) [A]
- GWDR for Dairies in the North Coast Region (*Cherie Blatt*) [A]
- Comprehensive Flow Workshop (*Bryan McFadin*) [W]
- Klamath Basin Update (Clayton Creager) [I]
- FY 2019/2020 Work Plans (Matt St. John) [I]

<u> October 16 - 17, 2019 (Weaverville, CA)</u>

- Town of Scotia WWTP NPDES (Justin McSmith) [A]
- Humboldt State University Telonicher Lab NPDES Permit (Cathy Goodwin) [A]
- Arcata NPDES (Justin McSmith) [A]
- Adoption of the Supplemental Environmental Project List (Diana Henrioulle) [A]
- Update on Status of Implementation of the Scott & Shasta River TMDL Waivers (*Eli Scott*) [I]
- Draft Integrated 303(d)/305(b) Report (Katharine Carter) [I]

[U] = Uncontested Item [W] = Workshop Item [A] = Action Item[I] = Information Item

190605_Upcoming_Board Meeting List