



California Regional Water Quality Control Board North Coast Region Bob Anderson, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



October 2008

Promoting Regional Monitoring for the North Coast's Areas of Special Biological Significance



Saunders Reef Kelp Beds ASBS

On September 5, 2008, the North Coast Regional Water Board hosted a meeting to initiate a Regional Monitoring Program from the region's Areas of Special Biological Significance (ASBS). Meeting participants included representatives from Caltrans, State Parks, Redwood National and State Parks, City

of Trinidad, Trinidad Rancheria, Humboldt County, Shelter Cover Resort, Bodega Marine Laboratory, Point Reyes National Seashore, the Gulf of the Farallones National Marine Sanctuary, the State Board Ocean Standards Unit, and North Coast Regional Water Board staff.

Saunders Reef Kelp Beds ASBS

The California Ocean Plan prohibits the discharge of both point and nonpoint source waste to ASBS unless the State Water Board grants an exception to the prohibition. To be granted an exception, the discharger must demonstrate that the quality of the ocean water will not be compromised, and the public interest served. When the State Board grants exceptions, the discharger must meet special conditions imposed by the Board. Those special conditions are often implemented through permits issued by regional boards.

The State Board is developing generic "Special Protections" to address storm water and nonpoint sources discharges. The draft "Special Protections" include the following requirements:

1. Cessation of non-storm water runoff.
2. Maintenance of natural water quality within ASBS, including during precipitation (design storm) events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of ocean water quality in the ASBS.

- 3. Monitoring water quality and marine aquatic life within the ASBS to ensure the protection of beneficial uses over time.

As indicated in bullet 3, monitoring is mandatory for all dischargers to ASBSs. Discharges may elect to combine efforts and form a coalition, and have done so in our region, and on September 5 they held their first meeting. Staff anticipates the monitoring program developed by this group will provide trend information regarding discharges to the ASBS.

The DRAFT "Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance" and other information related to the Ocean Plan and ASBS can be found at http://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml



Del Mar Landing ASBS



King Range ASBS (Shelter Cove)

* * * * *

Update on Proposed Amendment to the Basin Plan for Dissolved Oxygen. Staff will hold a scoping session of Proposed Revisions of the Dissolved Oxygen Water Quality Objective

A staff CEQA scoping meeting on proposed revisions to the current dissolved oxygen water quality objective will be held on October 21st. This effort is an outgrowth of the 2007 Triennial Review and a necessary component for completing the Klamath TMDL.

The Regional Board adopted the existing DO objectives in 1975. The DO objectives are located in two places within the Basin Plan: 1) page 3-4.00 under the heading "Dissolved Oxygen" and 2) Table 3-1 on pages 3-6.00 through 3-8.00. The objectives on page 3-4.00 reflect life cycle requirements of sensitive aquatic species and are applicable throughout the region. These objectives are *life cycle DO objectives*. The objectives in Table 3-1 reflect background conditions as measured by extensive regional sampling in the 1950s and 1960s and are applicable in individually named waterbodies. These objectives are *background DO objectives*. At present, the *background DO objectives* take precedence over the *life cycle DO objectives* for those waterbodies named in Table 3-1 of the Basin Plan.

Revision of the existing DO objectives is necessary because:

- 1) The *life cycle DO objectives* are given only as daily minimum requirements and thus allow for multiple, consecutive days that are marginal for fish;
- 2) The *background DO objectives* are based on grab sample data which, in some instances, inaccurately depicts actual background conditions;
- 3) The listing of threatened and endangered aquatic species in the region and global

climate change call for updated and innovative approaches.

Staff proposes three fundamental changes to the existing DO objectives:

- 1) The framework of the DO objectives should be reversed so that the *life cycle DO objectives* take precedence over the *background DO objectives*. This change will better ensure that threatened and endangered aquatic species receive the immediate protection they require;
- 2) The *life cycle DO objectives* should be updated to include weekly average limits to minimize the occurrence of multiple days of marginal conditions;
- 3) In those waterbodies where natural conditions prevent the attainment of *life cycle objectives*, the existing *background DO objectives* should be updated.

Staff proposes that these revisions apply to both warm and cold freshwater habitat within the region, including habitat used for spawning, reproduction, and/or early development. There appears at present no reason to revise the DO objectives designed to protect marine habitat (MAR) and inland saline water habitat (SAL).

* * * * *

Update on Proposed Amendment to the Basin Plan to Address Ongoing Low Threat Discharges by Providing Exception Criteria to the Point Source Waste Discharge Prohibitions

Staff is completing the public draft of the basin plan amendment for release in mid November.

Point sources of discharge are prohibited seasonally (May 15 to September 30) in the Russian, Eel and Mad River watersheds and year-round in the Klamath River watershed. Ongoing activities in these watersheds, such as well development and incidental runoff, can result in discharge to surface waters during the prohibition period. At the direction of the

Regional Water Board, staff is in the final stages of developing a draft Basin Plan Amendment entitled, "*Amendment to the Point Source Measures in Section 4 of the Water Quality Control Plan for the North Coast Region to modify the Action Plan for Storm Water Discharges and Include a New Action Plan for Low Threat Discharges to Provide Exception Criteria to the Waste Discharge Prohibitions,*" to provide exception criteria to the point source waste discharge prohibitions.

The proposed basin plan amendment would provide a remedy to the ongoing conflict between existing Basin Plan point source prohibitions and regional and statewide permits such as Order No. 93-61, General NPDES Permit/Waste Discharge Requirements for Discharges of Groundwater to Surface Water Related to Construction and Subsurface Seepage Dewater Activities in the North Coast Region and Order No. 2006-0008-DWQ, Statewide General NPDES Permit for Discharges from Utility Vaults. Projects that would seek coverage under these permits may also be eligible for exemption from the point source and one percent prohibitions if they meet the additional criteria set forth in the draft *Action Plan for Low Threat Point Source Discharges*.

The Amendment would apply only to permitted discharges from specific types of activities where there is a minimal potential (or low threat) for adverse impacts to water quality to occur from the discharge. The proposed Amendment will also set specific criteria for permitting low threat discharges.

Staff will also be concurrently proposing modifications to Regional Water Board Order 93-61, General NPDES Permit for Discharges of Groundwater to Surface Water Related to Construction and Subsurface Seepage Dewatering Activities in the North Coast Region to cover a broader range of low threat discharges than are currently covered under

Order No. 93-61. The revised order will address construction and subsurface seepage dewatering activities and other categories of discharges that could be determined to be low threat and that must currently be permitted under an individual NPDES permit because no other coverage currently exists. Many other regional water boards that do not have similar point source prohibitions have already been adopting general permits to specifically address categories of low threat discharges.

Basin Plan Amendment Schedule

Milestone	Date
Public Release of Basin Plan Amendment and Staff Report	November 20, 2008
Public Comment Period (45 days)	Nov. 25, 2008 to Jan. 13, 2009
Public / Board Workshop - Santa Rosa	January 29, 2009
Consideration of Proposed BP Amendment at Regional Water Board Hearing	March 12, 2009

* * * * *

Peter Pan Dry Cleaners Site Investigation

The North Coast Regional Water Quality Control Board (RWB) has been overseeing the investigation and cleanup of the Peter Pan Dry Cleaners (Site) since 2002 when tetrachloroethene (PCE) and related chlorinated volatile organic compounds were detected in groundwater samples from a domestic well and a school irrigation well. Site investigation activities since 2002 have included sampling of groundwater, soil, surface water, and more recently, soil vapor.

Chemicals detected in soil, soil vapor, and groundwater include PCE, TCE, cis-1,2-DCE and vinyl chloride. The impacts extend more than 1000 feet downgradient of the Site to a residential area and Steele Lane Elementary School. The area is served by City of Santa Rosa municipal water supplies.

Results from an August 28-29, 2008 soil vapor investigation indicated a need to quickly evaluate and respond to potential health risks due to possible indoor air intrusion for area residents, businesses and the elementary school. Consequently, on September 17, 2008, the RWB staff entered into an agreement with the Department of Toxic Substances Control (DTSC), requesting that DTSC assume the lead agency role to address the primary concern related to human health risks. DTSC is in the process of requesting funding for longer term remedial actions for cleanup of soil and groundwater. RWB staff will continue to provide input to DTSC to ensure protection of water quality, as the site investigation and cleanup continues.

On October 2, 2008, staff from DTSC, U.S. Environmental Protection Agency (USEPA), and the RWB met with officials from Steele Lane Elementary School, the City of Santa Rosa, and Sonoma County Environmental and Public Health Departments to discuss plans for indoor air testing. USEPA, as requested by DTSC, will conduct indoor air sampling of residences, businesses and the school. USEPA and DTSC are coordinating the sampling effort and indoor air results should be available by the end of October.

* * * * *

Abatement of Sediment Discharges

Staff recently used section 13304 of the Water Code to take cleanup and abatement actions on an eroding Mendocino County parcel of land. Robert Dreifuss owns land on Canyon

Road in Willits in the Upper Main Eel River Watershed. The 10-acre site drains to an unnamed tributary to Little Creek, which flows into Tomki Creek. A year ago, Regional Water Board staff received a complaint from the California Department of Forestry and Fire Protection (CAL FIRE) that Dreifuss was moving earth and removing trees, causing a threat of discharge of sediment as the winter approached. We also received a complaint from the California Geological Survey (CGS) regarding that the road building, clearing, and grading activities that posed significant erosion threat from bare, exposed soils located on sloping ground. Our inspection shortly after receiving the complaint revealed significant threats of discharge, and Cleanup and Abatement Order No. R1-2007-0090 was subsequently issued.

That Order required, among other things, a short term erosion control plan for the first winter and a long term Erosion Control Plan (ECP) for the future. The first plan was ultimately approved with some changes, and implemented. Although the winter of 2007-2008 was mild, at least 100 tons of sediment for the winter period traveled off-site. The long-term ECP was submitted late, and was incomplete. Because of multiple violations from several agencies, this case was forwarded to the Environmental Crimes Task Force. The office of the Mendocino County District Attorney is proceeding on behalf of all of the involved agencies. This summer, when it became apparent that additional discharges would ensue if erosion controls were not put in place, Regional Board staff accessed the Cleanup and Abatement Account (CAA) fund for \$100,000 in emergency funds to obtain an appropriate ECP and geologic report for the site. This initial request has been followed by an additional request in August for the amount necessary to implement the emergency ECP. The additional request for CAA funding is for \$329,000 to support the proposed work in the

plan developed by Pacific Watershed Associates.

We will keep you informed on progress on these critical staff actions to protect water quality.

* * *

THE PHOENIX RISES: HUMBOLDT REDWOODS COMPANY EMERGES FROM THE ASHES OF PACIFIC LUMBER COMPANY

by Susan Warner

Note: This article is a personal view of Susan Warner, former Executive Officer.

[Some of this information was developed from news articles in the Eureka Time Standard and news releases. Stay tuned for future articles as time progresses and implementation of new policies on the former PL lands unfolds.]

The views expressed in this article are those of the author, and do not necessarily reflect the views of the North Coast Regional Water Quality Control Board, State Water Resources Control Board, its individual members, or the State of California.



Pacific Lumber Company Logpond

Some of my first timber harvest inspections working for the North Coast Regional Board in the late 1970s were on Pacific Lumber Company (or PL, as locals referred to it) lands. Foresters for the California Department of Forestry (CDF) at the time tended to give cursory review to PL plans, which were

generally selection harvesting of old growth, unless road-building was involved. Small talk during Review Team meetings was that “PL would be cutting old growth a hundred years from now.” Other companies—Arcata Redwood, Simpson Timber, Louisiana-Pacific, Masonite, Georgia-Pacific, Simonson Lumber, Miller-Rellim, and others—were clearcutting old growth redwoods to the maximum size allowed, marching up one watershed after another. We watched as creek after creek fell under the onslaught of clearcut tractor logging on anything less than 70% slope—on review team inspections we often argued over clinometer readings—while highline logging on the remainder of the plans yanked the huge trees through immense gouges of soil up to the yarder landings, then burned the residues remaining until the landscape looked like a bombed-out war zone. Those harvest plans were where we spent our efforts, small though they were at the time, to protect water quality. Meanwhile PL just kept on selectively harvesting, its foresters and workers satisfied with the slow-growth Company image, while all around them old growth forests were disappearing, and the number of timber companies and operating sawmills were gradually reduced as inventory declined. PL’s inventory of old growth redwood was healthy and sustainable. Then, everything changed in 1985, with a hostile takeover of PL by Maxxam Corporation.



Trail up to the Headwaters

Pacific Lumber Company was started about 150 years ago in 1863 when A. W. McPherson and Henry Wetherbee purchased 6,000 acres in the Eel River drainage. By 1888, the company was established in Scotia, had added more partners, and was the largest in Humboldt County, with 300 employees and lumber shipments exceeding 20,000,000 board feet annually. Although there were setbacks over the years, the Murphy family, by then the controllers of the company, always rebuilt after earthquakes, floods or fires, keeping the company sound and moving it into the modern age. By 1920 the company had 1,500 employees and 65,000 acres of timberland.

Beginning in the 1920s, company management began participating in the redwood preservation movement, and portions of PL holdings including the Rockefeller Forest became part of Humboldt Redwoods State Park. In 1931 Stanwood Murphy became president of the company, and implemented changes in harvesting practices, turning from clearcutting to selectively harvesting never more than the company's forests could replace by new growth in any year. This approach would be the Company's hallmark for the next 55 years, and by the late 1980s this huge lumber operation had absolutely no debt. Although profits from the company were solid, these profits were relatively low on an annual basis. Still, the Company's holdings were vast and its assets great. This made the Company an easy target for takeover, and on September 30, 1985, the Murphy family and other stockholders were relieved of their stock as a result of a hostile takeover by Charles Hurwitz and his Maxxam, Inc., corporation of Texas. Once the takeover was complete, Warren Murphy resigned, and a new management team began to lead the company away from its historic practices and into a faster-paced harvesting regimen that some would liken to asset liquidation. Controversy erupted almost immediately. Demonstrators across California,

from San Francisco to Eureka called for a boycott of all redwood products.

A documentary, *Pacific Lumber: A Case Study of a Corporate Takeover*, aired nationally in 1987 on PBS. Demonstrators moved into Headwaters Forest, a pristine ancient redwood drainage. Tree sitters arrived. Lawsuits were filed. California Legislators and Congressional representatives across the nation urged a moratorium on logging in the Headwaters Forest. More and more lawsuits were filed while increasing numbers of tree sitters arrived, demonstrations and marches were held, bills were introduced, and headline news articles appeared as the controversy built, swirling through the coastal fog of Humboldt County.



The town of Scotia sits on a bend of the Eel River.

In 1990, the Northern Spotted Owl was listed as threatened under the Endangered Species Act. That same year, EPIC and the Sierra Club filed suit against the California Department of Forestry for approving a 186-acre old growth plan near All Species Grove in the Headwaters area where PL declined to conduct a wildlife survey. Organized demonstrations, called “Redwood Summer,” occurred in this year, and again in 1991. By 1992, more court battles were waged, with injunctions halting some logging operations. In 1994, the Headwaters Forest Act was first

introduced, passing the House of Representatives but dying in the US Senate. Arrests, logging, injunctions, lawsuits, demonstrations, and confrontations continued. Then, in 1996, Senator Dianne Feinstein announced negotiation of a “Headwaters Deal” with Maxxam’s Hurwitz. Controversy and logging continued as the agreement was hammered out and a Habitat Conservation Plan (HCP) and Sustained Yield Plan (SYP) were developed. In January of 1999, the final PL HCP/SYP was released, and Headwaters Forest was created in exchange for \$480 million. The Regional Water Quality Control Board was not a signatory agency of the HCP/SYP, but the California Department of Fish and Game, CDF, and other federal agencies did sign the agreement. The controversy did not end, as implementation of the HCP/SYP involved interpretations and development of additional documents, where consensus was never reached. The Regional Water Quality Control Board, not a signatory agency to these agreements, exerted its independent regulatory authority to protect water quality. The Regional Board was petitioned to adopt waste discharge requirements on five Humboldt County watersheds: Elk River, Freshwater Creek, Bear Creek, Stitz Creek, and Jordan Creek. Starting as early as 1998, residents in the Elk River watershed formally requested that the Regional Water Board take action to control the discharges causing excessive sedimentation and flooding in the watershed (as well as four other watersheds). The Regional Board issued a water quality monitoring program on one Timber Harvest Plan (THP) 1-97-520 in the Elk River watershed, which eventually led to a unanimous California Supreme Court Decision upholding the Regional Board’s independent authority to regulate discharges from timber harvesting. After commencing the process for holding adjudicatory hearings to address the issues in the watersheds, the Regional Water Board postponed, then ultimately cancelled, its schedule of hearings in 2001. On March 2,

2001, and on May 8, 2002, the State Water Resources Control Board (State Water Board) received petitions alleging that the Regional Water Board had failed to act as required. On January 23, 2002, in response to the petition, the State Water Board issued Order No. WQO 2002-0004 which remanded the issues contained in the petition back to the Regional Water Board. In October 2002 the State Water Board issued WQO 2002-0019 ordering the Regional Water Board to continue to take action to address water quality problems within the five watersheds, that the actions to protect water quality from potential adverse effects to beneficial uses of water shall include requiring reports of waste discharge and issuance of waste discharge requirements, as appropriate, and to provide periodic progress reports to the State Water Board. From 2002 to the present, numerous Regional Water Board meetings and hearings were conducted to address the issues surrounding the two petitions and related State Water Board Orders, as well as development of waste discharge requirements. Regional Water Board and staff actions included issuance of waste discharge requirements, cleanup and abatement orders, monitoring and reporting programs, and consideration of Total Maximum Daily Loads, as well as innovative actions such as convening a Humboldt Watersheds Independent Scientific Review Panel. All actions ultimately led to the Regional Board continuing to exercise its independent water quality protection authorities to limit discharges of earthen materials and further prevent degradation of water quality from sediment loads.



Bonanza logging plan and Pacific Lumber mill

In 2006, the Regional Water Board issued Watershed-wide Waste Discharge Requirements (WWDRs) Order No. R1-2006-0039 and R1-2006-0041 to PL for its timber harvesting activities in the Elk River and Freshwater Creek watersheds, respectively. In addition, the Regional Water Board issued Monitoring and Reporting Programs R1-2006-0039, R1-2006-0041, and R1-2008-0071 in conjunction with the WWDRs. Throughout this time, the financial stability of PL was always an issue. Then on January 18, 2007, the Scotia Pacific Company, Salmon Creek Corporation and Pacific Lumber Company (collectively referred to as PL) filed for Chapter 11 bankruptcy in Corpus Christi, Texas. The bankruptcy proceedings caused more controversy as the future of the HCP/SYP and the PL holdings became cloudy.

Finally, on July 8, 2008, the bankruptcy court issued its Judgment and Order confirming a reorganization plan proposed by Marathon Bank Structured Finance Fund L.P. (Marathon) and Mendocino Redwood Company, LLC (MRC). Among other components, this plan consolidates the Scotia sawmill and approximately 210,000 acres of commercial timberlands operations in Humboldt County to be managed by a new company consistent with the sustainable forestry practices demonstrated by MRC in Mendocino County.

The MRC/Marathon Plan was endorsed by a majority of interested parties, including the Governor of the State of California, state and federal resource agencies and the Regional Water Board. This plan consolidates timberlands under one owner with a favorable track record with the state and federal regulators, and contains concrete pledges to abide by all environmental laws, existing permits and agreements. In addition, the plan meets environmental obligations under the stewardship of a viable timber company with plans to keep the local mill operating on a long term basis and maintain most of the local timber-related jobs and pensions in the long-term. This plan has strong local support.



Redwood trees in Nanning Creek grove

On July 30, 2008, MRC/Marathon took legal possession of the timberlands and mill, and renamed the new timber company Humboldt Redwood Company, LLC (HRC). HRC is the entity that will conduct timber operations and other activities previously regulated by permits issued to PL. The Regional Water Board recently took action to effect an immediate name change to its orders to reflect the change in ownership. Richard Higgenbottom assumed

the role of CEO and Mike Jani became President of HRC.



In a letter to customers of PL, HRC states: *“Two important goals were set early on for Humboldt Redwood Company: to position the Scotia sawmill to be successful for the long-term, and to bring Mendocino Redwood Company’s forestry practices to the former Pacific Lumber Co. / Scopac forestlands.*

“For the mill, we will change the philosophy from a cost driven approach to a market driven approach. For customers, we hope this will have the practical result of allowing us to reliably provide the product you want, when you want it, with excellent and predictable service at a fair price. For those of you who are familiar with Mendocino Forest Products, this is the same approach we have employed with our Ukiah sawmill over the last ten years.

“On the forestland side, we will implement the forestry practices that have been accepted on the MRC lands, and immediately seek Forest Stewardship Counsel certification of the Humboldt Redwood Company lands. The MRC and HRC lands will total 440,000 acres, and so if and when we attain FSC certification of the Humboldt lands, we will have a much more significant supply of FSC certified redwood and likely Douglas fir lumber available for customers.”

To implement its business model for PL’s former 210,000 acres of timberlands. President Mike Jani has said that areas covered under existing timber harvest plans that are slated for clear cuts will be changed to select harvest methods or other practices consistent with MRC’s forestry philosophy.

The company plans to evaluate each harvest site individually for the most appropriate logging approach suitable for the site-specific characteristics of the area. "We are not going to just cookie-cutter it," Jani said at a recent public meeting.

Simultaneously, the new company plans to put in place an old-growth policy to retain those specified trees when logging resumes. In early September, HRC Chief Executive Officer Richard Higgenbottom met with about 30 residents, landowners and former PL employees to explain the status of the transition in ownership. "The acceptance has been phenomenal," Higgenbottom said at the meeting. Mike Jani was also at the meeting and reported that he was working with the North Coast Regional Water Quality Control Board staff on THP and other permitting issues, and hoped to gain their support for changes and possible improvement to the environmental protection regulations they inherited with the land that came with the historic Headwaters Forest agreement. HRC Forest Operations Manager Tom Schultz reported that HRC is working on getting the next two years worth of THPs ready to go by the beginning of the new year, with focus on the ability to better plan out harvest levels and to have the flexibility to react and make changes if any problems arise.

* * * * *

Budget Update

With a signed state budget, travel claims and other bills are at last being paid. Over all we have lost four positions, \$50,000 in contract money, and about \$50,000 in travel funds. We are seeking exemptions to allow work to continue on the Russian River TMDL and to pay for retired annuitant staff for our enforcement program.

* * * * *

**Enforcement Report for October 2008
Executive Officer's Report**

Notices of Violation

On August 29, 2008, the Regional Water Board Executive Officer (EO) issued a Notice of Violation (NOV) to **ConocoPhillips**, responsible party for the Unocal Bulk Plant #0220 in Fort Bragg, for violating the Monitoring and Reporting Program (MRP) R1-2006-0063. The MRP requires that the Discharger test for specific constituents in each monitoring well. The First Quarter 2008 report failed to include analytical information for all required constituents for each well, as did the 4th quarter 2004, 2nd quarter 2005 and 4th quarter 2006 reports.

On August 29, 2008, the EO issued an NOV to **Malm Fireplaces, Inc.; Warren L. and Phyllis M. Welsh**; and the **Allen A. Henderson and Kimberly L. Henderson Trust** for violating MRP Order R1-2007-0062. Specifically, the Dischargers failed to submit the second quarter 2008 groundwater monitoring report that was due on September 12, 2008. The NOV letter further amended Cleanup and Abatement Order No. R1-2007-0014 to extend the required completion date for installation of two monitoring wells, and directed the Discharger to submit a report of field findings for the monitoring well installations by December 10, 2008.

On September 4, 2008, the EO issued an NOV to **Dimmick Ranch** for unauthorized discharge of waste in violation of Waiver of Waste Discharge No.1B07051RHUM. The NOV discusses a July 30, 2008 inspection, in which staff observed that the septic tanks at the site did not have plugs to prevent discharges into the unpermitted leach lines and that wastewater from the food vending area had flowed through the septic tank to the unplugged leach line. Site representatives installed plugs on the day of the inspection.

The NOV directs the Discharger to include, in the final report required under the waiver, a description of the violations, verification that the plugs, once installed, have remained in place, and a certification that no further unauthorized discharge occurred for the duration of the event.

On September 5, 2008, Regional Water Board staff issued an NOV to the **City of Arcata** documenting 22 deficiencies in the City's pretreatment program that constitute noncompliance with federal pretreatment regulations and the City's NPDES permit. The NOV directs the City to correct all violations by December 1, 2008.

On September 9, 2008, the AEO issued an NOV to **DG Fairhaven Power LLC** for violating WDR Order No. R1-2002-0076 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0024571 for unauthorized discharge of bottom ash wastewater from the facility to the Pacific Ocean. The NOV directs the Discharger to submit information by October 16, 2008 documenting the dates when the Discharger began and then ceased including ash washwater in its effluent stream, the volumes of wastes discharged to the Ocean and to land, and any analytical data available for the wastes discharged.

On September 22 and 23, 2008 the EO issued nineteen NOVs for violation of Industrial Storm Water State Water Quality Control Board Order No. 97-03-DWQ/NPDES General Permit No. CAS000001 for failure to submit annual stormwater reports. The NOVs serve as a second notice for the late reports and direct the Dischargers to submit their reports within 30 days of the NOV date. The 19 NOV recipients include:

Allison Schneider, Ukiah
Bed Rock Inc., Point Arena
Blue Ridge Rock Prod., Hopland

Buddys Auto Ctr, Willow Creek
Capital Lumber Co., Healdsburg
Coast Wood Preserving, Ukiah
Enviro Metal, Santa Rosa
Geyser Peak Winery, Geyserville
Hansen Truck Stop, Fortuna
Joseph Swan Vineyards, Forestville
John N Petersen Inc May Ranch Quarry, Bridgeville
Laytonville Rock, Laytonville
Menne Pit Gravel Operations, Fort Jones
Portosan Co LLC, Santa Rosa
Preferred Charters, Santa Rosa
Tali Pak, Hopland
Ron's Used Cars & Auto Wreck, Happy Camp
Topolos Winery, Forestville
Yreka Solid Waste Disposal, Yreka

On September 23, 2008, the EO issued an NOV and 13267(b) Order to **Fazian Corporation** and **Redwood Tree Service Station** for failure to submit a workplan requested in an October 31, 2007 staff letter, as well as failure to submit four quarterly monitoring reports required under MRP R1-2007-0096. The Order directs the Dischargers to resume submitting quarterly monitoring reports commencing with the third quarter 2008 report due October 15, 2008 and also directs the Dischargers to submit the required workplan by November 21, 2008.

On September 25, 2008, the AEO issued an NOV to **Robert O'Brien** for failure to comply with Cleanup and Abatement Order (CAO) No. R1-2008-0096. The CAO required that Mr. O'Brien provide information and take actions to clean up and abate the unauthorized dredge and fill of creek and wetland habitat on his property. As of the date of the NOV, the Discharger had failed to fulfill most of the requirements of the CAO. The NOV advises the Discharger of his obligations under the CAO and the potential penalties for failure to comply, and informs him that staff are

preparing an Administrative Civil Liability Complaint (ACLC) for violations to date.

Administrative Civil Liability Complaints (ACLCs)

On August 21, 2008, the AEO issued an ACLC to **DG Fairhaven Power** assessing \$165,000 in mandatory minimum penalties for six late reports. This matter may be heard at the December 2008 Board meeting.

On August 28, 2008, the AEO issued an ACLC to **Ronald E. Yingling** for unpermitted grading activities and discharges of waste earthen material to a roadside ditch which is tributary to East Weaver Creek in Trinity County near Weaverville. The ACLC proposes a penalty of \$5,000. This matter is scheduled to be heard at the October 2008 Board meeting in Weaverville.

On September 30, 2008, the AEO issued an ACLC to the **California Department of Transportation (Caltrans)** for unauthorized discharges of 4,000 gallons of wastewater to Hardscrabble Creek, tributary to the Smith River. The ACLC proposes a penalty of \$60,000. This matter may be heard at the December 2008 Board meeting.

* * * * *