



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

August 3 & 4, 2023

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Update on the Development of the Federal Lands Permit

Carley Dunleavy, Forest Fortescue, Jonathan Warmerdam

The purpose of this article is to describe the primary elements of the North Coast Regional Water Quality Control Board's (Regional Water Board) proposed Federal Lands Permit, including some of the similarities and differences between it and the existing Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region, Order R1-2015-0021¹ (Federal Waiver) that it will replace. Regional Water Board staff anticipate releasing the public review draft of the Federal Lands Permit and associated environmental impact report in late 2023. Regional Water Board staff anticipate that the hearing for adoption of the proposed Federal Lands Permit will occur in mid-2024.

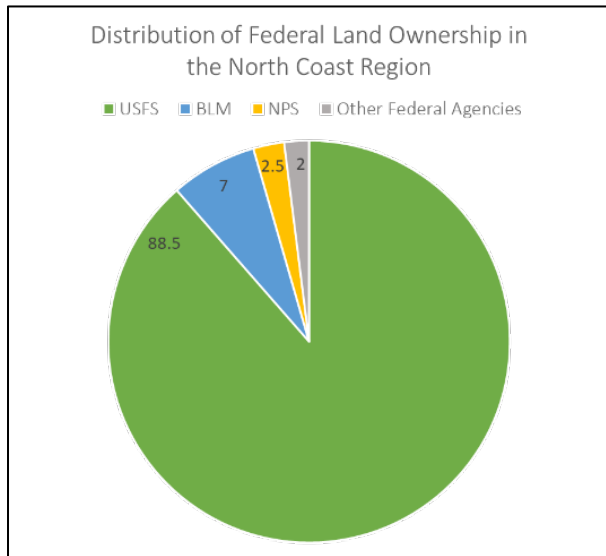
Regulatory Background

The Federal Lands Permit is intended to regulate certain land use activities primarily from the three largest federal agencies in the North Coast Region, the United States Forest Service (USFS), Bureau of Land Management (BLM), and National Park Service (NPS). Since 2004, the Regional Water Board has regulated the discharge of nonpoint source pollutants to surface waters on federal lands through a Waiver of Waste Discharge Requirements permit.

Federally administered lands cover approximately 46 percent of the land area in the North Coast Region. State water quality regulations apply to federal agencies and activities that occur on federally managed lands. Because the USFS, BLM, and NPS have jurisdiction over their federal lands and facilities and/or engage in activities that may result in the discharge or runoff of pollutants, they are subject to state requirements

¹ The Federal Waiver was extended in 2020 via Order R1-2020-0021

respecting the control and abatement of water pollution under Clean Water Act section 313.



The Federal Lands Permit and its associated Monitoring and Reporting Program rely on permit conditions, existing federal best management practices, and the standards and guidelines contained in federal agency guidance documents to demonstrate compliance with water quality standards. Key requirements of this new Order include the treatment of sediment sources across an Administrative Unit over a set period, retention of natural shade within designated riparian zones, and implementation of best management practices designed to prevent and minimize discharges of pollutants to surface waters. We use the term ‘Administrative Unit’ to refer to requirements that apply to an individual National Forest, BLM Field Office, or National Park or Monument.

Waiver Changes Considered for Federal Lands Permit Inclusion

Regional Water Board staff are proposing significant changes to the existing Federal Waiver for inclusion in the Federal Lands

² Please note that the Federal Lands Permit is subject to public review and Regional Water Board adoption. As such, the proposed

Permit. The proposed changes reflect Regional Water Board staff’s experience implementing the Federal Waiver, as well as input received to date from Regional Water Board members, federal land management agencies, Tribes, and other communities of interest in the North Coast Region. The changes are intended in part to adapt the permit to better accommodate fuels management and fire recovery actions on federal lands, reduce threats to communities from catastrophic wildfires, and revise the controllable sediment source treatment approach across federal ownerships. The significant changes considered for inclusion in the Federal Lands Permit include, but are not limited to, the following²:

1. converting from a Waiver of Waste Discharge Requirements to a Waste Discharge Requirements permit that has no expiration date;
2. conducting a new supporting environmental analysis in compliance with the California Environmental Quality Act (CEQA);
3. better integrating and referencing guidance documents from non-USFS federal agencies, such as the BLM and NPS;
4. revising the regulatory approach to livestock grazing;
5. requiring a new controllable sediment source treatment method across each federal ownership over a given time period; and
6. revising monitoring and reporting requirements.

Regulated Land Management Activities

This Federal Lands Permit addresses discharges of waste to waters of the state from certain management activities on federal

changes described in this document are explicitly conceptual.

lands. Land management activities covered under this Order include timber harvest, vegetation and fuels management, roads and trails, grazing, emergency activities, fire recovery, and some aquatic habitat restoration projects. Activities not covered under this Order include mining, application of herbicides or pesticides, discharges of hazardous or human waste, third parties conducting activities on federal lands, and land disturbance activities unrelated to silvicultural operations that disturb one or more acres.

Category A and B Projects

The Federal Lands Permit divides covered land management activities into two categories, A and B, based on their relative risk to water quality. Category A projects are those that pose a minimal risk to water quality, warrant less administrative oversight by the Regional Water Board's staff, and are therefore ministerially permitted through the Federal Lands Permit. Category B projects present an elevated risk to water quality and therefore warrant greater administrative oversight by the Regional Water Board's staff. Federal Agencies are required to apply for coverage for Category B projects and submit a Notice of Intent to the Regional Water Board for review, and conduct monitoring and reporting.

Sediment Source Treatment Plan

Summary

Regional Water Board staff are proposing a new approach for federal agencies to address CSDS treatments in the Federal Lands Permit through the development of a Sediment Source Treatment Plan. CSDS is a term used in nonpoint source permits by the Regional Water Board since 2004 and has an identical definition to the Legacy Sediment Site term used in the prior Federal Waivers. For

reference, the definition of a CSDS is a location that:

1. is discharging or has the potential to discharge sediment to waters of the state in violation of applicable water quality requirements;
2. was caused or affected by human activity; and
3. may feasibly and reasonably respond to prevention and minimization management activities.

An approved Sediment Source Treatment Plan will require federal agencies to inventory, prioritize, and treat CSDS across Administrative Units over 20 years, as opposed to requiring treatments associated with each Category B project. We contemplate that Federal Agencies may request extensions of the 20-year timeframe.

Background

In past discussions, Federal Agencies identified the need to increase the pace and scale of community protection and vegetation management projects to avoid the risk and impacts of catastrophic wildfires. They also articulated the difficulty of expanding these programs due to the cost and staff time required to comply with CSDS treatment requirements for Category B projects under the Federal Waiver. These considerations informed the proposed change of decoupling CSDS treatment from project-level implementation and transitioning toward a holistic, long-term, watershed-level CSDS treatment approach through the development and implementation of a Sediment Source Treatment Plan. Sediment Source Treatment Plan implementation will allow federal agencies more flexibility for implementation of community protection and vegetation management projects by decoupling CSDS treatments from those project types, and potentially place them in position to partner

with local watershed groups to apply for funding for implementation.

Description

The primary components of a Sediment Source Treatment Plan would include:

- a watershed identification and prioritization plan
- a watershed prioritization, inventory, and treatment schedule for all sixth-field watersheds within an Administrative Unit; and
- annual and five-year implementation workplans and reports.

Federal agencies would be required to develop and propose a logical, defensible approach for treatment prioritization within the Sediment Source Treatment Plan. Annual and five-year workplans and reports are the main mechanisms to track CSDS treatments being implemented through a Sediment Source Treatment Plan.

Following review and approval by the Regional Water Board Executive Officer, Federal Agencies will be required to implement Sediment Source Treatment Plans within 20 years. Federal Agencies may request extensions of the 20-year deadline after 10 years of Sediment Source Treatment Plan implementation. Extension requests will be considered if reasonable progress and/or a good-faith effort to implement the plan can be demonstrated by the Federal Agency. All untreated legacy sediment sites required by the 2010 and 2015 Waivers are required to be incorporated into the prioritization criteria and treated under the Sediment Source Treatment Plan. We contemplate that federal agencies that have existing alternative CSDS treatment strategies in place, such as the USFS Watershed Condition Framework, may utilize those efforts to plan CSDS treatments

in lieu of the requirements outlined in the Federal Lands Permit.

Revised Approach to Livestock Grazing on Federal Lands

Summary

Regional Water Board staff propose to replace existing Category B enrollment process with broad, automatic coverage of the activity of grazing across all federal lands. The proposed Federal Lands Permit approach will rely on a set of general conditions, drawn from Federal Best Management Practices, management measures taken from other Regional Water Board permits, and federal planning documents, and apply them as regulatory requirements to the activity of grazing.

Background

The current enrollment process for federal grazing allotments under the Federal Waiver does not work. Regional Water Board staff periodically receive consistent feedback from environmental stakeholders and Tribes that current federal grazing permit administration lacks effective requirements. Conversely, we have received feedback from the USFS that the Federal Waiver requirements interfere with their established monitoring methods and goals.

Description

The proposed revised approach to regulating grazing is to state that all grazing activities, regardless of current Federal Waiver enrollment status, would be subject to the general conditions of the Federal Lands Permit. The general conditions for grazing would include grazing Best Management Practices contained in Federal Guidance, management measures taken from other Regional Water Board permits, as well as plans and policies that apply to grazing such as the Standards and Guidelines for the Northwest Forest Plan. Regional Water Board

staff would evaluate and document compliance with the general conditions.

On USFS grazing allotments, each National Forest would be required to conduct an evaluation of one allotment annually using the National Best Management Practice Evaluation Protocol and submit the results to the Regional Water Board in their annual report. If evidence of violations of the general conditions is identified, indicator bacteria monitoring of that allotment may be required to evaluate potential impacts to water quality.

Each Federal Agency would be required to submit a copy of all approved Annual Operating Instructions (AOI) (or equivalent) issued on each allotment. Any corrective actions identified in the National Best Management Practice assessment or in Regional Water Board staff inspection documents would be addressed and incorporated into the following year's AOIs. Each National Forest or Federal Agency would be required to submit a certification to the Regional Water Board that all allotments meet Federal Guidance standards, and that they transmitted a copy of the permit and requirements to the grazing permittee.

Emergency Activities

During emergency responses, the responsible Federal Agency official is authorized to take actions necessary to control the immediate impacts of the emergency and to mitigate harm to life, property, or important natural or cultural resources. When taking such actions, the responsible official must consider the probable environmental consequences of the emergency action and mitigate foreseeable adverse environmental effects to the extent practical. As a result, the Federal Lands Permit does not require an application in order to provide coverage of emergency actions.

In-Channel Monitoring

Since the Regional Water Board adopted in-channel monitoring requirements for the USFS in 2010, Regional Water Board staff have gained insight into what these monitoring requirements provide, or do not provide, as that relates to water quality protection, land management decisions, and the Federal Clean Water Act Section 303(d) listing and delisting considerations. Previous iterations of the Federal Waiver did not include in-channel monitoring requirements for the BLM and NPS, and in-channel monitoring requirements for those agencies are now proposed in the Federal Lands Permit.

Regional Water Board staff are proposing a new approach to in-channel monitoring for all Federal Agencies. Each Federal Agency will be required to monitor according to their own existing protocols or an established monitoring contract to meet the objectives of the Federal Lands Permit. Temperature monitoring is proposed for all federal agencies.



Statewide General Permit to Regulate Raw Sewage Spills Receives Update

Matt Herman

Beginning on June 5, 2023, public agencies in California that own and operate sewer systems that convey municipal and domestic sewage to wastewater treatment plants are required to meet updated requirements to control sewage spills and overflows from their systems.

The new requirements, established in Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Water Quality Order No. 2022-0103-DWQ, or "General Permit"), were approved last year by

the State Water Resources Control Board to provide a consistent, statewide regulatory approach to address sanitary sewer spills. The General Permit also requires public agencies to develop and implement sewer system management plans that will help them manage their wastewater collection systems effectively.

Some of the major new requirements include:

- Includes a new prohibition of any discharge of sewage from a sanitary sewer system that has the potential to discharge to waters of the State unless promptly cleaned up.
- Expands on prioritization of system-specific management, operations, and maintenance activities to address system resilience.
- Addresses underground sewage exfiltration from a sanitary sewer system by designating that the exfiltration of sewage that remains in the subsurface and does not reach a water of the State is not considered a spill, whereas exfiltrated sewage that does reach a water of the State, including groundwater, is a spill.
- Requires sewer system owners to coordinate with stormwater, drinking water, and other utility agencies for planning and emergency spill response.
- Reduces frequency of Sewer System Management Plan and subsequent updates, from five years to six years.
- Reduces timeframe for water quality sampling of a surface water receiving a spill of 50,000 gallons or greater, from 48 hours to 12 hours.

There are 64 sanitary sewer systems enrolled under the new General Permit within the North Coast Region, providing sewer services to approximately 600,000 persons and

encompassing more than 2,100 miles of force mains and gravity sewer lines. Collection systems within our Region range in size from very small, such as the City of Blue Lake with about 3 miles of regulated public sewer line, to very large, such as the City of Santa Rosa's subregional system with almost 600 miles of force mains and gravity lines. Approximately 41% of the sewer lines in Region 1 were built prior to 1980, including about 400 miles of piping that was built prior to 1960.

All these systems were previously enrolled under the 2006 General Permit and were automatically enrolled under the new General Permit upon submittal of a certified Continuation of Existing Regulatory Coverage form. Within the North Coast Region, staff provided significant outreach to our Permittees, and successfully obtained the necessary Continuation of Existing Coverage form from over 90% of these Permittees. For the few remaining enrollees that missed this the June 4th deadline to submit their Continuation of Existing Coverage Form, they will now need to submit a complete Application Package to gain coverage as a new Permittee under the General Order, unless it is determined that they are exempt from needing coverage.

In addition to certifying their continued enrollment, Permittees must also certify and upload a copy of their Sewer System Management Plan (SSMP) to the CIWQS Sanitary Sewer System Database. These SSMPs shall then be audited after each 3-year audit period, with the audit period beginning after the end of the Enrollee's last required audit period. In an effort to make determination of the last required audit period easier to find, State Water Board has provided a [SSMP and Program Audit Due Dates Look Up link](https://www.waterboards.ca.gov/water_issue_s/programs/sso/lookup/) (https://www.waterboards.ca.gov/water_issue_s/programs/sso/lookup/) on their website.

Other mentionable items include a new Category 4 Spill classification that has been included to regulate spills of less than 50 gallons, that did not discharge to a surface water, and originate from either from a sanitary sewer system regulated under the General Order or from a lateral and caused by a failure or blockage in the permitted sanitary sewer system. Category 2 and 3 spills have similar definitions but address different spill sizes, with Category 2 Spills assigned to spills of 1,000 gallons or greater and Category 3 Spills assigned to spills between 50 and 1,000 gallons. It should be noted that all sanitary sewer overflows, regardless of size, are considered a Category 1 Spill if they reach, or have the potential of reaching, surface waters and are not fully captured and returned to the sanitary sewer system. Each category designation has specific notification, monitoring, and reporting requirements that the permittee must meet.

For more information on the new Sanitary Sewer General Order, you can visit the State Water Board’s webpage at [Sanitary Sewer Systems General Order webpage](https://www.waterboards.ca.gov/water_issue_s/program/ssol/) (https://www.waterboards.ca.gov/water_issue_s/program/ssol/).



Update on Surface Water Quality Assessment – The 305(b) and 303(d) Integrated Report

Mary Bartholomew

California comprehensively assesses and reports surface water quality in accordance with Clean Water Act (CWA) section (§) 305(b). Those waters assessed that are found to be violating water quality objectives are placed on the CWA § 303d List of Impaired Waters (303d List). Collectively, the combined process is known as the “Integrated Report.” Waterbodies placed on the 303(d) List generally trigger the development of a

pollution control plan called a total maximum daily load (TMDL) for each waterbody-pollutant pair on the list.

Statewide Assessment Cycle

Each Regional Board comprehensively assesses surface water quality once every six years. The 2018 Integrated Report contains the most recent data assessment update for the North Coast Region. These 303(d) listings were carried over to the current 2020-2022 Integrated Report and will continue to be carried over into the 2024 Integrated Report, before being updated for the North Coast Region in the 2026 Integrated Report.

The comprehensive 305(b) report is submitted to USEPA for review and the 303(d) report is approved at the state and federal levels. Historically, there would be a public review process at both the Regional and State Water Boards after which the 303(d) list would be approved by each board. The 303(d) list approval process has been consolidated into a single State Water Board public review and board approval prior to seeking USEPA approval.

The 2026 Integrated Report

North Coast Regional Water Board staff is working closely with State Water Board staff to organize and determine the quality of data received and map the associated sampling stations and waterbodies prior to performing the comprehensive assessment.

Step	2022	2023	2024	2025	2026
Data Solicitation	█				
Data Organization, Quality Review, and Mapping		█			
Data Analysis			█		
Prepare for Public Review				█	
Public Review					█
Prepare for Submittal to USEPA					█
USEPA Review and Approval of 303(d) List					█

Figure 1. Schedule for California’s 2026 Integrated Report.

Data for the 2026 Integrated Report

The data and information listed in the following table are being assessed by Water Board staff as part of the 2026 Integrated Report. These data are limited to surface waters in the North Coast Region and were submitted by members of the public, stakeholders, and Water Board staff. Data and information submitted by October 21, 2022 are being evaluated as part of the 2026 Integrated Report cycle.

Data are assessed to determine whether a pollutant load is such that it impairs a designated beneficial use in that waterbody. Beneficial uses are identified in the Water Quality Control Plan for the North Coast Region (Basin Plan) by CalWater hydrologic unit (HU), hydrologic area (HA), and hydrologic subarea (HSA) codes. The table below summarizes the pollutant categories of data received for each hydrologic unit.

Once data is organized they will be used to develop lines of evidence (LOEs), which Regional Water Board staff will use to determine if the evidence is sufficient to classify a water body as supporting beneficial uses, lacking enough data, or not supporting beneficial uses (i.e., impaired) for a particular pollutant. Staff will describe the basis for each determination in a decision. A table of pollutant categories for each waterbody (Table 1) is available at the end of the report.

For More Information

Information regarding the Integrated Report is available on the [website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/index.html) (https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/index.html) or by contacting Mary Bartholomew at 707-576-2662 or Mary.Bartholomew@waterboards.ca.gov.

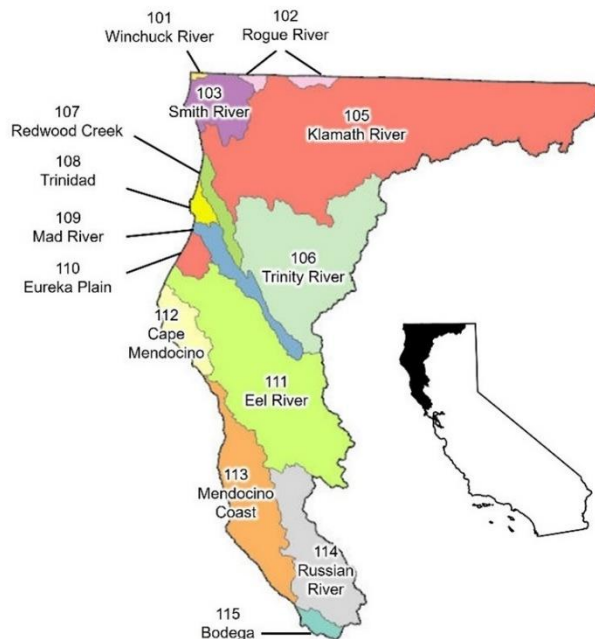


Figure 2. North Coast Regional Water Board Hydrologic Units (HUs)

Table 1. Categories of new data by hydrologic unit for the 2026 Integrated Report.

Hydrologic Unit (HU) code – HU name	Pollutant categories
101 – Winchuck River	microbiological
102 – Rogue River	microbiological, nutrients
103 – Smith River	bioassessment, fungicides, herbicides, metals, microdebris, microbiological, nutrients, PAHs, PCBs, personal care products, pesticides, VOCs
106 – Trinity River	bioassessment, metals, microbiological, nutrients
107 – Redwood Creek	bioassessment, metals, nutrients, pesticides
108 – Trinidad	metals, microbiological, nutrients, PCBs, pesticides, VOCs
109 – Mad River	bioassessment, metals, microbiological, nutrients, PCBs, pesticides, trash
110 – Eureka Plain	bioassessment, microbiological, nutrients, PCBs, pesticides, trash
111 – Eel River	bioassessment, metals, microbiological, nutrients, PCBs, pesticides, toxicity, VOCs
112 – Cape Mendocino	bioassessment, temperature
113 – Mendocino Coast	bioassessment, metals, microbiological, nutrients, pesticides, temperature, toxicity
114 – Russian River	bioassessment, dioxins, flame retardants, fungicides, metals, microbiological, nutrients, PAHs, PCBs, personal care products, pesticides, temperature, toxicity, VOCs
115 – Bodega	flame retardants, microbiological, nutrients, pesticides, toxicity

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Enforcement Report for June 2023 Executive Officer's Report

Jeremiah Puget, Jordan Filak, and Zane Stromberg

Summary of Enforcement Actions issued between **May 19, 2023 – July 14, 2023**

Throughout the year, with support from the State Water Board's Office of Enforcement (OE), Regional Water Board staff (Staff) develop and manage enforcement cases starting informally through direct correspondence including issuing Notices of Violation and pursuing a progressive enforcement approach that results in formal enforcement actions such as Cleanup and Abatement Orders (CAOs), Cease and Desist Orders (CDOs), and Administrative Civil Liability (ACL) Complaints. Once Staff determine that an enforcement action will result in the issuance of an ACL Complaint, the Enforcement Team prepares supporting evidence and provides the discharger(s) an opportunity to discuss the facts relating to the violations, including the option of settlement.

Table 1 summarizes Notice of Violations (NOVs), Cleanup and Abatement Orders (CAOs), Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/13376 Directive), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued fifteen NOVs, one CAO/ 13267 Investigative Order, and one 13260/13376 Directive. Table 2 summarizes ACL Complaints, ACL Orders, settlement negotiations pending the adoption of a final Stipulated ACL Order, and the status of Compliance Projects (CPs) and Supplemental Environmental Projects (SEPs). During this reporting period, Staff adopted two ACL Orders, and continue settlement negotiations with dischargers on seven cases.

Table notes and other acronyms:

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CGO	Cannabis General Order ³
CGP	Construction General Permit ⁴
CRMP	Cleanup, Restoration, and Monitoring Plan
CSD	Community Services District
IGP	Industrial General Permit ⁵
LTRMP	Long-Term Restoration and Monitoring Plan
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
SMP	Site Management Plan
WDRs	Waste Discharge Requirements

³ [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

⁴ [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

⁵ [State Water Resources Control Board Order No. 2014-0057-DWQ](#) [as amended in 2015 and 2018] General Permit for Storm Water Discharges Associated with Industrial Activities

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

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
<p><u>NOV</u> May 22, 2023</p>	<p>ICRS LLC Nezih Sabankaya Properties</p>	<p>Trinity County Douglas City Middle Trinity River Hydrologic Area</p>	<p>NPDES Unit RWB Inspection on December 5, 2022</p>	<p>- Failure to comply with various requirements of the CGP</p>	<p>- RWB Staff request that the Discharger provide a written response indicating intentions, plan, and schedule to return to compliance with the CGP within 15 days of the date of the NOV</p>	<p>- OE Staff are in communication with the Discharger. This case is ongoing.</p>
<p><u>NOV</u> May 22, 2023</p>	<p>ICRS LLC Nezih Sabankaya Properties</p>	<p>Trinity County Douglas City Middle Trinity River Hydrologic Area</p>	<p>Cannabis Enforcement Unit Multi-Agency Inspection on December 30, 2020, and RWB Inspection on December 5, 2022</p>	<p>- Failure to comply with various requirements of the CGO</p>	<p>- RWB Staff request that the Discharger provide a written response indicating intentions, plan, and schedule to correct the violations within the NOV and return to compliance with the CGO within 15 days of the date of the NOV</p>	<p>- OE Staff are in communication with the Discharger. This case is ongoing.</p>

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

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
CAO & 13267 Order May 26, 2023	Justin Baldwin and Mia Baldwin Baldwin J and M Trust Humboldt Spirit, Inc. Sprowl Creek LLC	Humboldt County Benbow South Fork Eel River Hydrologic Area	Enforcement Unit RWB Inspections on January 21, 2015, May 6, 2019, and November 20, 2020	- Failure to comply with Basin Plan section 4.2.1	- Discharger is required to notify and provide rationale to RWB Staff to obtain approval at least 60 days prior for any modifications to the approved CRMP - Required to complete the CRMP in all project areas by October 15, 2025 - Required to submit a Completion Report for the CRMP by December 15, 2025, and submit Annual Monitoring Reports by January 31 of each following year for at least five years	- This matter is ongoing.
NOV May 31, 2023	Mikol Moon	Humboldt County Albion Mad River Hydrologic Unit	Cannabis Unit Multi-Agency Inspection on May 10, 2023	- Failure to comply with Water Code section 13260 - Failure to obtain coverage under the CGO	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.

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Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
NOV June 9, 2023	Ann Hathaway David Samson Samuel Jurist	Sonoma County Cloverdale Russian River Hydrologic Unit	Groundwater Permitting Unit Referral from City of Cloverdale	- Failure to comply with Water Code section 13260 for unauthorized discharge of industrial process wastewater, sewage, and/or comingled industrial process wastewater and sewage, as well as possible unauthorized discharge of cannabis cultivation wastewater.	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within 15 days of the NOV	- Discharger is in communication with RWB Staff to secure proper permitting. Enrollment under the CGO is no longer necessary since cannabis cultivation no longer occurs at the Property. This matter is ongoing.
NOV June 13, 2023	Gary Humecke Matthew Humecke Tranquility Lane Farms Inc.	Humboldt County Myers Flat South Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency Inspection on June 1, 2021	- Failure to comply with CAO & 13267 Order No. R1-2022-035 Required Action No. 1	- RWB Staff request that the Discharger complete Required Action No. 1 from CAO R1-2022-0035, which includes: - Submitting a CRMP that meets the requirements of CAO & 13267 Order No. R1-2022-0035	- This matter is ongoing.
NOV June 20, 2023	Brett Sandberg	Trinity County Hayfork South Fork	Cannabis Unit Multi-Agency Inspection on	- Failure to obtain coverage under the CGO	- RWB Staff request that within 30 days of the issuance of the NOV, the Discharger either enroll the property under the CGO, File a Report of Waste	- This matter is ongoing.

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	Barker Family Farms LLC	Trinity River Hydrologic Area	May 23, 2023	- Failure to comply with Water Code section 13260	Discharge to obtain personal WDRs for the property or provide information demonstrating that regulatory coverage is not needed.	
<u>NOV</u> June 22, 2023	Yesenia Carrillo and Raul Carrillo	Mendocino County Covelo Middle Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency inspection on May 22, 2023	- Failure to obtain coverage under the CGO - Failure to comply with Water Code sections 13260 and 13264 - Failure to comply with Basin Plan section 4.2.1	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.
<u>NOV</u> June 22, 2023	Victor Gerardo Silva Vargas	Mendocino County Covelo Middle Fork Eel River Hydrologic Area	Cannabis Unit Multi-Agency inspection on May 22, 2023	- Failure to obtain coverage under the CGO - Failure to comply with Water Code sections 13260 and 13264 - Failure to comply with Basin Plan section 4.2.1	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.

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NOV/13267 Order June 23, 2023	Alexa La Plante Pacific Gas & Electric Company	Mendocino County Willits Upper Main Eel River Hydrologic Area	Southern Non-Point Source and 401 Certification Unit Multi-Agency inspection on December 30, 2022	- Failure to comply with Basin Plan section 4.2.1 for discharges and threatened discharges to waters of the state	- The Discharger is required to submit a Technical Report to correct the violations, remediate impacts, and prevent future violations on the Property. The Discharger is also required to submit Monitoring Reports over the next two Winter Periods. All reports are required pursuant to Water Code section 13267, and submission of the reports are due within 45 days of the issuance of the NOV.	- This matter is ongoing.
NOV June 23, 2023	Jesse Wilensky	Siskiyou County Hornbrook Middle Klamath River Hydrologic Area	Cannabis Enforcement Unit RWB Inspection on May 25, 2023	- Failure to obtain coverage under the CGO - Failure to comply with Water Code section 13260	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing

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

Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
NOV June 23, 2023	Jesse Wilensky	Siskiyou County Hornbrook Middle Klamath River Hydrologic Area	Cannabis Enforcement Unit RWB Inspection on May 25, 2023	<ul style="list-style-type: none"> - Failure to obtain coverage under the CGO - Failure to comply with Water Code sections 13260 and 13264 - Failure to comply with Basin Plan section 4.2.1 - Failure to comply with Clean Water Act section 301 	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing
NOV June 23, 2023	Martin Aguilar Sarafin	Siskiyou County Hornbrook Middle Klamath River Hydrologic Area	Cannabis Enforcement Unit RWB Inspection on May 25, 2023	<ul style="list-style-type: none"> - Failure to obtain coverage under the CGO - Failure to comply with Water Code section 13260 	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.

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Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
NOV June 23, 2023	Timothy Edwards	Siskiyou County Hornbrook Middle Klamath River Hydrologic Area	Cannabis Enforcement Unit RWB Inspection on May 25, 2023	- Failure to obtain coverage under the CGO - Failure to comply with Water Code section 13260 - Failure to comply with Basin Plan section 4.2.1	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.
NOV June 23, 2023	Chuekao Thao Pah Yang	Siskiyou County Hornbrook Middle Klamath River Hydrologic Area	Cannabis Enforcement Unit RWB Inspection on May 25, 2023	- Failure to obtain coverage under the CGO - Failure to comply with Water Code section 13260 - Failure to comply with Basin Plan section 4.2.1	- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV	- This matter is ongoing.
13260/13376 Directive June 27, 2023	Alan Timothy Tirsbeck Eureka Auto Wholesale – Deo Property	Humboldt County Eureka Eureka Plan Hydrologic Unit	NPDES Unit	- Failure to enroll for coverage under the IGP	- Discharger is required to enroll the Property for coverage under the IGP by July 27, 2023, or submit a Report of Waste Discharge for Stormwater Discharges to adjacent wetland to the Property by August 28, 2023.	- This matter is ongoing.

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Action/ Date Issued	Owner/ Operator Name	County/ Nearest Town/ Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of July 14, 2023
<p><u>NOV</u> July 11, 2023</p>	<p>Loc Phun</p>	<p>Siskiyou County Hornbrook Middle Klamath River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency Inspection on June 16, 2023</p>	<p>- Failure to enroll for coverage under the CGO - Failure to comply with Water Code section 13260</p>	<p>- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV</p>	<p>- This matter is ongoing.</p>
<p><u>NOV</u> July 11, 2023</p>	<p>Pam Thao</p>	<p>Siskiyou County Hornbrook Middle Klamath River Hydrologic Area</p>	<p>Cannabis Unit Multi-Agency Inspection on June 16, 2023</p>	<p>- Failure to enroll for coverage under the CGO - Failure to comply with Water Code section 13260</p>	<p>- RWB Staff request that the Discharger communicate intention, plan, and schedule to implement recommendations within the Inspection Report with RWB Staff within 30 days of the NOV</p>	<p>- This matter is ongoing.</p>

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 14, 2023
BoDean Company, Inc.- Mark West Quarry Site	NPDES Storm Water	Violation of IGP requirements including failure to implement effective and adequate minimum and advanced BMPs resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River	\$4.5 million	ACL Complaint No. R1-2021-0047 issued on September 10, 2021 Violation Period: December 2018 – January 2023	Staff are preparing a revised ACLC including additional violations. This matter is ongoing.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	ACL Complaint R1-2023-0008 issued on January 9, 2023.	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Eureka – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$165,000	Stipulated ACL Order No. R1-2022-0044 adopted on February 9, 2023.	Low Impact Development Retrofit SEP underway. Final Report due on September 28, 2023. This matter is ongoing.
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	ACL Complaint No. R1-2023-0033 issued on May 8, 2023. Violation Period: April 1, 2021, to March 14, 2023	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 14, 2023
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$189,000	Settlement Invitation issued on November 16, 2021 Violation Period: March 15, 2018, to December 31, 2021	Settlement Negotiations Underway
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	Stipulated Order No. R1-2023-0025 adopted on May 15, 2023.	Chloramination wastewater treatment CP is underway. Final Report is due on May 31, 2025.
City Ventures Homebuilding, LLC- Fox Hollow Development Site	NPDES Storm Water	Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the unauthorized discharge of sediment laden stormwater to Peterson Creek, a tributary to Russian River	Statutory maximum penalty \$2.83 million	Settlement Invitation issued on October 27, 2021 Violation Period: 2016 and 2017	A tentative settlement agreement has been reached. SEP stipulations are still underway.
Daniel Maldonado Suarez	Cannabis	Violations of Water Code sections 13267 and 13304 for failure to submit a CRMP by May 1, 2022, and implement the CRMP by October 15, 2022	\$138,750	ACL Complaint R1-2023-0009 issued on January 9, 2023.	ACL Order No. R1-2023-0043 was adopted by the RWB on June 15, 2023. The ACLO requires the Discharger to pay \$138,750 in liabilities, 85% of which is suspended contingent on the Discharger retaining a

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 14, 2023
					qualified professional and submitting a CRMP within 120 days. \$20,812.50 in liability is due July 24, 2023. As an Enhanced Compliance Action, the Discharger may restore watercourses on the property not subject to actions required by the Cleanup Order to further enhance beneficial uses.
Enclave, LLC- Marlow Commons Development Site	NPDES Storm Water	Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River	\$46,200	Settlement Invitation issued on August 2, 2021 Violation Period: December 2019	Settlement reached, awaiting signature from Discharger
Hugh Reimers and Krasilisa Pacific Farms LLC	Non-Point Source Program Complaint Response	<ul style="list-style-type: none"> - Basin Plan Section 4.2.1 - Water Code Section 13376 for Dredge/ Fill in Wetlands designated as waters of the United States - CAO Required Action 5 and Action 9 for failure to submit RMMP acceptable to 	\$3,750,852	ACL Complaint R1-2022-0024 issued on May 9, 2022, covers the period between July 31, 2018, and May 9, 2022, and includes allegations that the Discharger violated the Water Code, Clean	Stipulated Order No. R1-2023-00XX proposing \$450,000 settlement and compliance with CAO was posted for public comment through June 8, 2023.

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 14, 2023
		the RWB or it's Delegated Officer and failure to implement an approved RMMP, respectively.		Water Act, and CAO Order No. R1-2019-0045 .	
Ken Bareilles	Southern Non-Point Source and Forestry Unit	<p>- Discharges of waste into waters of the state in violation of Categorical Waiver⁶ and Basin Plan</p> <p>- CAO R1-2022-0009 Required Action No. 1 for failure to submit plan by deadline</p> <p>- CAO R1-2022-0028 Required Action No. 1 for failure to submit plan</p>	\$276,000	ACL Complaint No. R1-2023-0026 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 ⁶ violations while conducting timber harvest activities on the property	ACL Order No. R1-2023-0040 was adopted by the RWB Board on June 16, 2023 and the administrative civil liability was increased to \$276,000.
Rodney Strong Vineyards	WDRs to Land and NPDES Storm Water	97,000 gallons of wine discharged into Reiman Creek, a tributary to the Russian River, a water of the United States, in violation of discharge prohibitions in the IGP and WDRs Order No. 88-54	\$46,000	Settlement Invitation issued on September 14, 2021 Violation Period: January 2020	Stipulated Order No. R1-2022-0052 proposing a \$44,718 settlement requiring the Discharger to pay \$22,359 in liability and apply \$22,359 towards an SEP for the Russian River Regional Monitoring Program. The Order is posted for public comment through July 20, 2023.

⁶ [Categorical Waiver Order No. R1-2014-0011](#) Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

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

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of July 14, 2023
Russian River CSD and Sonoma Water Agency	NPDES Wastewater	Violations of the Sanitary Sewer Order including unauthorized discharge of 2.33 million gallons of raw sewage from the Russian River CSD collection system to the Russian River	Statutory Maximum \$23.31 million	Settlement Invitation issued on June 15, 2021 Violation Period: 2017 and 2019	A tentative settlement agreement has been reached. SEP stipulations are still underway.
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$123,000	Violation period: December 30, 2020, to December 30, 2022	Administrative Civil Liability Complaint No. R1-2023-0032 issued on May 8, 2023. Waiver signed and returned. Entering confidential settlement negotiations. 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.

October 5 & 6, 2023

- Federal Lands Permit Workshop (*Forest Fortescue*) [W]
- Nordic Aquafarms NPDES Permit (*Justin McSmith*) [A]
- Eureka WWTP NPDES Permit (*Justin McSmith*) [A]
- Recission of Eureka WWTP CDO (*Justin McSmith*) [A]
- Rural Roads General Order (*Jim Burke*) [A]
- Crescent City WWTP NPDES Permit (*Matt Herman*) [A]
- Disadvantaged Community Needs Assessment (*Mike Reese*) [I]

December 12 & 13, 2023

- Crescent City WWTP NPDES Permit (*Matt Herman*) [A]
- Russian River Information Items (*Valerie Quinto*) [I]
- Commercial Vineyards GDWRs and EIR (*Chris Watt*) [A]
- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Potential Pending Administrative Civil Liability Complaint (*Staff TBD*) [A]

