



# EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board  
February 8, 2018

## Executive Officer's 2017 Water Quality Stewardship Award Goes to the Mendocino and Sonoma County Watershed Task Forces *Matt St. John*

The Executive Officer's Water Quality Stewardship Award is an annual award given to an individual or group whose exceptional work contributes to the preservation and enhancement of surface water and groundwater quality in the North Coast Region. The Regional Water Quality Control Board and its staff spend much of its time and energy focused on the task of controlling waste discharges to the region's waters. This award is designed to acknowledge and honor our partners in water quality protection who augment the Regional Water Board's work with their own efforts in pollution prevention, waste minimization, water quality enhancement, and beneficial use restoration.

The urban-wildland Wine Country Fires that ravaged the southern part of the North Coast Region in early October was a defining event for the region in 2017 and beyond. The collective response to protect water resources following the fires by countless federal, state, and local agencies, NGOs, and individual citizens was nothing short of amazing. Therefore, it is fitting to dedicate the Executive Officer's 2017 Water Quality Stewardship Award to all of the organizations who have participated in both the Sonoma and Mendocino County Watershed Task Forces.

The Mendocino and Sonoma County Watershed Task Forces, initially convened by CalFire, and now locally led by representatives from Sonoma and Mendocino Counties, were initially charged with coordinating post-fire watershed response and now focus on longer-term watershed recovery actions. Generally the purpose of the Watershed Task Forces

is to provide a coordinated response by local public agencies, working with CalFire, FEMA, and CalOES to address impacts of burned watershed areas and associated fire-related hazards to public safety, property and the environment. Water resource related issues addressed by the Task Forces include: debris removal, short and long-term erosion and sediment control measures, urban storm water controls, early warning forecasting and response, water and sediment quality monitoring, and long-term watershed restoration actions.

Many organizations and private citizens have dedicated countless hours to the work of these Task Forces, and collectively their work has effectively minimized water quality and aquatic habitat impacts resulting from the Redwood Valley, Pocket, Tubbs, and Nuns Fires. The need to do this work was not planned or budgeted. Nonetheless, these organizations jumped into action, developed and implemented action plans, figuring things out along the way, all with an admirable spirit of cooperation and partnership.

This award serves as a symbolic recognition of appreciation and thanks from the staff and board members of the North Coast Regional Water Board to the participating individuals and organizations of the Task Forces. Your work is noticed and it is greatly appreciated.



## Reorganization at North Coast Regional Water Quality Control Board *Josh Curtis*

The FY 17/18 budget year provided a significant increase in staffing to the North Coast Regional Water Board. Nine new positions were funded and approved for the Region including eight positions for the expanding Cannabis Regulatory Program and one position for the Region’s burgeoning Irrigated Lands Regulatory Program (ILRP). Nine new positions is approximately a ten-percent increase in staffing, bringing the total number of positions for the organization to ninety-nine, and an increase of this magnitude necessitated a thoughtful and strategic restructuring of the Region’s organization. In the late summer of 2017, we first proposed a new organizational structure for the Region and in January of 2018, that organizational structure was approved by the State Water Board’s Division of Administrative Services. The new organizational structure is now in place and we are in the process of filling the new staff positions.

This reorganization includes the splitting of the Planning, Stewardship, and Compliance Assurance Division into two divisions: the Planning and Stewardship Division and the Cannabis and Compliance Assurance Division. The Planning and Stewardship Division contains the Planning Unit and the Adaptive Management Unit as well as the Flow and Riparian Protection Specialist position. The new ILRP position is assigned to this division within the Adaptive Management Unit. Following Josh Curtis’s promotion in November 2017 to Assistant Executive Officer, the Environmental Program Manager I position overseeing the Planning and Stewardship Division is currently vacant and we are in the process of filling that division chief position.

The Cannabis and Compliance Assurance Division contains the existing Cannabis Regulatory Unit (6 positions plus a Scientific Aid), the Compliance Assurance Unit (7 positions including 1 new funded position), the Enforcement Specialist position, and a new, second Cannabis Regulatory Unit. The new Cannabis Regulatory Unit includes 4 new staff positions and a new Senior Water Resource Control Engineer position. To increase the focus on

enforcement of significant cannabis-related water quality violations, a new Engineering Geologist position has been assigned to the Compliance Assurance Unit. The Cannabis and Compliance Assurance Division includes a new Supervising Water Resource Control Engineer division chief position who will oversee the Division’s work. Lastly, a cannabis-funded Associate Governmental Program Analyst has been assigned to the Administration Unit to provide analyst and administrative support to the expanding Cannabis Regulatory Program. Figures 1 and 2 (*See Page 4*) show the new organizational structure for the new divisions down to the unit level.

The Region’s official organization chart will be updated in the near future and can be found at: [https://www.waterboards.ca.gov/about\\_us/org\\_charts/display.php](https://www.waterboards.ca.gov/about_us/org_charts/display.php). As of the writing of this EO Report, the new organizational structure had not been updated on this website. With two vacant Division Chief positions, a new unit Senior position, and 8 rank and file staff, this reorganization will likely bring significant changes and new faces to the Region. The new staff, once hired, will provide an important increase in resources and capabilities to help better address water quality issues throughout the North Coast Region.

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## Release of Final Smith River Monitoring Report. *Rich Fadness*

In 2013 and 2015 the Regional Water Board implemented a monitoring program to further our understanding of water and sediment quality conditions in the tributaries to the Smith River that flow through the Smith River Plain and to evaluate if the application of agricultural pesticides are impacting the aquatic environment. The monitoring program analyzed surface water samples collected during both wet and dry seasons focusing on standard water quality measures (temperature, dissolved oxygen, conductivity, and pH), nutrients, various pesticides, dissolved copper and zinc, and toxicity.

Throughout the study period, standard water quality measures were observed to be in compliance with water quality objectives and within acceptable limits for a healthy aquatic ecosystem. While nutrient analysis documented exceedances of the USEPA criteria in a number of instances, the concentrations were consistent with similar locations and settings, (i.e. alluvial flood plain and agricultural environment).

The chemical analysis of surface water samples documented the presence of several legacy (used exclusively before 2000) and current use pesticides in the tributaries of the Smith River Plain. In some cases the concentrations of these pesticides exceeded the lowest USEPA 2014 Aquatic Life Benchmarks for fish and invertebrates. Additionally, dissolved copper (used as a fungicide) was detected in every surface water sample, with 6 of 27 samples exceeding the USEPA aquatic health criteria for reproductive (i.e. chronic) and/or acute toxicity.

Toxicity testing documenting the survival (acute toxicity) and reproductive capacity (chronic toxicity) of the test species *Ceriodaphnia dubia* in surface water samples was performed on samples collected from five locations in the Smith River Plain to evaluate if there were any observed negative impacts to the aquatic environment. In 8 of 27 samples, these tests demonstrated statistically significant reductions in reproductivity (positive for chronic toxicity), including three tests in which the "control" location (Upper Rowdy Creek) was positive for chronic toxicity. In another 2 samples, a positive acute toxic response was documented with 1 of the samples demonstrating no test species survival.

To determine the cause of the 2015 observed acute toxic response, three samples that exhibited chronic or acute toxicity were further tested utilizing a toxic identification evaluation (TIE). The TIE results identified two factors responsible for the positive toxic test results: low hardness and conductivity and the presence of agricultural chemicals. The TIE results and associated chemical testing identified that the extremely low hardness of the tributary waters flowing through the Smith River

Plain increase the likelihood of a toxic response in the test species utilized for toxicity testing. The prevalence of positive chronic toxicity results in samples collected throughout the study area (except Tilas Slough, which has higher conductivity) including the control site, suggests that the extremely low water hardness and conductivity in the tributaries are interfering with the ability of the test species to reproduce, producing false positives, or toxic responses when toxic conditions do not exist.

Additionally, one of the TIEs identified the presence of both a metal and a non-polar organic compound (pesticide) as the drivers behind the acute toxic response in which there was no test species survival. Chemical analysis of the surface water sample associated with the acute toxic response in 2015 documented that two current use pesticides, imidacloprid and permethrin, were detected in concentrations exceeding the USEPA's Office of Pesticide Programs Aquatic Life Benchmarks and that dissolved copper concentrations exceeded the USEPA aquatic health criteria for acute toxicity.

The results of this study demonstrate that chemicals and metals used as pesticides in agricultural activities are being found in low level concentrations in surface waters of the Smith River Plain, and can affect the water quality of the tributaries by contributing to toxicity. Individually the chemicals may not be in concentrations that would readily produce a toxic response or be directly harmful, but the extremely low hardness and conductivity may act to increase the sensitivity of aquatic life and the associated response to these low level concentrations of contaminants present in the water column.

The peer-reviewed Final *Smith River Plain Surface Water and Sediment Monitoring Report 2013 - 2015* along with the November 2015 *Smith River Plain Groundwater Monitoring Report* is available on the North Coast Regional Water Quality Control Board's Smith River Plain Monitoring webpage at:

[https://www.waterboards.ca.gov/northcoast/water\\_issue\\_s/programs/agricultural\\_lands/lily/](https://www.waterboards.ca.gov/northcoast/water_issue_s/programs/agricultural_lands/lily/)

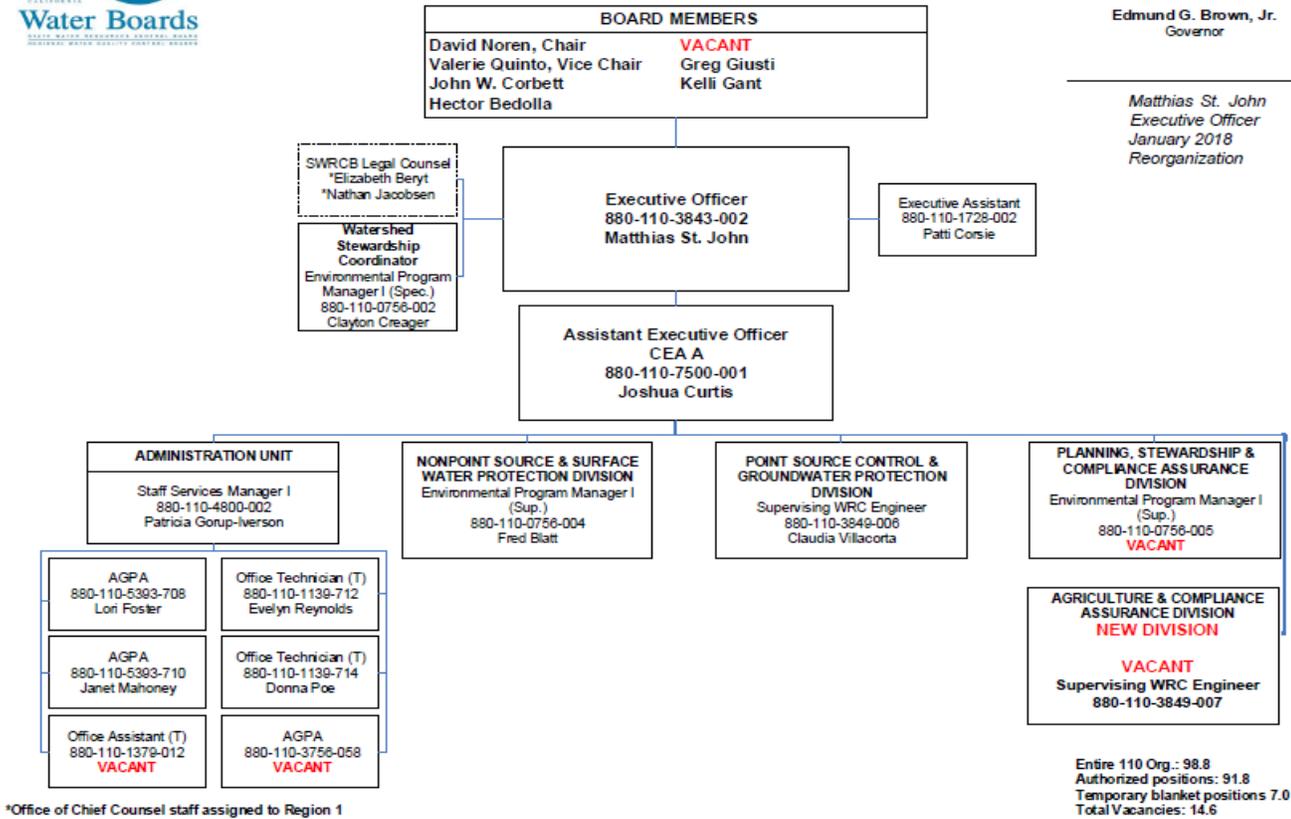


**NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD  
REGION 1 – NORTH COAST**



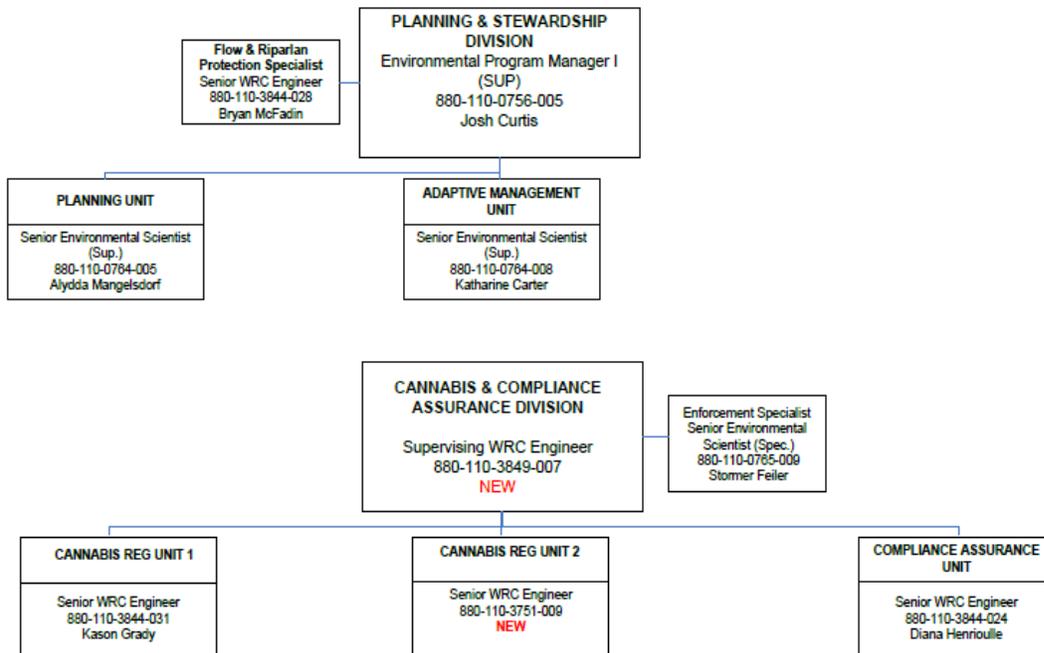
Edmund G. Brown, Jr.  
Governor

Matthias St. John  
Executive Officer  
January 2018  
Reorganization



\*Office of Chief Counsel staff assigned to Region 1

**Figure 1**



**Figure 2**

# Enforcement Report for February 2018 Executive Officer's Report

*Diana Henriouille*

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
11/17/2017	Severi's Service	Water Code Section 13267 Order	Unauthorized discharges of petroleum hydrocarbons to waters of the state	Ongoing

**Comments:** On November 17, 2017, the Assistant Executive Officer (AEO) issued a Water Code section 13267 order to Severi's Service in Fort Bragg, directing investigation of a release of petroleum hydrocarbon from the underground storage tanks previously located at the site. The order requires the Dischargers to develop: 1) A workplan to complete a preliminary site assessment and 2) A technical report of the complete implementation of the workplan. The first deliverable is due February 13, 2018. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
11/20/2017	Roseburg Forest Products	NOV & 13267 Order	Unauthorized discharges of waste to waters of the state	Ongoing

**Comments:** On November 20, 2017, the AEO issued an Notice of Violation (NOV) and section 13267 order to Roseburg Forest Products for unauthorized discharges to Boles Creek and Beaughton Creek, waters of the state, from ponds located on the site. Seven unauthorized discharges occurred between January 8, 2017, and April 12, 2017. The NOV/13267 directs the Discharger to submit a technical report that lists all unauthorized discharges within the last five years, due January 12, 2018, and a long-term plan to prevent further unauthorized discharges, due by February 28, 2018.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
11/20/2017	City Ventures Homebuilding Inc.	Revised NOV & 13267 Order	Unauthorized discharges of sediment to waters of the state	Ongoing

**Comments:** On November 20, 2017, the AEO issued a revised NOV and section 13267 order to City Ventures Homebuilding Inc. for its Fox Hollow project in Santa Rosa, requesting additional information in order to gain a complete understanding of the violations described in an earlier NOV/13267 order issued to the discharger on March 7, 2017. The revised NOV/13257 Order requires that the discharger provide the additional information by January 10, 2018.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
12/11/2017	Humboldt Redwood Company, LLC	NOV	WDR	Ongoing

**Comments:** On December 11, 2017, the Nonpoint Source and Surface Water Protection Division Chief issued an NOV to Humboldt Redwood Company, LLC for discharging earthen material to watercourses from failing culverted watercourse crossings on a timber harvest plan located in the Elk River watershed. The NOV was based on a November 22, 2017, discharge notification and statement of corrective actions taken to control sediment discharges. Regional Water Board staff believe that the waste discharge occurred due to the steepness and lack of compaction of the two fill slopes, associated with inadequate construction techniques, and therefore, violates waste discharge prohibitions in the

Basin Plan and in Order No. R1-2016-0004, *Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC in the Upper Elk River Watershed Humboldt County*. Actions taken to date were temporary measures. More permanent corrective actions will be implemented Summer of 2018 with the final report due on October 15, 2018. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
12/18/2017	Klamath National Forest	NOV	Unauthorized discharges of sediment to waters of the state	Ongoing

**Comments:** On December 18, 2017, the Nonpoint Source and Timber Harvest Division Chief issued an NOV to Klamath National Forest for unauthorized discharges of sediment to waters of the state in association with incomplete removal of an earthen dam at the Squaw Gulch Mine Pond located on USFS property in the Sugar Creek watershed, tributary to Scott River. Additional work will need to be performed to complete dam restoration. The NOV requires that, by February 16, 2018, the Discharger submit an application for Clean Water Act section 401 permitting to implement a project that will eliminate discharges and threatened discharges of sediment from the dam. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
12/18/2017	Klamath National Forest	NOV	Unauthorized discharges of sediment to waters of the state	Ongoing

**Comments:** On December 18, 2017, the Nonpoint Source and Timber Harvest Division Chief issued an NOV to Klamath National Forest for unauthorized discharges of sediment to waters of the state in association with incomplete removal of an earthen dam at the Eton Mine, located on USFS property on the Tiger Fork of the Sugar Creek watershed, tributary to Scott River. Additional work will need to be performed to complete dam restoration. The NOV requires that, by February 16, 2018, the Discharger submit an application for Clean Water Act section 401 permitting to implement a project that will eliminate discharges and threatened discharges of sediment from the dam. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of January 18, 2018
1/9/2018	Kevin McKenny	Revised NOV	Failure to file NOI for coverage under the Construction General Permit	Ongoing

**Comments:** On January 9, 2018, the AEO issued a revised NOV to Kevin McKenny for failure to file for a Notice of Intent (NOI) for the Construction General Permit. The original NOV, dated September 6, 2017, had required the Discharger to file the NOI by October 6, 2017. The revised NOV requires the Discharger to file for the NOI no later than January 25, 2018. This matter is ongoing.



**Projected List of Future Regional Water Board Agenda Items**

*Matt St. John*

The following is a list of Regional Water Board agenda items that staff are planning for the upcoming three Board meetings in April, May, and July 2018. **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.

**April 19, 2018 (Weed, CA)**

- Weaverville Sanitary District Wastewater Treatment Facility (WWTF) WDR (*Roy O'Connor*) [A]
- Scott River TMDL Conditional Waiver (*Eli Scott*) [A]
- Shasta River TMDL Conditional Waiver (*Eli Scott*) [A]
- Update on Klamath Basin Water Issues (*Clayton Creager*) [I]
- Update on Tulelake WWTF upgrade & disposal modification (*Justin McSmith*) [I]

**May 17, 2018 (Santa Rosa)**

- \* Resolution approving Mendocino County Local Area Management Plan (*Charles Reed*) [A]
- \* Resolution approving Sonoma County Local Area Management Plan (*Charles Reed*) [A]
- Forestville Water District Wastewater Treatment, Recycling, and Disposal Facility WDRs (*Cathy Goodwin*) [A]
- Graton Community Service District Wastewater Treatment, Recycling, and Disposal Facility WDRs (*Justin McSmith*) [A]
- Sonoma West Holdings, Inc. Wastewater Treatment Plant #2 WDRs (*Imtiaz-Ali Kalyan*) [A]
- DG Fairhaven Power, LLC, Fairhaven Power Facility WDRs (*Justin McSmith*) [A]
- Five Counties Salmonid Conservation Program Conditional Waiver (*Maggie Robinson*) [A]
- Water Quality Trading Framework for Laguna de Santa Rosa (*David Kuzsmar*) [A]
- Elk Pilot Project Certification (*Chuck Striplen*) [A]
- Dairy Program WDRs (*Cherie Blatt*) [W]
- Triennial Review (*Alydda Mangelsdorf*) [W]

**July 11, 2018 (Santa Rosa)**

- Bodega Bay Public Utilities District WWTF WDR & Master Reclamation Permit (*Cathy Goodwin*) [A]
- Cloverdale WWFT NPDES (*Imtiaz-Ali Kaylan*) [A]
- Gualala CSD WDRs (*Shawn Agarwal*) [A]
- Action Plan for the Russian River Pathogen TMDL (*Charles Reed & Alydda Mangelsdorf*) [A]
- Update on fire-related debris management (*Charles Reed*) [I]
- Update on post-fire water quality monitoring results (*Katharine Carter*) [I]

**LEGEND:**

- [U] = Uncontested Item      [A] = Action Item
- [W] = Workshop Item        [I] = Information Item
- [R] = Resolution

\* -These items are pending county approval first, so timing is uncertain