

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2015-0701
FOR

CHRISTOPHER CORDES, EDDIE AXNER CONSTRUCTION INC., AND EDDIE AXNER

ASSESSOR PARCEL 041-300-035-000
SHASTA COUNTY

This Order is issued to Christopher Cordes, Eddie Axner, and Eddie Axner Construction Inc. (hereafter collectively referred to as Dischargers) based on provisions of Water Code section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board) to issue a Cleanup and Abatement Order (Order), and Water Code section 13267, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports.

The Assistant Executive Officer finds, with respect to the Dischargers' acts, or failure to act, the following:

1. **Purpose of the Order:** This Order requires the Dischargers to clean up and abate the effects of discharges of soil and rock into unnamed tributaries to Doby and Duckett Creeks, perennial tributaries of the North Fork of Cottonwood Creek which is a tributary to Sacramento River (Unnamed Tributaries) and eliminate the threat of future discharges.
2. The Unnamed Tributaries are considered waters of the state, as well as, waters of the United States. (References hereafter to waters of the United States are inclusive of waters of the state.)¹ The Dischargers graded watercourse channels and adjacent hillsides and filled waters of the United States from June 2013 to June of 2014, without authorization from applicable federal, state, and local agencies, including the Regional Water Board. The work was performed to create an area for a residence and to cultivate marijuana. This Order requires investigation and cleanup in compliance with the Water Code, the Basin Plan, Resolution 92-49, and other applicable Regional Water Board plans, policies, and regulations.
3. **Responsible Parties:** The Dischargers, as the property owner and/or persons discharging or creating a threat of discharge, are responsible parties for purposes of this Order. This Order finds that Mr. Cordes, Eddie Axner Construction and Mr. Eddie Axner are responsible parties and are all jointly and severally liable.

¹ The Regional Water Board administers and enforces the Clean Water Act (CWA). The CWA regulates what it refers to as "navigable waters" and defines those waters as "waters of the United States." Waters of the United States has been interpreted broadly by the agencies responsible for implementing the CWA to include all traditionally navigable waters and their tributaries. (40 C.F.R. 122.2.) The Porter-Cologne Water Quality Control Act provides the Regional Water Board additional authority to regulate discharges of waste into "waters of the state." (Water Code, § 13260.) The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Water Code, § 13050(3).) All waters of the United States that are within the boards of California are also waters of the state for purposes of the Porter-Cologne Water Quality Control Act.

- a. Per records from the Shasta County Assessor-Recorder's Office, Christopher Cordes owns approximately 80 acres, identified as Assessor Parcel 041-300-035-000 (hereafter Site). The Site is located on Baker Ridge in southwest Shasta County in Section 33, Township 31N, Range 7W, MDB&M; in the vicinity of latitude 40°30'08" and longitude - 122°39'46". Mr. Cordes directed large grading operations at this Site which caused or threatened to cause numerous unpermitted discharges of sediment into the Unnamed Tributaries. Accordingly, Mr. Cordes as the owner of the Site and the person who conducted and/or directed the actions that resulted in a discharge and/or created a threat of discharge to waters of the United States is a responsible party.
 - b. Investigations conducted by Regional Water Board staffs, California Department of Fish and Wildlife (CDFW) staffs, and Shasta County Code Enforcement staffs show that Mr. Eddie Axner on behalf of Eddie Axner Construction, Inc. of Redding entered into verbal agreements with Mr. Cordes to conduct grading operations at this Site on a per hour basis and subsequently graded the Site in a manner which resulted in discharges to waters of the United States and created conditions on Site that remain a threat of future discharge to waters of the state. As illustrated in Attachment A - Baker Ridge Site Map (Responsible Parties), on the eastern half of the Site, Eddie Axner Construction, Inc. constructed two terraces, and widened and lengthened a native soil surfaced access road from Baker Ridge Road to the northern side of the upper terrace. Per the Department of Consumer Affairs, Contractors State Licensing Board, Eddie Axner Construction, Inc., is a licensed contractor in the State of California (License #575300) as a General Engineering (A), Building Moving and Demolition (C21), and Pipeline (C34) contractor. Mr. Axner personally conducted, supervised, directed, participated in and/or had the ability to control grading operations performed by Eddie Axner Construction, Inc. and those actions caused or threatened to cause unpermitted discharge of sediment into numerous watercourses creating a condition or threatening to create a condition of pollution. Accordingly, Eddie Axner Construction, Inc. and Mr. Axner as an individual are responsible parties.
 - c. Based on satellite imagery, and on statements made by Mr. Axner during the 19 November 2014 inspection and Mr. Cordes on 30 January 2015, sometime in the spring or early summer of 2014, Mr. Cordes leased the Site to a third party who constructed an additional section of road to access more of the Site. The Central Valley Water Board reserves the right to amend this CAO to add additional responsible parties if and when those parties are identified.
4. **Site Location and Description:** The Site is located off Baker Ridge Road, Ono, Shasta County. Grading and fill activities occurred above and on unnamed tributaries to Doby and Duckett Creeks, perennial tributaries of the North Fork of Cottonwood Creek, in the vicinity of latitude 40°30'08" and longitude 122°39'46". This location is approximately 2.5 miles upstream of Doby and Duckett tributaries' confluences with North Fork Cottonwood Creek.
 5. **Site History:** Per records from the Shasta County Assessor-Recorder's Office, Mr. Christopher Cordes purchased the Site in May of 2013. As evident from historical satellite images and statements made by Mr. Axner during the 19 November inspection, before Mr. Cordes' purchase, the Site was mostly undeveloped with only a firebreak littered with abandoned cars and appliances and a small rugged access road connecting the firebreak to

Baker Ridge Rd. The Site has no prior regulatory oversight or history with the Central Valley Water Board.

6. **Basis of Order:** The Discharger's activities detailed below created and/or threaten to create, conditions of pollution in waters of the state by unreasonably impacting water quality and beneficial uses.
- a. The natural topography of the Site is steep with 30 to 50 percent slopes. Soils on site are coarse sandy loams and coarse sandy silts, which are highly friable and erodible when disturbed, interpreted to be decomposed granite. There are numerous Class III (intermittent) watercourses and at least one Class II (aquatic life bearing) watercourse which begin on or adjacent to the Site, and discharge to Doby or Duckett Creeks, perennial tributaries to North Fork Cottonwood Creek.
 - b. On 7 October 2014, Mr. John Tomasello from the Shasta County Department of Resource Management alerted the Central Valley Water Board that a large grading project had been conducted without permits off of Baker Ridge Road, east of Rainbow Lake in Ono, Shasta County. The Central Valley Water Board was advised that this illegal grading, which included unpermitted road construction and terracing, was conducted to establish a large marijuana growing operation.
 - c. On 27 October 2014, Central Valley Water Board staff obtained an inspection warrant granting access to the Site. As documented in the attached 28 October 2014 Baker Ridge Inspection Report, Central Valley Water Board staff inspected the Site and observed several areas where significant amounts of sediment from graded surfaces on the Site had discharged to the Unnamed Tributaries. Specifically, Staff took photographs of a rill through dumped potting soil on the fill/side slope of the lower terrace leading directly to a watercourse and a photo of the perlite, a component of potting soil, entrapped on the banks of the watercourse. While erosion of that slope surface and discharge of sediment due to that erosion would have occurred regardless of the dumping of potting soil, the presence of the potting soil provided clear evidence of discharge and the extent that the discharge traveled. Staff also took photographic evidence of large scale rill erosion on the south and west fill/side slopes of the lower terrace (Attachment C – 28 October 2014 Baker Ridge Inspection Report, Appendix B – Photographs #3, #4, and #10).
 - d. During the 28 October 2014 inspection, Staff observed that the access road which connects the terraces to Baker Ridge Road was in-sloped with an un-armored inside ditch. All storm water runoff from the access road flows down the inside ditch and discharges directly to an unnamed tributary of Doby Creek on the upstream side of the watercourse crossing located at the entrance to the property. During the inspection, the crossing's 24-inch culvert was more than 50 percent plugged and staff found and documented areas along the banks of the watercourse where sediment from the road had discharged to the watercourse and a layer of sediment within the watercourse, 34 inches thick, directly below the discharge point (Attachment C – 28 October 2014 Baker Ridge Inspection Report, Appendix B – Photograph #14). Staff also found a recently or newly constructed road with an un-culverted, non-armored watercourse crossing that was constructed by placing more than 3,840 cubic feet of native rock and soil in a streambed and adjacent riparian areas. The 28 October inspection report is included as Attachment C to this Order.

- e. On 19 November 2014, Central Valley Water Board staff conducted a follow up inspection of the Site (Follow Up Inspection) with permission from Mr. Cordes (Attachment B, 19 November 2014 Baker Ridge Inspection Report). During the Follow Up Inspection, the weather was cloudy with rain and there was evidence that it had rained overnight and that morning. Staff found another un-culverted, non-armored watercourse crossing that was constructed by placing more than 4,680 cubic feet of native rock and soil into a streambed and adjacent riparian areas. All areas disturbed by grading had been mulched with straw and seeded with rye, and erosion control blankets and riprap had been installed in several areas to mitigate erosion and sediment delivery to adjacent watercourses. The before mentioned erosion and sediment control measures had been installed by Eddie Axner Construction, Inc. since the 28 October inspection. It was evident due to rain and runoff before and during this inspection that the seed and straw mulch, while effective on the flatter areas of the terraces and the road, was insufficient to fully protect and prevent erosion on the steep south and west fill/side slopes of the lower terrace and steep fill/side slopes of many sections of road on the property. On these steep fill/side slopes the seeds and straw mulch had been mobilized downslope and into rills by wind and rain, leaving the majority of the easily erodible fill/side slope surfaces exposed and vulnerable to erosion (Attachment B – 19 November 2014 Baker Ridge Inspection Report, Appendix B – Photograph #1). Sediment from the un-culverted, non-armored watercourse crossings and insufficiently protected fill/side slopes has and will continue to detrimentally impact the Unnamed Tributaries if corrective action is not immediately taken to protect beneficial uses against sediment discharge and watercourse crossing failure.

7. **Beneficial Uses and Water Quality Objectives:** The *Water Quality Control Plan for the Sacramento and San Joaquin River Basins, Fourth Addition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board. North Fork Cottonwood Creek is a tributary of Cottonwood Creek and hence the Sacramento River. Existing and potential beneficial uses for Cottonwood Creek include the following: Municipal & Domestic Supply (MUN); Agricultural Supply (AGR); Water Contact (REC-1) & Other Non-contact Recreation (REC-2); Warm (WARM) & Cold (COLD) Freshwater Habitat; Migration of Aquatic Organisms (MIGR); Spawning (SPWN); and Wildlife Habitat (WILD). Beneficial uses of any specifically identified water body generally apply to all of its tributaries.
 - a. Beneficial uses of the underlying groundwater are municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).
 - b. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include in part, limitations on increased temperature, sediment, settleable and suspended material, and turbidity.
 - c. The State Water Board has adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* ("Resolution 92-49"), which is included as Appendix 9 of the Basin Plan. Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy with*

Respect to Maintaining High Quality Waters in California ("Resolution 68-16"). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

8. **Failure to Obtain Necessary Permits:** Central Valley Water Board staff determined that the grading and clearing activities at the Site occurred without coverage under any of the following regulatory permits:
 - a National Pollutant Discharge Elimination System (NPDES) permit;
 - a Clean Water Act (CWA) section 404 permit from the Army Corps of Engineers
 - a CWA section 401 Water Quality Certification from the Regional Water Board;
 - a CDFW Lake and Streambed Alteration (LSA) Agreement; nor
 - a grading permit from Shasta County.

9. **Clean Water Act Violations:** The CWA prohibits certain discharges of storm water containing pollutants except in compliance with a NPDES permit. Discharges to surface waters comprised of storm water associated with construction activity, including clearing, grading, excavation, and other land disturbance activities (except operations that result in disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale), are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 2009-0009-DWQ (General Permit). Furthermore, CWA section 404 requires any person proposing to discharge dredge or fill material into navigable water of the United States to obtain a Section 404 permit prior to such discharge. CWA section 401 requires that any person obtaining a Section 404 permit, obtain water quality certification from the State in which the discharge occurs.
 - a. Staff documented multiple areas on the Site where sediment-laden storm water runoff from disturbed surfaces had discharged to the Unnamed Tributaries.
 - b. The dischargers are responsible for approximately 5.9 acres of clearing, grading, excavation, and/or land disturbance on the Site.
 - c. More than 8,520 cubic feet of fill material was placed in the Unnamed Tributaries at two watercourse crossings on the Site.

10. **Water Code Violations:** The discharge of potting soil and sediment during clearing, grading and road construction activities, and the placement of fill into the Unnamed

Tributaries to create watercourse crossings, are discharges of waste to waters of the state, in violation of Water Code sections 13260² and 13376³.

- a. Water Code section 13304(a) states, in relevant part:

Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order to prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts....Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

- b. Sediment, when discharged to waters of the state, is a "waste" as defined in Water Code section 13050. The Dischargers have discharged waste directly into surface waters which are tributaries of North Fork Cottonwood Creek. Accordingly, the beneficial uses of North Folk Cottonwood Creek discussed above in paragraph no. 6 also apply to all Unnamed Tributaries.

- c. "Pollution" is defined by Water Code section 13050, subdivision (l)(1) as,

an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

- 1. The waters for beneficial uses;*
- 2. Facilities which serve these beneficial uses.*

- d. The Dischargers' clearing, grading and road building activities have resulted in the unauthorized discharge of waste into surface waters and surface water drainage courses and have created, and threaten to create, a condition of pollution by unreasonably affecting the beneficial uses of waters of the state.

- i. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of the Unnamed Tributaries by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such

² Pursuant to Water Code section 13260 (a)(1) "[a]ny person discharging waste or proposing to discharge waste, within any region that could affect the quality of the waters of the state..." shall file a report of waste discharge. The Regional Board has not received a 401 application or report of waste discharge for wastes discharged at the Site.

³ Pursuant to Water Code section 13376 "[a]ny person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or any person discharging dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260, except that no report need be filed under this section for discharges that are not subject to the permit application requirements of the Federal Water Pollution Control Act, as amended."

as flooding, increases in suspended sediment and turbidity, accelerated erosion of the adjacent channel bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten habitat for aquatic species dependent upon native sediment and vegetation characteristics (MIGR, SPWN, WARM, and WILD). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (AGR and MUN). Sediment laden storm water discharges to and the resulting turbidity within surface waters can also affect the recreational and aesthetic enjoyment of the surface waters (REC-1, REC-2).

- ii. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis in and survival of aquatic flora by limiting the transmittance of light. The Basin Plan contains a water quality objective for sediment which concludes that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. As stated above, sediment is a pollutant that can have substantial biological, chemical, and physical effects on receiving waters. These include (1) increased turbidity (loss of clarity) and resulting decreased light transmittance, biological productivity, and aesthetic value; and (2) physical suffocation of bottom dwelling (benthic) organisms. Sediment can also physically clog gills causing fish mortality; reduce reproduction; impair commercial and recreational fishing resources; increase water temperature, and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat. It should be noted that these water quality impacts occur both during sediment transport and sediment deposition. In addition to the problems associated with "clean" sediment, sediment is also an excellent transport mechanism for toxics (i.e., metals and synthetic organics), which bind to sediment particles (REC-1, REC-2, WARM and WILD).

11. Cleanup and Abatement Action Necessary: Untreated storm water from property owned and/or operated by the Dischargers has discharged, and still has the potential to discharge, sediment and other wastes into Unnamed Tributaries. Erosion control measures implemented by the Dischargers have not and will not fully protect disturbed areas of the Site from further erosion. More than 8,520 cubic feet of fill material remains in Unnamed Tributaries. Cleanup and abatement action is necessary to ensure that the existing condition of pollution is cleaned up, that threatened unauthorized discharges from the Site are prevented, and that any impacts to beneficial uses are mitigated. The current condition of pollution is a priority violation and the issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Regional Water Board.

12. Technical Reports Required: Water Code section 13267(a) provides that the Regional Water Board may investigate the quality of any water of the State within its region in connection with any action relating to the Basin Plan. Water Code section 13267 (b) provides that the Regional Water Board, in conducting an investigation may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The technical reports required by this Order are necessary to assure compliance with this Order and to protect the waters of the state. The technical reports are further necessary to

demonstrate that appropriate methods will be used to cleanup waste discharged to surface waters and surface water drainage courses and to ensure that cleanup complies with Basin Plan requirements. In accordance with Water Code section 13267(b) the findings in this Order provide the Dischargers with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement clean up and abatement activities and submit the reports. The Dischargers named in this Order own and/or operate the Site from which waste was discharged, and thus are appropriately responsible for providing the reports.

13. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Board and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup and restoration activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. If the Regional Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Board will conduct the necessary and appropriate environmental review prior to approval of the applicable plan. The Discharger will bear the costs, including the Regional Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handing any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Regional Board shall enter into a memorandum of understanding with the Regional Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, that Mr. Christopher Cordes, Eddie Axner Construction, Inc., and Mr. Eddie Axner (Dischargers) shall cleanup and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information. The Dischargers shall obtain all necessary permits for the activities required in this Order.

1. **Scope of Responsibility,** Eddie Axner Construction, Inc., and Mr. Eddie Axner are only responsible for compliance with this order as it applies to the area of Shasta County Assessor Parcel Number 041-300-035-000 (Site) upon which Axner Construction, Inc. conducted work as defined above in paragraph 2.b. and illustrated in Attachment A. Mr. Christopher Cordes is jointly and severally liable for compliance with the entirety of this Order.

2. **By 24 April 2015**, the Dischargers shall provide an **Interim Erosion and Sediment Control Plan** (hereafter "Interim Plan"). The Interim Plan shall include, but not be limited to:
 - a. A detailed Site map accurately depicting topography, all graded surfaces, surface water courses, surface water drainages, and water crossings,
 - b. Identification of all locations where sediment has discharged to surface waters or surface water drainage courses,
 - c. Using the above information, identify all areas of immediate concern, along with proposed emergency mitigation measures to be implemented at each area of concern necessary to stabilize the Site during the winter and spring 2014/2015.
 - d. A monthly monitoring report assessing site conditions and providing notice and photograph of mitigation measures completed, and recommendations for additional emergency measures or repairs to previously identified areas of immediate concern where appropriate.

Regional Water Board staffs will review the Interim Plan in consultation with the Discharger and other responsible agencies immediately upon receipt. Once approved work shall begin immediately, but no later than 10 business days, to implement the proposed emergency measures.

3. **By 1 August 2015**, the Dischargers shall provide a proposed **Restoration, Mitigation, and Monitoring Plan** (hereafter "RMMP"). The RMMP shall include but not be limited to:
 - a. An assessment of the impacts to the Unnamed Tributaries to Doby an Duckett Creeks, perennial tributaries of the North Fork of Cottonwood Creek from the unauthorized activities to be completed by the appropriate qualified professional, and must at a minimum, address channel hydrology, bank erosion, riparian habitat and loss thereof, channel and hillslope stability, and locations where fill material has been placed or discharged; and shall include aerial photographs and/or satellite images, photographs, reports, topographic maps or drawings, etc., of Site conditions prior to conducting the un-permitted activities. Assessment findings shall serve as the basis for the RMMP.
 - b. The RMMP shall include plans for Site restoration and proposed mitigation to restore beneficial uses by restoring the channel to pre-discharge conditions and to compensate for and minimize any further impacts to the Unnamed Tributaries. Best management practices shall be applied to all current and planned work associated with construction activities on the Site impacting, or having the potential to impact, the Unnamed Tributaries. The RMMP shall contain, at a minimum, design specifications and drawings, an implementation schedule, and a monitoring plan. The RMMP shall incorporate use of appropriate native or endemic species in all re-vegetation efforts.
 - c. The implementation schedule in the RMMP shall include detailed project milestones that take into account the time anticipated to obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order. For example, it is likely that a LSA Notification will be required under Fish and Game Code (FGC) section 1602. CDFW has 30 days to determine if such notification is complete and an additional 60 days to issue a draft LSA agreement, which will include measures necessary to protect natural resources.

The time for providing that notice and obtaining that agreement should be considered and accounted for when developing a RMMP that complies with the deadlines provided in this Order.

4. **By 1 September 2015**, begin implementation of the RMMP.
5. **By 1 November 2015**, complete all approved restoration and mitigation measures described in the proposed RMMP.
6. **By 1 January 2016**, submit a **Completion Report** for the RMMP. The Completion Report shall accurately depict all construction and/or mitigation measures and document that the above plan to restore, compensate for, and minimize any further impacts to the Unnamed Tributaries has been fully implemented.
7. **By October 1 of each year** (starting 1 October 2016) submit an annual monitoring report. The Annual Monitoring Report shall summarize monitoring results of RMMP and shall continue until at least five years after successful completion of the RMMP, or until a report, acceptable to the Assistant Executive Officer, is submitted showing the dischargers have met the requirements of the RMMP.

GENERAL REQUIREMENTS AND NOTICES

8. **Duty to Use Qualified Professionals:** The Dischargers shall provide documentation that plans, and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Discharger shall include a statement of qualification and registration numbers, if applicable, of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp, as applicable, to the report, plan, or document.
9. **Signatory Requirements:** All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Dischargers shall also state if it agrees with any recommendations/proposals and whether it approves implementation of said proposals. Any person signing a document submitted under this Order shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

10. **Notice of Onsite Work:** The Dischargers shall notify Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.
11. **Notice of Change in Ownership or Occupancy:** Report Any Changes in Ownership or Occupancy: The Discharger shall file a written report on any changes in the Site's ownership or occupancy. This report shall be filed with the Regional Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.
12. **Submissions:** All monitoring reports, technical reports or notices required under this Order shall be submitted to:

Roy "Trey" Sherrell
364 Knollcrest Dr., Ste.205
Redding, CA 96002
530-224-4847
13. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the permitted work. For example, Fish and Game Code section 1602 requires a person or entity to notify California Department of Fish and Wildlife before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. The failure to notify California Department of Fish and Wildlife constitutes a violation of Fish and Game Code section 1602.
14. **Cost Recovery:** Pursuant to Water code section 13304, the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. The Dischargers shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the Regional Board.
15. **Delayed Compliance:** If for any reason, the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Assistant Executive Officer.
16. **Potential Liability:** If the Dischargers fails to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in

the assessment of an administrative civil liability up to \$10,000 per violation per day, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including but not limited to, violation of the terms and condition of this Order.

17. **No Limitation of Water Board Authority.** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Site consistent with the Water Code. This Order may be revised as additional information becomes available.
18. **Modifications.** Any modification to this Order shall be in writing and approved by the Regional Water Board, including any potential extension requests.
19. **Requesting Review by the State Water Board:** Any person aggrieved by this or any final action of the Regional Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and Title 23, California Code of Regulations, section 2050 et al. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is effective upon the date of signature.



Clint E. Snyder, P.G.
Assistant Executive Officer

(Date)

Attachments:

- A: Baker Ridge Site Map (Responsible Parties)
- B: 19 November 2014 Baker Ridge Inspection Report
- C: 28 October 2014 Baker Ridge Inspection Report