



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

December 10, 2020

North Coast Regional Water Board Enforcement Priorities for 2021

Diana Henriouille

At the Board's October 2020 meeting, Diana Henriouille, Enforcement Unit supervisor discussed staff's proposed regional enforcement priorities for the upcoming year, indicating plans to revise the existing list by removing the priority related to non-cannabis agricultural-related violations (ag-related violation category), focusing the cannabis-related violations to those associated with illegal/unpermitted cultivation sites, and focusing the screening criterion regarding impacts to public drinking water supplies to those related to drinking water supplies serving small and disadvantaged communities. Staff also noted that it would be appropriate to revise the priority related to stormwater violations to reflect a continuation of a fully scaled up enforcement effort in this category with a fully staffed stormwater unit.

In the days leading up to the October Board meeting, and at the Board meeting, staff received comments both from Board members and staff, and from members of the public regarding the proposal to remove the ag-related violation category from the list of priorities. In general, these comments tended towards supporting keeping the ag-related violation category on this list.

Staff had recommended removal of the ag-related violation category from the priority list for a number of reasons. The region presently has fewer staff in the Enforcement Unit than it had a year ago, and the region has an overall reduced amount of staff capacity (for enforcement or anything else) caused by or resulting from Covid-19 impacts; it is not realistic nor possible at this time to pursue enforcement on every qualifying priority violation. Staff identified ag-related violations as the category to remove because it is a category for which we have only partial coverage under regulatory programs; dairies and portions of the Klamath River basin have applicable Region 1 regulatory orders and dedicated staff for implementation, while grazing outside of the Scott and Shasta watersheds, vineyards and orchards, Smith River lily bulb operations, Tulelake agricultural operations, and other types of non-cannabis agriculture do not presently have dedicated regulatory programs or implementation staff. Further, the region is currently focusing much of its non-cannabis agriculture funding towards development of a regulatory program for vineyards and lily bulb operations in the Smith River, a critical step toward staffing and implementing regulatory and enforcement oversight. Finally, removing non-cannabis agricultural violations from the list of priorities does not preclude the Regional Water Board from pursuing progressive enforcement actions on violations in this category. Accordingly, staff

deemed the proposal to reduce the list and to remove the ag-related violation category from the list of regional priorities to be sound.

However, given the comments received from the public and the Board, enforcement staff recently revisited this proposal with management overseeing ag-related regulatory program development and oversight to review the status of program development and implementation, to identify any emerging sites or violations of concern, and to discuss the potential for scaled-up inspections and enforcement for specific types of violations.

For those programs where the Region currently has a regulatory order and dedicated implementation staff (i.e., dairies and the Scott and Shasta TMDL Waivers), management reported overall satisfaction with the effectiveness of the current approach combining education, outreach, stewardship, support for grant funding, regulatory assistance for Waiver compliance, and progressive enforcement. In those cases where implementation staff have found enforcement to be necessary, informal or relatively low-level enforcement tools have proven to be effective in achieving cooperation and compliance. Management reported that in the Scott and Shasta River watersheds which have existing regulatory Waivers, both staff and management have advised the regulated community that over the life of the existing Waivers, staff will prioritize sites based on threat to water quality, and focus regulatory engagement on those sites with a higher threat to water quality. However, implementation of standards conditions and associated compliance with the Scott and Shasta TMDL Waivers is a requirement, regardless of the relative threat to water quality. As highlighted in the current Scott and Shasta TMDL Waivers set to expire in 2023, future order renewals are likely to include active enrollment requirements and enrollment enforcement, where warranted.

Management also confirmed a concerted internal effort to focus regional agricultural regulatory program resources and staff on development of regulatory orders for vineyards (slated for Board consideration in late 2021) and for lily bulb operations in the Smith River (time frame currently uncertain). Adoption of these orders, and renewal of the Scott and Shasta TMDL Waivers in 2023 will serve to tighten the regulatory and enforcement focus on specific categories of agricultural waste discharges, but does not obviate the need for oversight and enforcement in the meantime, and addressing ag-related water quality impacts continues to be a priority for the Region. Accordingly, the management team propose that we retain ag-related enforcement as a regional enforcement priority.

Given the current limitations in staffing and resources, we will consider ag-related violations to be lower on our list of categories for initiating new enforcement over the near term, but Enforcement Unit staff will plan to continue to advance complex ag-related enforcement cases underway, and to work closely with ag-related regulatory program development and implementation staff to identify priority sites and priority issues warranting individual enforcement or a scaled up, cross-program enforcement team approach.

With that decision, staff propose that the final list of regional enforcement priorities for 2021 will be as follows:

- Prioritize and pursue enforcement cases for waste discharge violations associated with site development and use for cannabis cultivation without applicable permits.
- Prioritize and pursue enforcement cases for individuals/entities conducting unauthorized dredge/fill activities in surface waters.
- Pursue timely enforcement on missed deadlines in existing enforcement orders.

- Prioritize and pursue regulatory oversight and enforcement for violations of NPDES stormwater permits.
- Prioritize and pursue enforcement cases for waste discharge violations associated with agricultural activities other than cannabis cultivation.

Additional Screening Criteria

- Violation has resulted in threats/impacts to critical habitat.
- Violation has affected a water of the state that resource protection agencies, including the Water Boards, have spent money restoring.
- Violation is contributing to a watershed impairment.
- Violation has resulted in impacts to a public drinking water supply that serves a disadvantaged or severely disadvantaged community or a community with financial hardship.
- Violation was caused by or resulted from activities conducted without a required permit(s) or authorization(s) from the Regional Water Board.

The Region may also pursue enforcement for unexpected significant cases outside of these priorities including, but not necessarily limited to, those that involve high threats, significant impacts, or egregious discharger conduct.



**Russian River Watershed Association
Environmental Column: November
2020 - [Get the FOG outa here!](#)**

What is FOG?

F.O.G. stands for Fats, Oils, and Grease. Very common in residential and commercial kitchens, FOG is a detrimental waste byproduct of preparing and cooking various

animal and processed foods. Most common sources of FOG trace their roots to meat fats, dairy fats, and vegetable oils. These three FOG sources are widely used throughout the food service industry to create tasty and satisfying menu items and can be found in just about any kitchen.

Like cholesterol clogging our arteries, FOG that is poured down sinks and drains attaches to the sewer plumbing inside and outside of our homes and businesses. Over time this FOG build-up acts to constrict and throttle flow through the pipes, resulting in decreased plumbing capacity and even worse, the following:

- Blockage of pipes within homes and businesses, causing sewer back-ups into living/working spaces, creating an unhealthy environment. These back-ups are usually very unpleasant and accompanied by expensive clean-up and repairs/restoration.
- Blockage of city sewer pipes in public areas outside homes and businesses, causing sanitary sewer overflows into streets and waterways, endangering wildlife and public health. Nearly half of these overflows in a typical municipality can be attributed to excess FOG in the system.
- And lastly, clogging and damage to equipment used in the collection and treatment of sewage, adding significant costs to the operation of these systems. Pumps, valves, instruments, and other process components can be impaired or disabled when excessive FOG is encountered in their operation.

What are businesses doing?

Municipalities typically have programs to reduce FOG within their sewer collection and treatment systems. These programs are primarily aimed at commercial kitchens and food service establishments, but they benefit all who use and/or maintain the sewer system. The programs incorporate use of grease control devices and kitchen best-

management-practices to minimize FOG impact. Yes, lurking below the kitchens of our favorite restaurants are the workhorses of these FOG control programs.



Commercial Grease Trap

Commercial grease interceptors and traps of many different sizes capture and store FOG, holding it for routinely scheduled disposal or recycling.

What can you do?

Thanks to Covid-19, many of our communities are not going out to dinner as often, and it is important to realize the previously mentioned impact FOG can have in our own homes. While we do not have grease traps and interceptors inside our homes, we can minimize FOG discharge by collecting and properly disposing of generated greases and oils. Good kitchen habits that help keep FOG out of your plumbing include:

- for large amounts of excess oil such as from deep frying, pour into a twist-top container and allow to cool before tightly capping and disposing in the trash.
- for small amounts of residual grease and oil-based dressings on plates and pans can still contribute to clogs, so please remember to wipe them down with a paper towel before washing up. The greasy paper towels, napkins, and food scraps can then be placed into the green curbside bin for composting.



Human Grease Trap

So, spread the word like butter on toast, and do not FOG-et this important information the next time you are cooking up a delicious doughnut breakfast burger!

This is a friendly reminder that there are many reasons and ways to keep FOG out of the sewer.



This article was reprinted with permission and authored by Rob Scates, Water/Wastewater Operations Superintendent, City of Healdsburg Municipal Utilities Department on behalf of RRWA.



Enforcement Report for December 2020 Executive Officer's Report

Diana Henriouille and Jordan Filak

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 1, 2020	Manzana Products Co.	NNC; Industrial General Stormwater Permit (IGP)	California Water Code section 13399.31	Ongoing

Comments: On October 1, 2020, the NPDES unit senior issued a notice of noncompliance (NNC) to Scott Wallace of Manzana Products Co., for the failure to submit an annual report by July 15, 2020, as required by the IGP. Failure to submit timely annual monitoring reports violates California Water Code section 13399.31. The NNC directs Manzana Products Co. to submit their annual report for 2019-2020 within 60 calendar days of the date the notice to avoid additional penalties under California Water Code section 13399.33. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 19, 2020	Szagora LLC Ted Nash, Rudy Chacon	NOV	1. California Water Code sections 13260 and 13264 2. Basin Plan section 4.2.1	Ongoing

Comments: On October 19, 2020, the Enforcement unit senior issued an NOV to Ted Nash and Rudy Chacon of Szagora LLC for violations associated with their property in the Mad River watershed, Humboldt County. On a July 20, 2020, multi-agency inspection, Regional Water Board staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. The size and scope of site disturbance is sufficient to require coverage under the statewide general order for cannabis cultivation waste discharges (CANGO), but the site was not enrolled for coverage under the CANGO. The NOV directs Szagora LLC to enroll their property under the CANGO, and to provide a plan and schedule to correct the violations discussed within 30 days of the date of the NOV. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 19, 2020	BoDean, Inc.	Water Code 13267 and 13383 Investigative Order	Unauthorized waste discharges to surface waters Basin Plan, Clean Water Act	Ongoing

Comments: On October 19, 2020, Assistant Executive Officer (AEO) Villacorta issued a Water Code sections 13267 and 13383 investigative order, No. R1-2020-0026, to BoDean Inc. for discharges of storm water into Porter Creek. Porter Creek is a tributary of the Russian River

and a water of the State and United States. During multiple storm events in December 2018 and January 2019, staff observed sediment-laden storm water in Porter Creek downstream of the facility. AEO Villacorta issued Water Code section 13267 Order No. R1-2019-0029 on May 1, 2019, and staff inspected the facility a number of times over 2019. BoDean responded, in part, by upgrading existing and installing new stormwater treatment systems. The 2020 13267/13383 order requires that BoDean provide information regarding treatment system design, operation, and discharges. The Order also includes monitoring and reporting requirements. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 21, 2020	Vang and Pao Yang	NOV	California Water Code sections 13260 and 13264	Ongoing

Comments: On October 21, 2020, the Enforcement unit senior issued an NOV to Vang and Pao Yang for violations associated with their property in the Van Duzen hydrologic area of the Eel River watershed, Humboldt County. On a June 27, 2020, multi-agency inspection, Regional Water Board staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. The size and scope of site disturbance is of sufficient size to require coverage under the CANGO. The NOV directs Vang and Pao Yang to enroll their property under the CANGO, and to provide a plan and schedule to correct the violations discussed within 30 days of the date of the NOV. The Dischargers have been in contact with Regional Water Board staff to discuss compliance requirements. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 27, 2020	Andrew Pillet	NOV	1. California Water Code sections 13260, 13264, and 13376 2. Clean Water Act section 301	Ongoing

Comments: On October 27, 2020, the Southern Nonpoint Source and Forestry Unit senior issued an NOV to Andrew Pillet for violations associated with his property on Loch Haven Drive in Santa Rosa, Sonoma County. On August 31, 2020, Regional Water Board staff investigated a complaint regarding placement of fill and a culvert in waters of the state. On September 14, 2020, staff inspected the subject property and observed fill, including soil and a culvert placed in a watercourse to cross a small ephemeral stream. Associated spoils were perched upslope of the watercourse and there was bare earth related to the crossing construction. Staff conducted a follow-up inspection on October 5, 2020 and observed that fill had been removed and the site had been adequately stabilized for the short term, but that additional restoration work will be necessary and should be completed in 2021. The NOV directs Mr. Pillet to work with Regional Water Board staff and other applicable local and state agencies to acquire the necessary permits. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 28, 2020	Paul DenBeste, Patrick Bulmer	NNC	Water Code section 13399.30	Ongoing

Comments: On October 28, 2020, AEO Villaorta issued a second Notice of Non-Compliance (NNC) to Paul DenBeste and Patrick Bulmer for their continued failure to obtain coverage under the NPDES general permit for storm water discharges associated with industrial activities at the DenBeste Yard and Garden facility in Cloverdale, Sonoma County. Staff issued a first NNC on September 17, 2020, requiring IGP enrollment by November 17, 2020. To date, the owner/operator has failed to enroll for IGP coverage. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 30, 2020	Mark Distefano, Humboldt Redwood Company, LLC	NOV	California Water Code Section 13260	Resolved

Comments: On October 30, 2020, the Southern Nonpoint Source and Forestry Unit senior issued an NOV to Mark Distefano for Humboldt Redwood Company's failure to enroll its Freshwater Creek watershed-based timber harvest plan THP 1-18-038 HUM ("Way Up Fresh") for coverage under the Watershed-Wide Waste Discharge Requirements for Timber Harvesting Plan Activities prior to commencing timber harvesting. The timber company subsequently enrolled the plan under the Order, and no further action is needed.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
October 30, 2020	Tim Rundal, Shastina Wastewater Treatment Facility	NOV	1. SSS WDRs 2. Clean Water Act Section 303, 301	Ongoing

Comments: On October 30, 2020, the senior of the Groundwater Permitting Unit issued an NOV to Tim Rundal of Shastina Wastewater Treatment Facility located in the City of Weed, Siskiyou County. On October 18, 2016, a release of raw sewage from the City's wastewater collection system entered Boles Creek. On September 27, 2020, an overflow of partially treated effluent from the wastewater treatment facility, entered Boles Creek. Boles Creek is a tributary to the Shasta River. The NOV advises the City that these discharges were unauthorized and informs the City that staff plan to inspect the facility in the near future. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 20, 2020
November 9, 2020	Dan Renati, Renati Dairy	NOV	GWDR for Dairies, Federal Clean Water Act and provisions of the Water Code	Ongoing

Comments: On November 9, 2020, the Southern Nonpoint Source and Forestry Unit senior issued an NOV to Dan Renati of Renati Dairy for violations associated with unauthorized dairy operations at property along Americano Creek in Petaluma, Sonoma County. On June 29, 2020, Regional Water Board staff inspected the property in response to a complaint regarding a watercourse crossing along Americano Creek. Staff observed rock fill and a culvert within the bed and bank of Americano Creek, and extensive areas of bare mineral soil within the riparian zone around the crossing. The NOV directs Renati Dairy to either remove the crossing or implement a permanent or temporary crossing subject to appropriate permitting by the Regional Board. The NOV also requires that Renati Dairy submit a riparian management plan and include information about this area in its annual reports. 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.

February 3 & 4, 2021 (Santa Rosa, CA)

- Resolution Approving Siskiyou County LAMP (*Roy O'Connor*) **[A]**
- Wine, Beverage, and Food Processor Waiver Renewal (*Rachel Prat*) **[A]**
- Several Enforcement Cases (*Paul Nelson, Adona White*)
- Update on the Technical Development of the Laguna de Santa Rosa TMDL for Nutrients, Dissolved Oxygen, Sediment, and Temperature (*Dr. Kelsey Cody, Dr. Jon Butcher, and Dr. Lance Le*) **[I]**
- Statewide and Regional PFAS Investigation Update (*Charles Reed*) **[I]**

April 15 & 16, 2021

- Russian River CSD WWTP NPDES Permit Renewal (*Cathy Goodwin*) **[A]**
- Groundwater Basin Evaluations, Recommended Priorities, and Summary of Potential Regulatory Approach (*Chris Watt*) **[A]**
- Resolution Approving Sonoma County LAMP (*Charles Reed*) **[A]**
- Humboldt Creamery NPDES Permit Renewal (*Matt Herman*) **[A]**
- North Coast Wildfires: prevention, suppression, remediation (*Jonathan Warmerdam*) **[I]**
- Update on the Monte Rio/Villa Grande Wastewater Project to Implement the Russian River Watershed Pathogen TMDL (*Charles Reed, Alisha O'Loughlin-County of Sonoma*) **[I]**

June 17 & 18, 2021

- Bodega Farms NPDES Permit Renewal (*Matt Herman*) **[A]**
- Humboldt Bay Resort Improvement District No. 1, Shelter Cove WWTP NPDES Permit Renewal (*Cathy Goodwin*) **[A]**
- Hatchery NPDES General Order Renewal (*Justin McSmith*) **[A]**

201123_Tracking Board Agenda Items List 2020/2021

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