



EXECUTIVE OFFICER'S REPORT
September 1, 2022 – September 30, 2022

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1. Personnel Report – *Sandra Lopez*

New Hires

- Lorien Sanders, Engineering Geologist, Department of Defense Site Cleanup Unit, Victorville. This position will oversee site investigations and cleanups at Department of Defense sites in the South Lahontan area as well as various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.

Promotions

- Shelby Barker, Senior Engineering Geologist (Specialist), South Lake Tahoe. This position serves as Regional Enforcement Coordinator 70% of the time, and 30% of the time will evaluate and provide advice to Water Board management regarding the Water Board's cleanup and abatement actions needed at the Leviathan Mine to comply with the USEPA's Administrative Abatement Action Order.

Transfers

- Ed Hancock, Environmental Scientist, Cannabis Unit, South Lake Tahoe. This position will work as a part of an interdisciplinary team and will perform duties regulating the discharge of waste from illegal or permitted cannabis cultivation sites and associated facilities or operations with similar environmental effects.

- Andrew Robinson, Engineering Geologist, Land Disposal Unit, Victorville. This position will oversee waste discharges and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.

Vacancies

- Water Resource Control Engineer, Wastewater & Agricultural Unit, Victorville. This position provides regulatory oversight of projects involving discharges to groundwater or surface waters and projects intended to restore and/or enhance water quality in the Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES), and Site Cleanup Programs.
- Water Resource Control Engineer, Land Disposal Unit, Victorville. This position will oversee waste discharges and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, and site cleanup sites.
- Environmental Scientist, Land Disposal Unit, Victorville. This position will provide regulatory oversight of dredge and fill permitting and compliance of Caltrans projects regionwide.
- Office Technician (Typing), Victorville. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Office Technician (Typing), South Lake Tahoe. This position will assist in proofreading and editing staff documents, engage with staff and the public at the front office desk, provide support to technical and administrative staff, ensure documents comply with accessibility standards, and provide administrative support at regional board meetings held throughout the region.
- Water Resource Control Engineer, Cannabis Unit, South Lake Tahoe. This position provides regulatory oversight of cannabis cultivation projects under the statewide Cannabis General order.
- Water Resource Control Engineer, Regulatory and Enforcement Unit, South Lake Tahoe. This position will backfill a vacancy within the North Basin Regulatory Unit.
- Senior Water Resource Control Engineer, Leviathan Mine Unit, South Lake Tahoe. This position will supervise the unit containing Leviathan Mine and Cannabis programmatic technical staff by establishing priorities, work plans, hiring technical staff, and collaborating with state and local agencies.

- Senior Water Resource Control Engineer, Forestry/Dredge & Fill Unit, South Lake Tahoe. This position will perform Senior level activities and provide engineering expertise associated with managing the activities of the Forestry/Dredge & Fill Unit. The incumbent will supervise and direct the work of five professional technical staff, oversee staff development, perform recruitment of new staff, conduct performance evaluations, and track program budgets, as well as a variety of other duties.
- Engineering Geologist, Forestry/Dredge & Fill Unit, South Lake Tahoe. This position will provide geologic and hydrogeologic expertise for the Forestry Dredge and Fill Unit. The incumbent will evaluate and regulate the impacts of logging operations and other forest practices on the quality and beneficial uses of water. They will also review and regulate proposed projects that may affect water quality of waters of the state to ensure compliance with the requirements of the Water Quality Control Plan for the Lahontan Region (Basin Plan), Porter-Cologne Water Quality Control Act, the Federal Clean Water Act (CWA), and the California Environmental Quality Act (CEQA).
- Environmental Scientist, Planning & Assessment Unit, South Lake Tahoe. This position will work on Basin Plan amendments, help assess waters as part of the Integrated Report, and work to develop TMDLs or alternative restoration plans.
- Scientific Aid, Regulatory & Enforcement Unit, South Lake Tahoe. This position supports staff primarily through review of submitted self-monitoring reports, along with other special projects.
- Scientific Aid, Forestry/Dredge & Fill and Non-Point Source Units, South Lake Tahoe. This position will evaluate water quality data and assess compliance with water quality orders and permits associated with grazing, restoration, timber, and forestry activities.

Departures – None

2. Removal of Bridge Debris in Truckee River Riparian Zone – *Rob Tucker*

Water Board and Placer County staff worked together to emergently remove bridge debris from the Truckee River channel. The bridge had begun collapsing into the river and previously was used as access to a property at 1615 River Road, Tahoe City.

A Water Board staffer, Jim Carolan, first identified the bridge as a problem in June 2021. Jim judged the bridge to be structurally unsafe and needing to be evaluated by a professional engineer. Jim communicated these concerns to the owner of the property via a staff enforcement letter. No response was received.

Water Board staff received a complaint that the bridge was falling apart on Monday August 22, 2022. The complainant reported debris in the Truckee River. Additionally, they alleged the local Fire Department had responded during the previous weekend to

an injury caused by the debris. Jim followed up by conducting an urgent inspection on the same day as receiving the complaint.

Jim observed debris along the banks of the river and degrading of the bridge structure (see Figure 2.1). After leaving the site, Jim contacted the local fire department to confirm the alleged injury. Additionally, Jim contacted the Placer County building department and Supervising Deputy Counsel to discuss the safety issues. All parties were concerned about the possibility of additional debris creating safety hazards in the river.



Figure 2.1—Photo of the collapsing bridge span with caution tape used to warn Truckee River recreators

The counsel anticipated river traffic under the bridge during the Labor Day weekend due to an upstream commercial rafting business. The counsel initiated an emergency work order to remove the bridge's horizontal spans. The county secured a contractor within a week and had the contractor on site to remove the bridge before the holiday weekend.

Jim both supported the counsel with the initial plan and worked with the contractor onsite. Jim provided guidance to mitigate the potential for water quality impacts. The contractor removed the horizontal spans by September 1, 2022. Jim will continue to

work with the appropriate parties to ensure any remaining debris is removed from the Truckee River floodplain.

The Placer County Supervising Deputy Counsel provided the following note to Jim in appreciation of Water Board staff efforts:

[Placer County staff] also greatly appreciated [Water Board]'s assistance in getting what seemed like an almost insurmountable task done in a little under two weeks. The public that uses the Truckee River in the sweltering heat this weekend will have a much safer experience now, and this project was an example of how multiple agencies can move together in a quick fashion. Please let your Board know of our gratitude, and also our appreciation for your individual work on this.

3. Nursery Products Hawes Composting Facility, Compliance Update – Jan Zimmerman

Since the Executive Officer's report of June 2022, Nursery Products Hawes Composting Facility (Nursery Products) site personnel have continued to turn, mix, and separate the compost piles into smaller more manageable piles/windrows. The smoldering was extinguished during August 2022, but as we enter October 2022, month five since the fire erupted on May 28th, the threat of fire remains. It is imperative that Nursery Products reduce inbound feedstock and increase outbound product so that they can maintain a manageable windrow size to monitor temperatures effectively (not too tall, not too wide, and not too long) and to maintain the required 26-foot road widths between windrows to allow easy access for heavy equipment to enter and maneuver around.

The volume of material onsite is regulated through the Solid Waste Facility Permit with CalRecycle and the San Bernardino County Lead Enforcement Agency (LEA). The Nursery Products Solid Waste Facility Permit currently allows a maximum of 1,000,000 cubic yards of material at any given time. At the time the fire broke out in May 2022, there was reportedly ~500,000 cubic yards of material onsite; not more than the 1,000,000 cubic yard threshold but too much material to maintain a manageable windrow size and to maintain adequate road widths for heavy equipment access. In June 2022, Nursery Products proposed to reduce their inbound feedstock to 300,000 cubic yards per year or less and to increase the outbound finished product by up to 20 tons per month or as fast as it could be shipped out to reduce the threat of future fire.

Through an investigation, the LEA has determined that Nursery Products is in violation of the California Public Resources Code and the Solid Waste Facility Permit for failure to comply with the Report of Composting Site Information (LEA equivalent to Report of Waste Discharge) among other violations and issued a Cease and Desist Order to Nursery Products on September 29, 2022. The Cease and Desist Order prohibits Nursery Products from accepting feedstocks and amendments until the facility is in full compliance. The date of compliance is set at December 31, 2022.

Fortunately, the site continues to pose little risk to water quality. We will continue to monitor the situation and work collaboratively with the LEA and other local agencies. Nursery Products site personnel will continue to provide us with daily updates regarding firefighting and suppression activities.

4. Standing Item - Eastern California Cannabis Unit – Kathleen Bindl

This report provides an annual update on the Eastern California Cannabis Regulatory Unit (Cannabis Unit) in the Lahontan Region (Region 6) and the Colorado River Basin (Region 7). The Cannabis Unit staff are responsible for regulating indoor and outdoor cannabis cultivation in Regions 6 and 7 in accordance with the State Water Board’s Cannabis General Order. The Cannabis General Order provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for low threat to water quality activities. In addition, the Cannabis Unit staff are responsible for implementing progressive enforcement strategies at permitted facilities with observed Cannabis General Order violations and implementing enforcement actions at unpermitted facilities.

Staffing

The Cannabis Unit has recently experienced staffing changes. Alex Spencer left the Water Board, and Edward Hancock (previously in the Planning and Assessment Unit) filled an Environmental Scientist position. We are currently in the process of backfilling a Water Resource Control Engineer position. This will increase the overall staffing from two to three positions.

Unpermitted Cultivation

Over the past year, the Cannabis Unit focused on the issue of unpermitted cannabis cultivation. An important part of this focus has been establishing and strengthening relationships with other agencies working on unpermitted cultivation. This includes county sheriff’s departments, CDFW, county code enforcement, and the county district attorney’s office among others. Staff currently attend monthly environmental task force meetings with Los Angeles (LA) County, San Bernardino County, and Riverside County as well as biweekly meetings with the CDFW Inland Desert Region and CDFW South Coast Region.

Due to limited staff resources, staff focus has been on priority watersheds in the Southern Portion of Region 6, including Antelope Valley and Mojave Watersheds. Figure 4.1 shows the general location of approximately 1,700 known unpermitted cannabis cultivation sites in Regions 6 and 7. This information has been compiled from law enforcement agencies, California Department of Fish and Wildlife (CDFW), and citizen complaints.

Since January 1, 2022, staff have conducted 16 inspections at unpermitted cultivation sites mainly in the Antelope Valley area of LA County. Most of the sites appear to be trespass cannabis cultivation, where cultivators establish a grow site on a vacant piece of land without the landowner's permission. As part of the enforcement strategy, all landowners were issued a Notice of Violation to document water quality violations for cultivating cannabis without a permit. The Notice of Violation requires the landowner to cease cultivation activities and clean up any waste associated with the cultivation site.

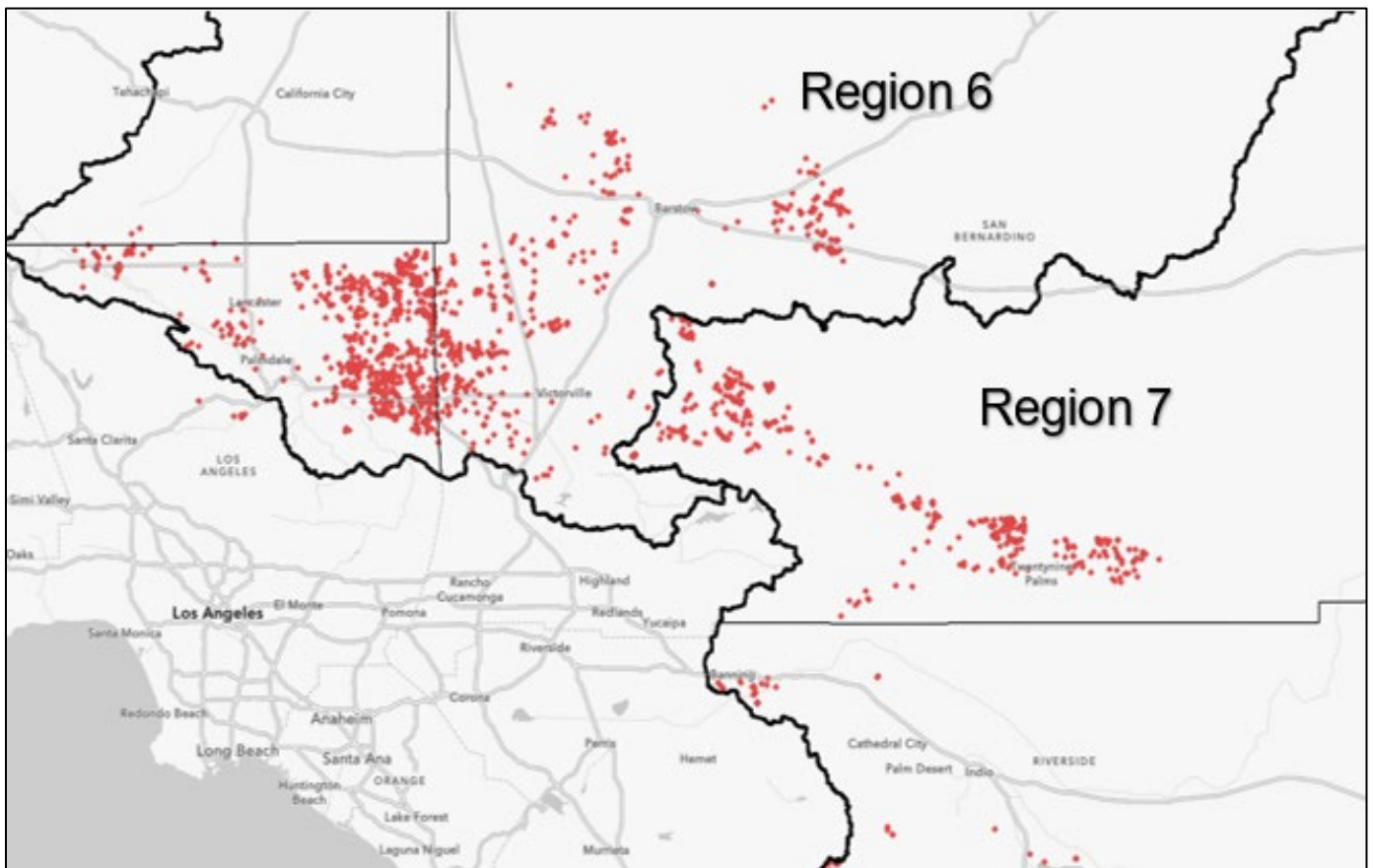


Figure 4.2 Locations of known unpermitted cultivation sites in Regions 6 and 7

Permitted Cultivation

In addition to unpermitted cultivation sites, staff have also conducted site inspections at permitted facilities to evaluate compliance with the Cannabis General Order. Table 4.1 shows the number and type of active permits within Regions 6 and 7 (378 total) and Figure 4.2 shows the general location of permitted cannabis cultivation facilities. During the past year, staff conducted 11 compliance inspections with a few that were related to complaints received. In the upcoming year staff plan to conduct compliance inspections at permitted facilities, focusing on outdoor and waste hauling facilities.

Table 4.1 Types and number of active permits throughout Regions 6 and 7

Type of Facility	Region 6	Region 7
Indoor (Sewer)	119	59
Indoor (Waste Hauler)	55	130
Outdoor	13	2
Total	187	191

Wastewater Characterization

Cannabis Unit staff are currently developing a wastewater characterization study. The purpose of this study is to characterize cannabis wastewater generated from indoor cannabis facilities to determine what constituents are contained in cannabis wastewater. Funding is available to characterize wastewater generated from seven indoor cannabis facilities. Staff hope to increase the sample size for the study by targeting more facilities as additional funding becomes available.

Characterization data will help Water Board staff to inform wastewater treatment facilities of cannabis wastewater quality and determine if unauthorized discharges of cannabis wastewater pose a threat to water quality and human health. Several wastewater treatment facilities throughout Regions 6 and 7 have been reluctant to accept cannabis wastewater because there is limited information on wastewater quality. These facilities are concerned that their treatment systems will not be capable of handling increased influent flow volumes with unknown constituents resulting in operational disruptions.

Wastewater treatment facilities not accepting cannabis wastewater directly affects the number of cannabis facilities required to store and haul wastewater. Storing and hauling cannabis wastewater to an off-site disposal facility is costly and historically this has led to violations through improper disposal to land or septic tanks.

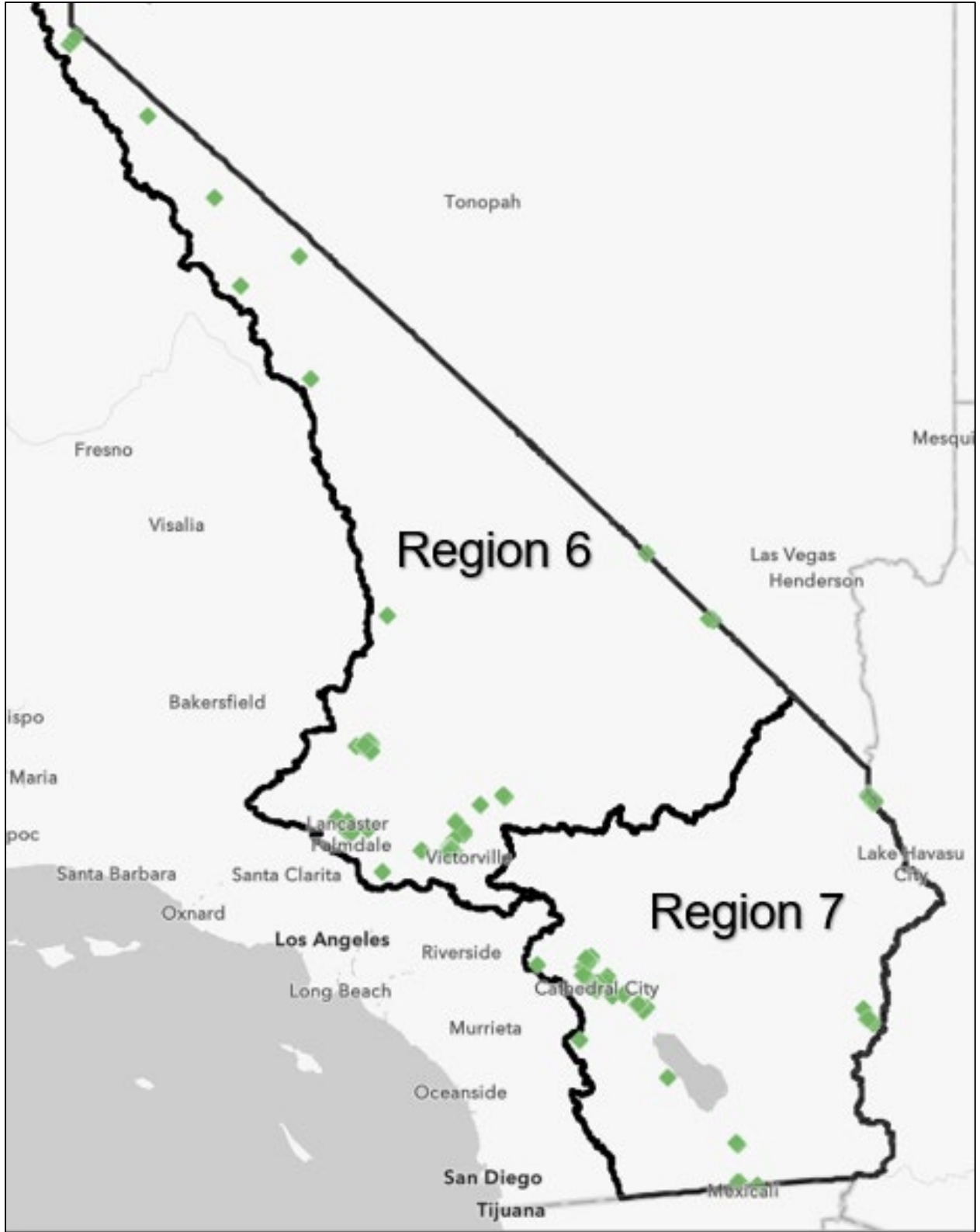


Figure 4.3 General locations of permitted cannabis cultivation facilities