
North Coast Regional Water Quality Control Board

March 7, 2014

Becki J. Rodriguez
10132 Brian Kelly Way
Elk Grove, CA 95757

Mario T. Apostolov
P.O. Box 270
Garberville, CA 95542-0270

Dear Mr. Apostolov and Ms. Rodriguez:

Subject: **Notice of Violation** of 13267/Cleanup and Abatement Order (CAO) R1-2013-0064, Directive #2, Deadline for Submittal of Full Restoration Plan

File: Becki Rodriguez and Mario T. Apostolov, 9444 Upper Mattole Canyon Road near Ettersburg, Humboldt County, W DID No. 1B13096CNHU

The purpose of this letter is to notify you that you are in violation of the above-referenced Cleanup Order directive #2 in its entirety.

On December 17, 2013, we received a request for an extension of the CAO Directive #2 requiring submittal of a full restoration and monitoring plan by December 31, 2013.

On January 6, 2014, we received a document titled "Final Stream and Restoration Plan". Upon review, we found this document to be incomplete, as it does not provide design and construction standards, or an adequate description of monitoring and reporting requirements. The plan itself in attachment #3 recognizes the plan is not complete and states that a final and complete plan will be submitted on February 14, 2014. It is important to us that you submit an adequate plan to ensure a successful project and a smooth process. In the event your consultants would like to discuss the deficiencies of the plan submitted, please contact my staff Stormer Feiler.

As we did not grant an extension, and we have received an incomplete final plan, the CAO Directive 2 deadline remains in effect, and as of March 4, 2014, you are 63 days late.

The CAO Directives lay out a time frame requiring completion of all restoration work by October 1, 2014. Delaying submittal of a restoration and monitoring plan for approval decreases the period you have for getting necessary permits and completing the required scope of work. In addition, every day that your plan is late represents a violation of Directive 2, and exposes you to substantial civil liability. Violations of CAO directives alone may subject you to penalties ranging from \$5,000 to \$15,000 per day of violation, in the event of discharges, penalties can increase substantially. Missing additional deliverable dates and requirements specified in the CAO will only increase your exposure to civil

liability. It is in your interest to provide the required restoration and monitoring plan as soon as possible, in order to minimize the number of days the plan is overdue, as well as to help ensure that you have time to implement the plan within the CAO deadlines.

Thank you for your efforts to date in meeting Directive #1, which required that you develop and implement an interim erosion control plan. I urge you to continue to the best of your ability to meet the directives specified in the CAO.

If you have any questions, please contact Stormer Feiler of my staff by email at Stormer.Feiler@waterboards.ca.gov, or by phone at (707) 543-7128, or his supervisor, Diana Henriouille, by email at Diana.Henriouille@waterboards.ca.gov, or by phone at (707) 576-2350.

Sincerely,

Original Signed By

David F. Leland
Assistant Executive Officer

140307_Final_CAO_Rodriguez_Property_Notice_of_Violation_Copy

Certified-Return Receipt Requested

cc by email:

Manhard Consulting
Megan Ryan, mryan@manhard.com

California Department of Fish and Wildlife
Scott Bauer, Sbauer@wildlife.ca.gov
Shane Embry, SEmbry@wildlife.ca.gov
Michael Van Hattem, Michael.vanHattem@wildlife.ca.gov

Humboldt County
Jeff Conners, JConner@co.humboldt.ca.us
Christa McKimmy, cmckimmy@co.humboldt.ca.us
Jon Verbeck, JVerbeck@co.humboldt.ca.us
Wayne Cox, WCox@co.humboldt.ca.us

United States Army Corps of Engineers
Laurie Monarres, laurie.a.monarres@usace.army.mil
Kelley Reid, kelly.reid@usace.army.mil

CAL FIRE
James Robbins, James.Robbins@fire.ca.gov
Rhett Imperiale, rhett.imperiale@fire.ca.gov