



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

December 2, 2021

50 Years of the Clean Water Act – a Success Story in the North Coast Region

Matt St. John

This coming year, 2022, marks the 50th anniversary of the passage of the landmark Clean Water Act (CWA). The CWA is the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters; recognizing the responsibilities of the states in addressing pollution and providing assistance to states to do so, including funding for publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands. The name of the law is actually the Federal Water Pollution Control Act, first enacted in 1948. The law was completely rewritten in 1972 in an act entitled the Federal Water Pollution Control Act Amendments of 1972.

The Porter-Cologne Act, also known as the California Water Code, Section 7, is the law that governs water quality regulation in California, which received unanimous endorsement by the State Legislature when it was adopted in 1969. It is commonly recognized that Porter-Cologne is one of the nation's strongest pieces of anti-pollution legislation and in the early 1970s served as a model for the CWA. Further demonstrating California's pioneering commitment to environmental protection, in 1970 over 70% of California's voters approved the Clean Water Bond Act to provide \$250 million of matching

State funds to augment existing Federal Grant programs.

Water Quality Coordinating Committee (WQCC) meetings have been conducted nearly every year by the State and Regional Water Boards since the Porter-Cologne Act went into effect in January 1970. These meetings are now an opportunity for all the Board Members of the State and Regional Water Boards to gather. The thematic focus of the October 2021 meeting of the WQCC was 50 Years of the Clean Water Act, which served as an opportunity for the committee members to reflect on the successes and difficulties of the past 50 years implementing the CWA within California and looking ahead to the needs and challenges of implementing the Act in the coming 50 years. At the October 2021 meeting the executive officers from each of the nine Regional Water Quality Control Boards gave presentations highlighting key regional successes associated with the implementation of the CWA.



There have been many water quality successes over the past 50 years in the North Coast Region since the adoption of the law. The success story that I chose to present on at the WQCC was the North Coast Regional Board's adoption of the Point Source Discharge Prohibitions into our Water Quality Control Plan (Basin Plan) and the implementation of those prohibitions in permits.

The North Coast Region's Point Source Discharge Prohibitions were first approved in 1971 and adopted into the Interim Water Quality Control Plans for the North Coastal and Klamath Basins; so the beginning of this success story actually pre-dates the 1972 passage of the federal CWA. The credit for the development of the Point Source Discharge Prohibitions goes to Dr. David Joseph, the visionary Executive Officer of the North Coast Regional Board at that time. The Prohibitions were unanimously supported by the 9 members of the board in June of 1971 and were largely intended to protect water contact recreation areas.

There are actually two prohibitions – the first is a year-round prohibition of point source discharge to surface waters that applies throughout much of the region; and the second varies seasonally, prohibiting discharge to the Russian, Eel, and Mad River watersheds during the summer dry season from May 15 through September 30, and with few exceptions limits effluent discharge to no more than 1 % of the receiving water flow during seasons outside the May 15 to September 30 period. These prohibitions are implemented in all of the region's NPDES and WDR permits.

Following the adoption of the Prohibitions, beginning in the early 1970s Regional Board staff rolled up their sleeves and conducted extensive receiving water monitoring to document the need for facility upgrades, and staff worked over several decades with Dischargers to provide compliance assistance to promote facility upgrades and utilized

enforcement orders were necessary. As a result of the Prohibitions being in place now for 50 years, there has been major improvement in wastewater treatment throughout the region, including impressive levels of water recycling. By volume the vast majority of treated effluent produced in the region is disposed to land, which increases groundwater recharge. And the highly treated wastewater that is discharged to surface waters only occurs under high flow conditions and only in three watersheds in the region. The water quality improvements in the region from implementing the Prohibitions have been demonstrable. Though there are pockets of degraded groundwater quality, much of the groundwater basins in the region are of high-quality. And though the region certainly has its share of waterbodies with water quality impairments on the 303(d) list, predominantly these surface water impairments are not for pollutants such as metals or priority pollutants typically attributed to point source discharges; rather the impairments are predominantly linked to nonpoint sources.

The implementation of the Point Source Discharge Prohibitions has been a resounding success for the water quality of the North Coast Region. And, just as the staff and board members developing and approving the prohibitions in 1971 were visionary, so too must we be visionary today as we now, across the state, face new water resource challenges due to climate change. We must leverage our partnerships and use sound science to inform development and implementation of ever-more effective and efficient regulations that optimize how we protect and use our precious water resources. I am confident that the staff, Board members, and communities of the North Coast Region are up to this challenge.



Implementation of the Upper Elk River Sediment TMDL—An Assessment of the Last 5 Years

Alydda Mangelsdorf & Matt Graves

Introduction

The North Coast Regional Water Quality Control Board (Regional Water Board) adopted a Sediment TMDL¹ Action Plan for the Upper Elk River as an amendment to the Water Quality Control Plan for the North Coast Region (Basin Plan) in May of 2016. The TMDL Action Plan describes three main components of the program of implementation – Waste Discharge Requirements (WDRs) or Waivers of WDRs, the Elk River Recovery Assessment, and the Watershed Stewardship Program - in combination, designed to reduce delivery of sediment, reduce flooding, expand assimilative capacity and return the system to a trajectory of recovery. Sediment source controls in the upper portion of the Elk River Watershed are necessary to reduce flooding impacts in the “impacted reach”² and impacts to drinking water, recreation, and aquatic habitat throughout the system. The TMDL Action Plan requires development and implementation of Waste Discharge Requirements for the two commercial timber harvest operators in the watershed, Humboldt Redwood Company, LLC (HRC) and Green Diamond Resources Company (GDRC). The “impacted reach” is where sediment deposits going back to the 1990s have caused, and continue to cause, excessive overbank flooding across both private and public property affecting the health and safety of whole neighborhoods.³

The TMDL Action Plan also describes the use of a sediment and hydrodynamic modeling tool (called the Elk River Recovery

Assessment) with which to evaluate different restoration and recovery strategies that when coupled with sediment source control, can restore sediment transport and hydrologic function, as well as beneficial uses. It also describes the development of a Watershed Stewardship Program to involve local stakeholders in identifying and implementing the full suite of solutions. Finally, the TMDL Action Plan calls for an assessment of TMDL implementation effectiveness every five years until attainment of standards and control of excessive flooding. We reached the first five year mark this year, which means that staff will be presenting the results of its 2016-2021 Five Year Assessment early in 2022.

Background

The Elk River Watershed is 58.3 square miles, located in Humboldt County, and drains into Humboldt Bay, south of Eureka, CA. The entire watershed was placed on the Section 303(d) list of the Clean Water Act in 1998 due to excessive sedimentation. In May 2016, the Regional Water Board adopted the Upper Elk River Sediment TMDL to address sediment sources in the upper 44.2 square miles of the watershed and establish a program of implementation that applies throughout the watershed. This was followed by the State Water Resources Control Board (State Water Board) approval in August 2017, the California Office of Administrative Law’s approval in March 2018, and U.S. Environmental Protection Agency’s approval in April 2018. The Regional Water Board also adopted WDRs for timber harvesting and related activities in the Upper Elk River Watershed for HRC and GDRC in June 2019 and February 2020, respectively.

¹ TMDL stands for Total Maximum Daily Load. A TMDL is required under Section 303 of the Clean Water Act to address beneficial use impairment and violation of water quality standards.

² The “impacted reach” includes the lower portions of the North and South forks of the Elk down to where Berta Road crosses the Elk River mainstem.

³ These conditions meet the definition of “nuisance” under the Water Code, which are in addition to violation of water quality standards and impairment of beneficial uses.

Summary of the TMDL Program of Implementation

The 2016-2021 Five Year Assessment will evaluate each of three main elements of the program of implementation: WDRs or waivers, the Elk River Recovery Assessment, and the Watershed Stewardship Program. The WDRs or waivers are meant to control all controllable sources of sediment to minimize the delivery of sediment to the “impacted reach”. The TMDL identifies a load allocation of zero because any additional sediment deposited in the “impacted reach” contributes to impaired conditions. To attain a zero-load allocation, upper watershed permittees must control all controllable sources of sediment on their properties. Control actions are necessary to address new and existing sources of sediment and degradation due to past and ongoing land use activities.

A requirement of HRC’s WDR is a 5-year assessment of implementation actions and water quality conditions on their property, with a due date of November 15, 2021, which was delivered timely. Following Regional Water Board staff review of HRC’s 5-year assessment, HRC representatives will report on their assessment at the February 2022 meeting of the Regional Water Board. Staff will incorporate key findings contained in HRC’s report in staff’s 2016-2021 Five Year Assessment which is planned for presentation to the Regional Water Board in April 2022. Staff’s Five Year Assessment will also inventory and assess the status of implementation activities and available environmental data in this 5-year period. Ideally, the 2016-2021 Five Year Assessment will also include a summary of key observations of local stakeholders, especially affected residents. Once the currently vacant Humboldt Bay Steward position is filled, staff intend to prioritize engagement with local stakeholders on this question and others. Of particular concern is the need to advance feasible solutions to the multiple health and safety issues in the Elk River, including flooded properties, infrastructure, and private and public roads; loss of drinking water

supplies for a subset of residents; and potential impacts to onsite wastewater treatment systems. At the planned April 2022 Regional Water Board meeting presentation on the 2016-2021 Five Year Assessment, staff will report their findings and provide recommendations for the Board’s consideration with respect to potential revisions to the TMDL Action Plan.

Recovery Plan and Monitoring Framework

California Trout (CalTrout) has been hired under contracts and grants to develop the Elk River Recovery Assessment and Watershed Stewardship Program. By March 31, 2022, they will deliver a proposed Recovery Plan, which identifies on a reach-by-reach basis a series of feasible restoration and recovery actions. The restoration and recovery actions are informed by the results of the Elk River Recovery Assessment, which evaluated several recovery scenarios based on input from a Technical Advisory Committee. The restoration and recovery actions have also been vetted with individual landowners to ensure that the scope of proposed activities in each reach is generally acceptable to affected landowners. Further, Regional Water Board staff and CalTrout have coordinated closely with resource agency partners on the draft restoration and recovery actions. CalTrout will present the proposed Recovery Plan at a regularly scheduled meeting of the Regional Water Board sometime in the summer 2022. CalTrout will also deliver a Monitoring Framework by March 31, 2022 and present its scope at the same Regional Water Board meeting.

Summary

We have recently reclassified the vacant staff Elk River Steward position into a Senior Specialist position, in recognition of the deep knowledge and experience that is necessary to manage a project as complex and controversial as the Elk River Sediment TMDL. The reclassified position has been renamed as a Humboldt Bay Steward and will initially focus on further developing the Elk River Watershed Stewardship Program,

especially attending to the critical health and safety issues. Each of these efforts – HRC’s 5 Year Assessment, Regional Water Board Staff’s 2016-2021 Five Year Assessment, CalTrout’s proposed Recovery Plan, CalTrout’s proposed Monitoring Framework, and public input - all will inform the next steps associated with the Watershed Stewardship Program. With these pieces soon to be assembled, the Regional Water Board and its partners will next need to determine the full suite of appropriate health and safety solutions for the Elk River, seek available funds to implement both health/safety and restoration/recovery actions, determine the scope of permits needed to implement these restoration/recovery actions, and set the needed actions into motion. It is staff’s hope that implementation of the proposed Monitoring Framework can help assess water quality improvements in the next 5-year assessment period, due in or around 2027, and inform reevaluation and possible revision of the TMDL by 2031.



Update on the Smith River Plain Water Quality Management Plan
Ben Zabinsky and Clayton Creager

The Executive Officer approved the Smith River Plain Water Quality Management Plan (SRPWQMP or Plan) in November 2021 following revisions made in response to public comments received in March 2021. The Plan addresses the water quality impacts of lily bulb operations in the Smith River Plain documented through ongoing surface water sampling by the Regional Water Board. The Plan was written by Regional Water Board staff and developed collaboratively with a group of stakeholders called the Smith River Plain Watershed Stewardship Team. This

team includes the lily bulb growers, the National Marine Fisheries Service, the California Department of Fish and Wildlife, the Tolowa Dee-ni’ Nation, the Del Norte Resource Conservation District, the Del Norte County Agricultural Commissioner, the California Department of Pesticide Regulation, and the Smith River Alliance (a local non-profit involved in fisheries restoration projects and planning). All partners made important contributions to the draft document.

The purpose of the SRPWQMP is to undertake an adaptive management project to evaluate the effectiveness of a wide range of best management practices adapted for use in the special environmental setting of the Smith River Plain and unique agricultural practices associated with the lily bulb operations.

The Smith River Plain Water Quality Management Plan accomplishes the following objectives:

1. Describes lily bulb operations including current and planned water quality management practices to control potential discharges of waste to waters of the State.
2. Documents and communicates the results of the adaptive management process used to develop water quality protection measures to address the effects and risks from potential discharges associated with lily bulb cultivation.
3. Includes actions to address water quality problems identified through monitoring designed to lead to attainment of water quality standards in the Smith River Plain.
4. Coordinates the Regional Water Board’s programs and regulations with other water quality programs and restoration initiatives in the Smith River Plain.
5. Establishes and implements an adaptive management water quality monitoring plan that supports the following

objectives: 1) evaluate potential discharges from lily bulb operations by comparison of downstream station results with upstream “background” stations; 2) evaluate the effectiveness of water quality management practices implemented by lily bulb growers; and 3) provide the data necessary to run the Biotic Ligand Model, which is being used to inform the site-specific adaptive management threshold concentrations for copper in the Smith River Plain.

6. Establishes a system of public reporting for lily bulb growers to document the implementation of water quality practices on an annual basis.
7. Provides a foundation for the development of a permit to regulate discharges associated with lily bulb operation in the Smith River Plain.

The Regional Water Board will use results from the implementation of the SRPWQMP to guide development over the next couple of years of general waste discharge requirements (WDRs) or a waiver of WDRs (permit) consistent with Water Code requirements, the requirements of the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (State Nonpoint Source Policy), the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Antidegradation Policy), and requirements the State Water Board has established for irrigated lands regulatory programs.⁴

The development of the permit will include a separate stakeholder engagement process and public comment period. Permit development will also require an evaluation and preparation of the appropriate documentation necessary to ensure compliance with the California Environmental Quality Act (CEQA). To ensure the protection of water quality from discharges of waste

associated with lily bulb operations while the permit is being developed, Regional Water Board staff will continue to conduct field inspections, implement the adaptive management monitoring plan, evaluate management practices designed to address



Lily Bulb field in the Smith River Plain. Photo by Ben Zabinsky

water quality impacts, document practices with photographs, and will periodically report to the Regional Water Board.

The final SRPWQMP will be available on the Regional Water Board’s website by November 24, 2021:

[Lily Bulbs | California North Coast Regional Water Quality Control Board](#)

Questions on the SRPWQMP can be addressed to Ben.Zabinsky@waterboards.ca.gov



⁴ See State Water Board Order No. 2018-0002, usually referred to as the “East San Joaquin Order”.

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, 2022

- Shelter Cove WWTP NPDES Permit (*Matt Herman*) [A]
- Humboldt Redwood Company 5-Year Elk River Synthesis Report (*HRC Representative*) [I]
- Update on Water Conservation efforts in North Coast Region (*State Board staff invited*) [I]
- Update on Environmental Flows Framework (*Bryan McFadin and State Board staff invited*) [I]
- EO's Water Quality Stewardship Award (*Matt St. John*) [I]

April 7 & 8, 2022

- Multi-Party Rescission Order (*Nicholas Colbrunn*) [A]
- Nordic Aquafarms NPDES Permit (*Justin McSmith*) [A]
- Mendocino City NPDES Permit Revisions (*Matt Herman*) [A]
- Pump & Treat NPDES WDRs (*Craig Hunt*) [A]
- Gualala PUD WDRs (*Matt Herman*) [A]
- Elk River Sediment TMDL 5-Year Assessment: (*Lisa Bernard & Alydda Mangelsdorf*) [I]
- Findings of Benthic Cyanobacteria and Cyanotoxin Monitoring in Northern California Rivers, 2016-2019 (*Rich Fadness & Mike Thomas*) [I]

Enforcement Report for December 2021 Executive Officer's Report

Diana Henriouille, Zane Stromberg, and Jordan Filak

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
September 15, 2021	Rhonda Shiffman PG&E	NOV	-Basin Plan Section 4.2.1. -California Water Code sections 13260, 13264	Directives met. NOI received September 13, 2021

Comments: On September 15, 2021, the Nonpoint Source and Surface Water Protection Division Chief issued a Notice of Violation (NOV) to Rhonda Shiffman of PG&E for violations associated with road reconstruction, bridge installation, and culvert replacement on private property located within the Mark West Hydrologic Subarea of the Middle Russian River Hydrologic Area. The NOV addresses unauthorized instream work PG&E conducted to reopen a road and restore bridges destroyed by the 2017 Tubbs fire. The NOV directs PG&E to submit a Notice of Intent to enroll under and comply with the terms of Water Quality Order No. 2004-004-DWQ, the statewide general permit for dredged or fill discharges to waters outside of federal jurisdiction, by September 24, 2021. PG&E submitted the Notice of Intent on September 13, 2021. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 4, 2021	California Property Solutions LLC; Young Jacobsen, Tina Lyn, Diane Sodosky	NOV	Violation of directives of CAO No. R1-2021-0003	Ongoing

Comments: On October 4, 2021, the Cannabis and Enforcement Division Supervisor issued a NOV to dischargers Young Jacobsen, Tina Lyn, and Diane Sodosky for the failure to submit a complete Cleanup Restoration and Monitoring Plan (CRMP) for the California Property Solutions LLC property, as directed in Cleanup and Abatement Order (CAO) Order No. R1-2021-0003. The property is located within the Benbow Subarea of the South Fork Eel River Hydrologic Area. The CAO, issued February 5, 2021, directed the cleanup and abatement of a graded wetland, a watercourse culverted over 100 feet, a legacy reservoir, and various stream crossings on the property. The CAO required, in part, that the dischargers submit a CRMP for the property by April 15, 2021. In response, Timberland Resource Consultants submitted, on behalf of the dischargers, a CRMP and subsequent revisions on April 1, April 12, June 3, July 26, and July 30, 2021. Staff determined that the submitted plans do not fully meet the CAO directive; the NOV identifies plan deficiencies and provides recommendations to guide the dischargers towards developing an adequate CRMP. The NOV reminds the dischargers of the CAO requirement to implement an approved CRMP by October 15, 2021 and encourages the dischargers to take timely action to submit a comprehensive CRMP. To date, the dischargers have provided no response, and this matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 6, 2021	Hardeep Takhar CalTrans District 4	NOV	-Statewide Stormwater Permit - Clean Water Act section 401 Water Quality Certification	Ongoing - Update pending December 6, 2021

Comments: On October 6, 2021, the Point Source Control and Groundwater Protection Division Supervisor issued a NOV to Hardeep Takhar of CalTrans District 4 for violations associated with various projects located within multiple Hydrologic Areas and Subareas throughout Sonoma County. The NOV advises Mr. Takhar that Caltrans District 4 violated permit requirements by failing to enter information regarding various of its projects into the Caltrans District 4 tracking and inventory database. The NOV requires Caltrans District 4 to verify compliance with the required actions no later than December 6, 2021. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 6, 2021	Dave Moore CalTrans District 2	NOV	-Statewide Stormwater Permit -Clean Water Act section 401 Water Quality Certification	Ongoing Update pending December 6, 2021

Comments: On October 6, 2021, the Point Source Control & Groundwater Protection Division Supervisor issued a Notice of Violation to Dave Moore of CalTrans District 2 for violations associated with various projects located within multiple Hydrologic Areas and Subareas throughout Trinity and Siskiyou Counties. The NOV advises Mr. Moore that Caltrans District 2 violated permit requirements by failing to enter information regarding various of its projects into the Caltrans District 2 tracking and inventory database. The NOV requires Caltrans District 2 to verify compliance with the required actions no later than December 6, 2021. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 6, 2021	Matthew Brady Caltrans District 1	NOV	-Statewide Stormwater Permit	Ongoing - Update pending December 6, 2021

Comments: On October 6, 2021, the Point Source Control & Groundwater Protection Division Supervisor issued a Notice of Violation to Matthew Brady of CalTrans District 1 for violations associated with various projects located within multiple Hydrologic Areas and Subareas throughout Humboldt County. The NOV advises Mr. Brady that Caltrans District 1 violated permit requirements by failing to enter information regarding various of its projects into the Caltrans District 1 tracking and inventory database. The NOV requires Caltrans District 1 to verify compliance with the required actions no later than December 6, 2021. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 8, 2021	Ted Nash, Rudy Chacon Szagora LLC	NOV	-Violation of directives of CAO No. R1-2021- 0031 -Failure to comply with Water Code section 13267	Ongoing In discussions but Directives not met

Comments: On October 8, 2021, the Cannabis and Enforcement Division Supervisor issued a Notice of Violation to Ted Nash and Rudy Chacon of Szagora LLC, for violations associated with their property located east of Dinsmore within the Eightmile Ridge Subarea of the Butler Valley Hydrologic Area. On June 2, 2021, the Executive Officer issued CAO Order No. R1-2021-0031 to the dischargers for the threatened discharge of earthen waste to waters of the state associated with

undersized and failed stream crossings. The CAO and accompanying 13267 Order required the dischargers to submit an approved Cleanup Restoration and Monitoring Plan (CRMP) by July 1, 2021. To date, the dischargers have not submitted a CRMP for the property. The NOV directs the dischargers to submit and implement an approved CRMP or be subject to administrative civil liability. The discharger has reportedly remained in discussions with Regional Water Board staff but has yet to take the necessary steps to comply with enforcement directives. This matter is ongoing.

Date Issued	Discharger	ActionType	Violation Type	Status as of November 17, 2021
October 11, 2021	Avram Deixler Undrinkable LLC	NOV	-California Water Code sections 13260, 13264 -Clean Water Act sections 301, 401, and 404	Ongoing

Comments: On October 11, 2021, the Southern 401 Certification Unit senior issued a NOV to Avram Deixler of Undrinkable LLC, for violations associated with property located on Little Lake Road, Mendocino, within the Lower Big River subarea of the Big River Hydrologic Area. During a joint agency inspection on March 19, 2021, Regional Water Board staff documented evidence of vegetation clearing and unpermitted impacts to wetlands that are waters of the state. On August 10, 2021, Mendocino County reportedly witnessed the construction of a building foundation in one of the cleared areas on the property. Regional Water Board staff found imagery captured on June 2, 2021 confirming additional work had been conducted at the site since the March 19, 2021 joint agency site inspection. The previous and continual work at the site violates California Water Code sections 13260, 13264, and Clean Water Act sections 301, 401, and 404. The NOV requires the discharger to contact staff by November 1, 2021 to discuss plans to correct the violations. The NOV also requires the discharger to submit a forensic wetland delineation, permit application and fee, by November 30, 2021. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 14, 2021	Aleksandar Aleksandrov, OPENROADAGENCY LLC, and Otto Farms LLC	CAO & 13267 Order	-California Water Code sections 13260, 13264 -Basin Plan Section 4.2.1.	Ongoing

Comments: On October 14, 2021, the Executive Officer issued CAO No. R1-2021-0053 to Aleksandar Aleksandrov, OPENROADAGENCY LLC, and Otto Farms LLC for discharges and threatened discharges of waste associated with their property located in Bridgeville within the Bridgeville Hydrologic subarea of the Van Duzen River Hydrologic Area. The property has been enrolled for coverage under the Regional Cannabis Order since October 2016. On February 9, 2017, the dischargers revised their application for enrollment to a Tier 3 site, triggering the requirements to develop and implement a cleanup and restoration plan. During a November 4, 2020 interagency inspection, CDFW staff identified a large clearing of conifer trees within and in noncompliance with

the Statewide Cannabis Order’s required 50-foot riparian setback. On May 20, 2021, the dischargers submitted a Cleanup Restoration and Monitoring Plan (CRMP) to stabilize and remediate the disturbed areas identified during the interagency inspections. The CAO approves and requires implementation of the CRMP, by no later than November 15, 2021. The CAO also requires the dischargers to submit a completion report within 60 days of the completed CRMP and annual monitoring reports by January 31 of each year for at least 5 years. This matter is ongoing.

Date Issued	Discharger	ActionType	Violation Type	Status as of November 17, 2021
October 14, 2021	Hardeep Takhar CalTrans District 4	Water Code section 13383 Order	-Statewide Stormwater Permit -Clean Water Act section 401 Water Quality Certification	Ongoing - Update pending December 6, 2021

Comments: On October 14, 2021, the Point Source Control and Groundwater Protection Division Chief issued a Water Code section 13383 Order to Hardeep Takhar of CalTrans District 4 directing that Caltrans District 4 provide the following information by March 30, 2022:

- 1) Detailed description of the District’s process/procedure for entering project information into applicable electronic data tracking system(s);
- 2) List of all completed projects subject to electronic data tracking requirements and any untracked or unreported information from those projects; and
- 3) Field verification and documentation of all features that should have, but have not yet, been entered into applicable data tracking systems. For any features found to not be present or to not be constructed per specifications, Caltrans must provide a plan and schedule to install or correct those features or provide a Compensatory BMP Proposal.

This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 14, 2021	Dave Moore CalTrans District 2	WC section 13383 Order	-Statewide Stormwater Permit -Clean Water Act section 401 Water Quality Certification	Ongoing - Update pending December 6, 2021

Comments: On October 14, 2021, the Point Source Control & Groundwater Protection Division Chief issued a Water Code section 13383 Order to Dave Moore of CalTrans District 2 directing that Caltrans District 2 provide the following information by March 30, 2022:

- 1) Detailed description of the District’s process/procedure for entering project information into applicable electronic data tracking system(s);
- 2) List of all completed projects subject to electronic data tracking requirements and any untracked or unreported information from those projects; and

- 3) Field verification and documentation of all features that should have been but have not been entered into applicable data tracking systems. For any features found to not be present or to not be constructed per specifications, Caltrans must provide a plan and schedule to install or correct those features or provide a Compensatory BMP Proposal.

This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 14, 2021	Matthew Brady Caltrans District 1	WC section 13383 Order	-Statewide Stormwater Permit	Ongoing Update pending December 6, 2021

Comments: On October 14, 2021, the Point Source Control & Groundwater Protection Division Supervisor issued a Water Code section 13383 Order to Matthew Brady of CalTrans District 1 directing that Caltrans District 1 provide the following information by March 30, 2022:

- 1) Detailed description of the District's process/procedure for entering project information into applicable electronic data tracking system(s);
- 2) List of all completed projects subject to electronic data tracking requirements and any untracked or unreported information from those projects; and
- 3) Field verification and documentation of all features that should have been but have not been entered into applicable data tracking systems. For any features found to not be present or to not be constructed per specifications, Caltrans must provide a plan and schedule to install or correct those features or provide a Compensatory BMP Proposal.

This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 14, 2021	City of Willits	Expedited Payment Letter (EPL)	Exceedance of NPDES permit effluent limits; violations subject to Mandatory Minimum Penalties (MMPs)	Executed; payment due.

Comments: On October 14, 2021, the Executive Officer executed EPL/Notice of Violation Order No. R1-2021-0035, assessing \$6,000.00 in MMPs for effluent limit violations of WDR Order No. R1-2015-0029 (NPDES Permit No. CA0023060) associated with discharges from the City of Willits Wastewater Treatment Plant during the period from January 5, 2017, to March 31, 2021. The penalty is now due and payable by November 13, 2021.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
October 19, 2021	College of the Redwoods	Expedited Payment Letter (EPL)	Exceedance of NPDES permit effluent limits; violations subject to Mandatory Minimum Penalties (MMPs)	Executed; payment due

Comments: On October 19, 2021, the Executive Officer executed EPL/Notice of Violation Order No. R1-2021-0034 assessing \$6,000.00 in MMPs for effluent limit violations of WDR Order No. R1-2016-0041 (NPDES Permit No. CA0006700) associated with discharges from the College of the Redwoods Publicly Owned Treatment Works during the period from November 1, 2018, to December 31, 2020. The penalty is now due and payable by November 18, 2021.

Date Issued	Discharger	ActionType	Violation Type	Status as of November 17, 2021
October 25, 2021	Tobias Hafenecker-Dodge Mazari Farms Inc.	NOV	Violation of directives of CAO No. R1-2019-0051	Ongoing - Unresponsive to NOV

Comments: On October 25, 2021, Cannabis and Enforcement Division Chief issued a NOV to Tobias Hafenecker-Dodge of Mazari Farms Inc. for violations associated with his property in Garberville within the Benbow subarea of the South Fork Eel River Hydrologic Area. On September 27, 2019, the Executive Officer issued CAO No. R1-2019-0051 for the observed discharge of earthen waste to waters of the state associated with constructed features on the property including a failing instream reservoir constructed without appropriate state and federal permits. On November 20, 2019, Regional Water Board staff issued a NOV to the dischargers for the failure to submit and complete an acceptable interim plan as required by the CAO. Mr. Hafenecker-Dodge submitted several incomplete Cleanup Restoration and Monitoring Plans throughout 2019 and 2020. On August 13, 2021, Green Roads Consulting advised Regional Water Board staff that Mr. Hafenecker-Dodge was working toward compliance with various consultants. The NOV directs that Mr. Hafenecker-Dodge advise Regional Water Board staff by November 25, 2021 of his plan and schedule to comply with the CAO. Failure to comply may result in termination of coverage under the Cannabis General Order and subject Mr. Hafenecker-Dodge to administrative civil liabilities. As of November 12, 2021, the discharger has yet to respond to the NOV. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
November 1, 2021	City of Fort Bragg	EPL	Exceedance of NPDES permit effluent limits; violations subject to Mandatory Minimum Penalties (MMPs)	Executed; payment due.

Comments: On November 1, 2021, the Executive Officer executed EPL/Notice of Violation Order No. R1-2021-0032 assessing \$6,000.00 in MMPs for effluent limit violations of WDR Orders No. R1-2015-0024 and R1-2019-0020 (NPDES Permit No. CA0023078) associated with discharges from the City of Fort Bragg Wastewater Treatment Plant during the period from March 1, 2017, to April 1, 2021. The penalty is now due and payable by December 1, 2021.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
November 3, 2021	Ukiah Rifle & Pistol Club	Water Code section 13383 Investigative Order	Monitoring and reporting of threatened discharge	Ongoing

Comments: On November 3, 2021, Assistant Executive Officer Villacorta issued a Water Code section 13383 Investigative Order to Ukiah Rifle & Pistol Club in response to threatened discharge violations associated with property located within the Sulphur Creek Hydrologic Subarea of the Middle Russian River Hydrologic Area. The property is not currently subject to any monitoring and reporting orders, nor regulated under any waste discharge permits. In response to complaints regarding threatened discharges of waste from the property to receiving waters, Regional Water Board staff inspected the property on December 3, 2020. During the inspection, Regional Water Board staff observed large quantities of spent bullet shells throughout the site at locations where they may result in lead contributions to the environment and waterways. The 13383 Order requires the dischargers to conduct a sampling and monitoring program throughout ten discharge events over several years. The Order also requires the dischargers to revise a previously submitted Storm Water Management and Sampling Plan, addressing Regional Water Board staff comments on that prior plan, by no later than December 3, 2021. This matter is ongoing.

Date Issued	Discharger	ActionType	Violation Type	Status as of November 17, 2021
November 4, 2021	Justin and Mia Baldwin	CAO &13267 Order	-Basin Plan Section 4.2.1. -California Water Code sections 13260, 13264 -Clean Water Act sections 301, 401, and 404	Ongoing

Comments: On November 4, 2021, the Executive Officer issued CAO No. R1-2021-0056 to Justin and Mia Baldwin for violations associated with their property located in Garberville, within the Benbow Hydrologic Subarea of the South Fork Eel River Hydrologic Area. Regional Water Board staff has inspected the property various times from January 21, 2015, to present, observing evidence of discharges and threatened discharges of waste to receiving waters associated with improper installation and maintenance of roads, stream crossings, and clearings used for cannabis cultivation and associated activities on the property, and the improper or inadequate containment, disposal, or storage of cultivation-related materials, and human waste. This Order requires Justin and Mia Baldwin to eliminate the threat of future discharges and to clean up and abate the effects of discharges of soil and other materials into Sproul Creek. The Order requires the dischargers to submit a Cleanup, Restoration, and Monitoring Plan (CRMP) to the Regional Water Board and obtain all necessary permits by March 15, 2022. The Order also requires the dischargers to submit Annual Monitoring Reports on January 31 or each year for five years following the Order. Staff has remained in contact with the dischargers during the CRMP drafting process. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of November 17, 2021
November 8, 2021	Andrea Thompson	NOV	-Water Code sections 13260, 13264 and 13376. -Clean Water Act sections 301, 401, and 404. -Basin Plan Section 4.2.1	Ongoing

Comments: On November 8, 2021, the Southern Nonpoint Source and 401 Certification Unit Senior issued a Notice of Violation (NOV) to Andrea Thompson for violations associated with property in Sebastopol within the Guerneville Hydrologic Subarea of the Lower Russian River Hydrologic Area. In 2003, the Regional Water Board had issued a Water Code section 13267 Order to the previous property owner related to impacts to waters of the state (wetlands) and aquatic resources. Following a citizen complaint, Regional Water Board staff inspected the property on September 13, 2021, and observed soil piles, and evidence of vegetation clearing and soil disturbance by machinery throughout the previously identified wetlands on the property. Regional Water Board staff also observed fill material that had been placed within the channel banks and bed of a water of the state without authorization. The NOV directs Andrea Thompson to contact Regional Water Board staff within 20 days to advise of plans to address the violations. Further, the NOV directs Andrea Thompson to retain a qualified professional to perform a forensic wetland delineation, to submit a

sediment and erosion control plan for the property by December 1, 2021, and to submit a wetland restoration plan by May 15, 2022. This matter is ongoing.

Cannabis Notice of Violations:

Over the period covered by this report, the seniors of the Cannabis Regulatory and Enforcement Units issued seven (7) NOVs stemming from observations made during field inspections. The table on the next page provides a summary of relevant details regarding each NOV and the associated site.

Cannabis NOVs Issued During the Period September 21 to November 17, 2021

Date Issued	Owner/ Operator Name	Property County	Nearest Town	Watershed (Hydrologic Subarea, Hydrologic Area)	Inspection Date/Type (Warrant or Consent)	Violation Types	Required/Recommended Actions	Status as of November 17,2021
September 1, 2021	Chad Mussey	Humboldt County	Benbow	Benbow Hydrologic Subarea	Consent Inspection on August 13, 2021	<ul style="list-style-type: none"> - Cannabis General Order -Basin Plan Section 4.2.1 	<ul style="list-style-type: none"> - Revise Cannabis General Order enrollment to reflect risk and tier of cultivation area on the property - Provide a Sediment Control Plan (SCP) and Site Management Plan (SMP) to Waterboards staff 	Discharger is working with consultant to implement road drainage improvements and has also taken actions to update the enrolled risk and tier in Cannabis General Order. This matter is ongoing.
October 1, 2021	Gordon Springer	Mendocino County	Branscomb	Laytonville Hydrologic Subarea	Warrant Inspection on September 20, 2021	<ul style="list-style-type: none"> - Water Code Sections 13260 & 13264 - Basin Plan Section 4.2.1 	<ul style="list-style-type: none"> - Enroll the Property under the Cannabis General Order, file a Report of Waste Discharge, or demonstrate why coverage of the property is unnecessary - Correct the observed violations, and obtain necessary permits for in-stream modifications that threaten discharges to receiving waters 	Discharger has taken actions to clean up trash and prevent harmful discharges. Discharger does not intend to allow cannabis cultivation on the property. This matter is ongoing.
October 4, 2021	Buckingham Green LLC	Mendocino County	Albion	Navarro River Hydrologic Area	Warrant Inspection on September 8, 2021	<ul style="list-style-type: none"> - Cannabis General Order - Basin Plan Section 4.2.1 	<ul style="list-style-type: none"> -Enroll in the Cannabis General Order, which requires submission of a Site Management Plan -Correct observed violations on the property regarding waste discharge to watercourses 	Discharger responded to NOV via email to Regional Water Board staff with plans for resolving observed violations and removing cannabis cultivation. This matter is ongoing.

Date Issued	Owner/ Operator Name	Property County	Nearest Town	Watershed (Hydrologic Subarea, Hydrologic Area)	Inspection Date/Type (Warrant or Consent)	Violation Types	Required/Recommended Actions	Status as of November 17,2021
October 7, 2021	Charles Leib	Mendocino County	Albion	Navarro River Hydrologic Area	Warrant Inspection on September 8, 2021	Water Code Section 13260	<ul style="list-style-type: none"> - Enroll the property under the Cannabis General Order, file a Report of Waste Discharge, or demonstrate why coverage of the property is unnecessary - Correct observed violations on the property regarding waste discharge to watercourses from cannabis cultivation activities 	Regional Water Board staff has not heard from discharger. The NOV requests that the discharger respond by November 7. This matter is ongoing.
October 7, 2021	Jose Maciel Garcia	Mendocino County	Albion	Navarro River Hydrologic Area	Warrant Inspection on September 8, 2021	<ul style="list-style-type: none"> - Basin Plan Section 4.2.1 - Water Code Sections 13260 and 13264 - Clean Water Act Section 301 	<ul style="list-style-type: none"> - Enroll the Property under the Cannabis General Order, file a Report of Waste Discharge, or demonstrate why coverage of the property is unnecessary - Correct observed violations on property regarding waste discharge to watercourses from unpaved roads, in-stream development and other sediment discharges 	Regional Water Board staff has received no response from discharger. The NOV requests that the discharger respond by November 7. This matter is ongoing.

Date Issued	Owner/ Operator Name	Property County	Nearest Town	Watershed (Hydrologic Subarea, Hydrologic Area)	Inspection Date/Type (Warrant or Consent)	Violation Types	Required/Recommended Actions	Status as of November 17,2021
November 5, 2021	Tommy and Linda Dillion	Mendocino County	Willits	Outlet Creek Hydrologic Subarea	Warrant Inspection on October 11, 2021	<ul style="list-style-type: none"> - Water Code Sections 13260 and 13264 - Basin Plan Section 4.2.1 	<ul style="list-style-type: none"> - Enroll the property under the Cannabis General Order, file a Report of Waste Discharge, or demonstrate why coverage of the property is unnecessary - Correct observed violations on property regarding waste discharge to watercourses from non-native soils, in-stream development and cultivation waste discharges 	No response received from discharger as of November 9, 2021
November 5, 2021	Phil Flora and Rosemary Perez	Mendocino County	Willits	Outlet Creek Hydrologic Subarea	Warrant Inspection on October 11, 2021	<ul style="list-style-type: none"> - Water Code Sections 13260 and 13264 - Basin Plan Section 4.2.1 	<ul style="list-style-type: none"> - Enroll the property under the Cannabis General Order, file a Report of Waste Discharge, or demonstrate why coverage of the property is unnecessary - Correct observed violations on property cultivation waste discharges and inadequate stream crossings 	No response received from discharger as of November 9, 2021

Invitations for Settlement Discussions

Throughout the year, Enforcement Unit staff, with support from the State Board’s Office of Enforcement and other program staff in the region, develop and manage enforcement cases that result in formal enforcement actions such as a Cleanup and Abatement Order, Cease and Desist Order, and Administrative Civil Liability Complaint. Once it has been determined that an enforcement action will result in the issuance of an Administrative Civil Liability Complaint, Enforcement Team will prepare evidence to support the Complaint and provide the Discharger an opportunity to meet and discuss the facts relating to the violations, including the option of settlement, before a Complaint is issued. During confidential settlement negotiations, the Discharger may present any new information that may affect the assessment of the proposed liability and propose a compliance project and/or a supplemental environment project that all or a portion of the proposed liability could go toward. If settlement is reached, the Enforcement Team will prepare a proposed Stipulated Order to resolve the Complaint. The Discharge also may elect to pay the proposed liability as an expedited payment and waive their right to a public hearing of the Complaint. Signed agreement between the Discharger and the Executive Officer are posted on the Regional Water Board webpage for 30 days for public review and comment.

Since June 2021, the Prosecution Team issued 12 invitations to enter settlement discussions and one Administrative Civil Liability Complaint regarding violations which require the assessment of mandatory minimum penalties (MMPs) and/or which the Prosecution Team has identified as priority violations upon which to assess discretionary penalties. The table below provides a summary of relevant details regarding each invitation to enter into settlement discussions and the associated violations and recommended, maximum or minimum mandatory penalty (MMP).

Discharger	Program	Violation Type	Proposed Penalty Amount	Comments	Status as of November 17, 2021
Crescent City - Wastewater Treatment Facility	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 45,000	Invitation issued on 11/16/2021 Violation Period September 22, 2015 to March 31, 2021	Waiting for discharger response due December 17, 2021
City of Eureka – Wastewater Treatment Plant	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 105,000	Invitation issued on 11/16/2021 Violation Period July 3, 2017 to March 31, 2021	Waiting for discharger response due December 16, 2021 from the discharger
City of Ferndale – Wastewater Treatment Plant	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 18,000	Invitation issued on 11/16/2021 Violation Period April 13, 2017 to March 31, 2021	Waiting for discharger response due December 16, 2021

Discharger	Program	Violation Type	Proposed Penalty Amount	Comments	Status as of November 17, 2021
City of Loleta – Wastewater Treatment Plant	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 210,000	Invitation issued on 11/16/2021 Violation Period March 15, 2018 to July 31, 2021	Waiting for discharger response due December 16, 2021
City of Rio dell – Wastewater Treatment Plant	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 33,000	Invitation issued on 11/17/2021 Violation Period May 1, 2016 to March 31, 2021	Waiting for discharger response due December 17, 2021
City of Ukiah – Wastewater Treatment Plant	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 78,000	Invitation issued on 11/16/2021 Violation Period January 4, 2017 to March 31, 2021	Waiting for discharger response due December 16, 2021
City of Arcata – Wastewater Treatment Facility	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 114,000	Invitation issued on 09/20/2021 Violation Period March 1, 2019 to March 31, 2021	Settlement Invitation has been accepted by the discharger, staff waiting for formal Supplemental Environmental Project (SEP) proposal to proceed with Stipulated Order
California Redwood Company – Korbel Sawmill	NPDES Program	NPDES Permit Effluent Limit Violations subject to MMPs	\$ 48,000	Invitation issued on 10/04/2021 Violation Period June 1, 2019 to March 31, 2021	Settlement Invitation has been accepted by the discharger, staff waiting for formal SEP proposal to proceed with Stipulated Order
Russian River Community Services District (CSD) and Sonoma Water Agency	NPDES Program	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	Statutory maximum penalty \$23.31 million	Invitation issued on June 15, 2021 Violation Period 2017 and 2019	Discharger accepted invitation and parties have entered settlement negotiations

Discharger	Program	Violation Type	Proposed Penalty Amount	Comments	Status as of November 17, 2021
		River, a water of the United States			
Enclave, LLC- Marlow Commons Development Site	NPDES Program	Violation of Construction Stormwater General Permit requirements including failure to implement effective and adequate minimum Best Management Practices resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River, a water of the United States.	\$46,200	Invitation issued on August 2, 2021 Violation Period December 2019	Response due on September 1, 2021. At discharger's request, response deadline was extended to November 22, 2021.
BoDean Company, Inc.- Mark West Quarry Site	NPDES Program	Violation of Industrial General Permit requirements including failure to implement effective and adequate minimum and advanced Best Management Practices resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River, a water of the United States	\$4.5 million	Administrative Civil Liability Complaint issued on September 10, 2021 Violation Period 2018-2020	Parties have entered settlement negotiations

Discharger	Program	Violation Type	Proposed Penalty Amount	Comments	Status as of November 17, 2021
Rodney Strong Vineyards	WDR Program and NPDES Program	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 Industrial General Permit and Waste Discharge Requirement (WDR) Order No. 88-54	\$116,400	Invitation issued on September 14, 2021 Violation Period January 2020	Settlement invitation has been accepted by the discharger, first settlement meeting scheduled for December 13, 2021
City Ventures Homebuilding, LLC- Fox Hollow Development Site	NPDES Program	Violation of Construction Stormwater General Permit requirements including failure to implement effective and adequate minimum Best Management Practices resulting in the unauthorized discharge of sediment laden stormwater to Peterson Creek, a tributary to Russian River, a water of the United States	Statutory maximum penalty \$2.83 million	Invitation issued on October 27, 2021 Violation Period 2016 and 2017	Waiting for discharger response due November 29, 2021