

Lahontan Regional Water Quality Control Board

July 12, 2013

INTERESTED AGENCIES AND PARTIES:

REQUEST FOR COMMENTS – PROPOSED CLEANUP AND ABATEMENT ORDER, ARIMOL GROUP, INC. AND MEADOWBROOK CEDAR, INC., LAKE ARROWHEAD, SAN BERNARDINO COUNTY, WDID NO. 6B36C363433

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) intends to issue a Cleanup and Abatement Order on or about August 3, 2013, requiring Arimol Group, Inc. and Meadowbrook Cedar, Inc. (Dischargers) to submit and implement work plans regarding surface water restoration and mitigation. The Dischargers will also be required to monitor and report upon the success of their surface water restoration and mitigation activities, and implement corrective actions, as necessary, to ensure successful surface water restoration and mitigation.

The Cleanup and Abatement Order is being issued in response to the Dischargers' unauthorized discharge of fill and waste materials to surface waters (creeks, springs, and wetlands) located on three San Bernardino County parcels in the Crest Park community of Lake Arrowhead. The discharges occurred during the period of October 2011 through June 2012. This Cleanup and Abatement Order replaces an earlier Cleanup and Abatement Order issued in March 2012. The proposed Cleanup and Abatement provides additional and clarifying detail regarding requirements to restore the affected surface waters to pre-project conditions and to mitigate for the temporal impacts to surface waters and any permanent impacts that may eventually be accepted by Lahontan Water Board staff.

Lahontan Water Board staff is requesting that all comments regarding the proposed Cleanup and Abatement Order be submitted to and received by Lahontan Water Board staff by **July 26, 2013, 5:00 p.m.** Please send your comments to:

Lisa Scorable
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Alternatively, you can electronically submit comments (**Subject Line: Arimol CAO Comments**) to:

Lisa.scoralle@waterboards.ca.gov

Please contact either Lisa Scorallo at (530) 542-5452, Lisa.scoralle@waterboards.ca.gov or Scott Ferguson at (530) 542-5432, Scott.ferguson@waterboards.ca.gov, if you have any questions regarding these matters. Thank you for your time and attention.



Lauri Kemper, P.E.
Assistant Executive Officer

Attachment: Proposed Cleanup and Abatement Order

LAS/scf/adw/T:/ Arimol 2013 CAO Proposed, Cover Letter (7-9-2013)
File Under: SLT Office: Enforcement File-Arimol/Serenity; VVL Office: 6B36C363433

PROPOSED-FOR DISCUSSION PURPOSES ONLY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

CLEANUP AND ABATEMENT ORDER NO. R6V-2013-(PROPOSED)

SMARTS NF NO. 6B36CN601729 AND WDID NO. 6B36C363433

REQUIRING ARIMOL GROUP, INC. AND MEADOWBROOK CEDAR, INC. TO CLEAN UP AND ABATE THE DISCHARGE AND THREATENED DISCHARGE OF WASTE EARTHEN MATERIALS TO SURFACE WATERS OF THE MOJAVE HYDROLOGIC UNIT

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (hereinafter Lahontan Water Board) finds that:

A. FINDINGS

1. Arimol Group, Inc. and Meadowbrook Cedar, Inc. own several parcels near the intersection of Meadowbrook Road and Cedar Court within the Crest Park neighborhood of Lake Arrowhead, San Bernardino County, California. On October 1, 2011, or shortly thereafter, Arimol Group, Inc., Meadowbrook Cedar, Inc., and/or their contractors began construction activities on the following five parcels listed in Table No. 1, below.¹ The construction activities eventually resulted in discharges of fill and waste materials to waters of the United States and of the state on Parcel Nos. 1, 2, and 3, identified below. Arimol Group, Inc. and Meadowbrook Cedar, Inc., as property owners, are responsible for their actions and the actions of their contractors, including actions that result in discharges of fill and waste to surface waters. As such, Arimol Group, Inc. and Meadowbrook Cedar, Inc. are hereinafter referred to as the "Dischargers."

Table No. 1

Parcel Address	San Bernardino Co. APN	Owner
1031 Meadowbrook Rd	0336-134-02-0000 (Parcel 1)	Arimol Group, Inc.
995 Meadowbrook Rd	0336-134-03-0000 (Parcel 2)	Arimol Group, Inc.
977 Meadowbrook Rd	0336-134-05-0000 (Parcel 3)	Meadowbrook Cedar, Inc.
986 Meadowbrook Rd	0336-131-09-0000 (Parcel 4)	Arimol Group, Inc.
974 Meadowbrook Rd	0336-131-08-0000 (Parcel 5)	Arimol Group, Inc.

¹ Source: Notice of Intent submitted dated April 13, 2012

2. Prior to October 1, 2011, unnamed creeks, springs, spring-fed open-water channels, and wet-meadow and shrub wetlands were present on San Bernardino County Assessor's Parcel Nos. (APNs) 0336-134-02-0000 (Parcel 1), 0336-134-03-0000 (Parcel 2), and/or 0336-134-05-0000 (Parcel 3). These surface waters are tributaries of Lake Arrowhead and are located within the Deep Creek watershed of the Mojave Hydrologic Unit of the Lahontan Region at an elevation of approximately 5,600 feet above mean sea level. These surfaces water are also waters of the United States and of the state.
3. On October 17, 2011, Water Board staff received a complaint of grading and construction activities, including the filling of two creek channels on what Lahontan Water Board staff would later determine to be San Bernardino County APN 0336-134-02-0000 (Parcel 1).
4. On October 21, 2011, Lahontan Water Board staff conducted its first in a series of inspections where staff observed evidence of unauthorized discharges of fill material and/or of waste to the above-referenced surface waters. Table No. 2, below, provides a summary of the inspections where such observations were made.

Table No. 2

Inspection Date	Observations
October 21, 2011	The creek that flows across Parcel 1 in a northeasterly direction had been filled with earthen materials following its placement in a 30-inch diameter culvert. A concrete headwall had also been constructed near where the creek flows onto Parcel 1.
October 21, 2011	A second creek that flows onto and adjacent to Parcel 1's eastern boundary had been graded to accommodate the new 30-inch diameter culvert's outfall location.
October 21, 2011	The clearing, grubbing, and grading of what would later be identified as the "shrub wetland."
January 20, 2012	A spring (north spring) located on Parcel 3 had been buried beneath a recently constructed house foundation footing.

Inspection Date	Observations
January 20, 2012	The open-water channel fed by the north spring had been filled and the north spring's flow diverted into a new pipe adjacent to Parcel No. 1's northern boundary.
January 20, 2012	A portion of a second open-water channel originating from a spring on Parcel 2 (south spring) had been filled with earthen materials after diverting the spring's flow into a new pipe.
June 7, 2012	Another portion of the remaining open-water channel fed by the south spring had been filled with earthen materials after installing a new pipe section.

5. The Lahontan Water Board's *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains the following prohibition:

"The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave River or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited."

The waste discharges described in Finding No. 4, above, are to surface waters tributary to Deep Creek within the Mojave Hydrologic Unit and are above an elevation of 3,200 feet.

6. The discharges of earthen fill materials and waste materials described in Table No. 2 in Finding No. 4, above, were all completed without any Lahontan Water Board permits in violation of the Clean Water Act, California Water Code, and a waste discharge prohibition specified by the Lahontan Water Board's Basin Plan.
7. On March 15, 2012, the Lahontan Water Board issued Cleanup and Abatement Order (CAO) No. R6V-2012-0008 to Arimol Group, Inc. (Arimol). The CAO required Arimol to cleanup and abate discharges and threatened discharges of fill and waste earthen materials to surface waters of the Mojave Hydrologic Unit. Specifically, the CAO required Arimol to:
- a. Submit a Notice of Intent for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit).
 - b. Submit and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the Construction General Permit.

- c. Submit a technical report documenting SWPPP implementation.
 - d. Submit a technical report describing the development plan for Parcel 1 and what was referred to as the Serenity Lodge Expansion Project. The technical report was to identify the pre-project, current, and proposed project site conditions with respect to surface water types and locations. The technical report was also to describe and illustrate pre-project, current, and proposed structures and appurtenances.
 - e. Submit a technical report describing and illustrating how the filled and damaged surface waters (two creeks, two springs, two spring-fed open-water channels, and wetland habitat) were to be restored to their natural hydrologic conditions.
 - f. Implement the restoration plan upon receiving plan acceptance from the Lahontan Water Board's Executive Officer.
8. Arimol completed the tasks described in Finding Nos. 6a – 6c, above.
 9. Arimol submitted the technical reports described in Finding Nos. 6d and 6e. Subsequently, Arimol submitted supplemental information in response to Lahontan Water Board staff correspondence identifying deficiencies in both reports. Despite the efforts of both parties, the reports remain deficient and have not been accepted by the Lahontan Water Board Executive Officer. Therefore, no surface water restoration has been initiated.
 10. On October 26, 2012, the Lahontan Water Board's Assistant Executive Officer issued Administrative Civil Liability Complaint No. R6V-2012-0049. The Complaint alleged Arimol violated Water Code section 13376, Clean Water Act section 301, Basin Plan waste discharge prohibitions, and Cleanup and Abatement Order No. R6V-2012-0008. On January 16, 2008, the Lahontan Water Board imposed a penalty of \$60,000 for the discharge of fill and waste materials to surface waters of the state. Upon rendering their decision, Board members emphasized that surface waters identified in CAO No. R6V-2012-0008 must be restored as expeditiously as possible.
 11. As set forth in Finding No. 4 of this Order, the Dischargers have discharged waste to waters of the Lahontan Region, and as set forth in Finding No. 9 of this Order, no surface water restoration has been initiated. As such, the Dischargers have discharged waste and continue to threaten to cause waste to be discharged or deposited where it is, or probably will be, discharged into waters of the United States and of the state within the Lahontan Region, creating, or threatening to create, a condition of pollution or nuisance.
 12. The purpose of this Order is to add Meadowbrook Cedar, Inc., as a named Discharger, in addition to Arimol Group, Inc., and to clarify the minimum requirements associated with and establish a new schedule for:

- a. Submitting the necessary technical reports:
 - i. identifying the pre-project surface water conditions on Parcels 1, 2, and 3;
 - ii. describing and illustrating how those surface waters will be restored to pre-project conditions;
 - iii. describing and illustrating how and where mitigation for the temporal and potentially permanent losses of the surface waters will be completed; and
 - iv. documenting progress towards successfully implementing the restoration and mitigation plans.
- b. Implementing the restoration and mitigation plans.

B. REGULATORY AUTHORITY

13. Water Code section 13304, subdivision (a) states:

“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or 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 creates, 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.”

14. Finding Nos. 4 and 5 establish that the Dischargers have discharged waste to surface waters in violation of a waste discharge prohibition, and Finding No. 11 establishes that the unrestored site conditions constitute a threatened discharge of waste to waters of the state and threatens to create a condition of pollution or nuisance. Therefore, the Lahontan Water Board is authorized to issue this Cleanup and Abatement Order pursuant to Water Code section 13304.

15. Water Code section 13267, subdivision (b) states:

“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring

program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

Finding Nos. 4 and 5, above, established that the Dischargers have discharged waste to waters of the Lahontan Region. The Water Board is therefore authorized to require technical or monitoring reports to identify measures to protect water quality and restore beneficial uses.

16. The technical reports required by this Order are necessary to define the full extent of historical surface waters on Parcels 1, 2, and 3, identify the corrective actions that must be performed to restore the surface waters and their beneficial uses to their historical conditions, identify the mitigation to compensate for the temporal and potentially permanent loss of the surface waters and their beneficial uses, and to prevent additional waste discharges to surface waters and additional loss of beneficial uses. Additionally, the technical reports are necessary to document the cleanup of the waste discharges cited above and the restoration of the beneficial uses of surface waters that have been adversely affected by unauthorized grading, filling, and diversion activities.
17. California Environmental Quality Act (CEQA) Compliance. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 et seq.) pursuant to California Code of Regulations, Chapter 3, title 14, section 15321, subdivision (a)(2).

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, the Dischargers shall clean up and abate waste discharges and threatened waste discharges in violation of the Basin Plan prohibitions for the Mojave Hydrologic Unit, and shall comply with the technical and monitoring reporting provisions of this Order:

C. ORDERS

1. Upon adoption of Cleanup and Abatement Order No. R6V-2013-(PROPOSED), Cleanup and Abatement Order No. R6V-2012-0008 is rescinded.
2. By **August 2, 2013**, the Dischargers shall submit a Surface Water Delineation Work Plan to investigate and delineate the full extent (including, but not limited to, location, dimensions, area, depths) of all wetlands and other surface waters (including, but not limited to, springs, creeks, spring-fed open-water channels) as they existed at the time the Dischargers took ownership of the parcels (pre-project conditions). The Work Plan must be prepared by and the field investigation and other investigative

activities described therein performed by a qualified wetlands delineation consultant with at least five years of experience delineating wetlands and other surface waters within the Lake Arrowhead watershed or equivalent areas within the mountains of southern California. The consultant must be proficient in identification of soil types, including hydric soils, wetland and riparian vegetation, wetland hydrology, and plant and animal species and communities indigenous to the Lake Arrowhead watershed. Field personnel investigating and delineating surface waters as part of this investigation must have sufficient knowledge, training and experience in southern California mountain stream, spring and wetland ecosystems to accurately identify and delineate these features.

The Work Plan, at a minimum, shall include a detailed description of field investigation methodologies/techniques, including the logging and sampling of a sufficient number of test pits/trenches excavated along a sufficient number of transects across the three parcels to accurately and fully delineate the extent of all surface waters that were present during pre-project conditions. The Work Plan must follow the 1987 U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual, applying the methodology for Comprehensive Determinations (Part IV, Section E) for wetlands and other surface waters in Atypical Situations (Section F), and the May 2010 Regional Supplement to the USACE Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), Difficult Wetland Situations (Section 5), to establish the full extent of pre-project surface waters, vegetation and hydrologic conditions on the three parcels.

3. By **August 19, 2013**, begin implementing the Surface Water Delineation Work Plan that is to, at a minimum, satisfy the objectives described in Directive No. 2, above, and provide the information required by Directive No. 4, below. The field work must be coordinated with both Lahontan Water Board and California Department of Fish and Wildlife (CDFW) staff, and a minimum of 72 hours advance notification of all field activities must be provided to staff of both agencies. All permits necessary to conduct the investigation must be obtained prior to implementation, and all reasonable care shall be taken to avoid further impacts to surface waters.
4. By **September 13, 2013**, submit a Surface Water Delineation Report providing the results of the surface water investigation. The Report must narratively describe, numerically quantify, and visually illustrate the full extent of all surface waters in their pre-project condition. The Report shall include a complete set of appropriately scaled site plans that accurately illustrate pre-project surface and subsurface soils, hydrology, and topography, and accurately depict the types and full extents of all surface waters and associated vegetation. The Report shall include a complete set of appropriately scaled site plans that accurately illustrate current surface and subsurface soils, hydrology, and topography, and accurately depict the types and full extents of all currently existing surface waters and associated vegetation. The Report shall include a sufficient number of cross-sections to fully and accurately depict the lateral and vertical extent of all wetlands and other surface waters on the three parcels (Parcel Nos. 1, 2, and 3). The Report must be certified by the Dischargers in addition to the qualified wetlands delineation consultant responsible

for overseeing the surface water investigation and preparing the Report. The Report shall also identify any deviations from the Work Plan and provide the rationale for each deviation.

5. By **September 13, 2013**, the Dischargers shall submit a Surface Water Restoration Plan for restoring all surface waters to pre-project conditions on all three parcels. Restoration to pre-project conditions shall address all impacts to:
- the creek on Parcel 1 that has been placed in a 30-inch diameter culvert;
 - the creek on Parcel 1's eastern boundary that was cleared, grubbed, and graded;
 - the north spring that originated on Parcel 3;
 - the spring-fed open water channel supported by the north spring;
 - the south spring that originated on Parcel 2;
 - the spring-fed open water channel supported by the south spring;
 - the wet-meadow and shrub wetlands on Parcel 1 that were cleared, grubbed, and graded;
 - any wetlands supported by the surface waters listed above; and
 - any other surface waters identified during the Surface Water Investigation as having been disturbed by the Dischargers' activities since obtaining ownership to the three parcels.

If the Dischargers want to propose any deviations from restoring all surface waters to pre-project conditions on any or all of the three parcels (i.e., permanent impacts/loss of a portion of or an entire surface water type on any of the three parcels), the Restoration Plan shall provide a complete accounting of such deviations (e.g., permanently impacted surface water type, area of permanent impacts, length of permanent impacts) and the reason(s) for proposing the permanent surface water impacts/losses. Such permanent impacts are subject to Water Board staff acceptance.

The Restoration Plan shall provide, at a minimum, the following information:

- a. A detailed description and illustration (scaled design plans) of the measures proposed to restore the pre-project characteristics of the above-referenced surface waters (e.g., channel width, length, depth, sinuosity/alignment, channel slope, and channel substrate; wetland boundaries, topography, hydrology, substrate) to pre-project conditions;

- b. An erosion control plan with detailed description and illustration of the measures proposed to temporarily stabilize the restoration areas until permanent stabilization measures (e.g., vegetation, slope protection) effectively stabilize the restoration areas. At all times during restoration work, an effective combination of erosion and sedimentation control BMPs must be installed and maintained.
- c. A revegetation plan with detailed description and illustration (scaled design plans) of the measures proposed to reestablish the vegetation that has been removed from within and adjacent to the above-referenced surface waters. This plan element shall include, but not be limited to, the following:
 - i. For each of the above-referenced surface waters, a list of local California native plant species, locally sourced where possible, to reestablish the vegetation species that have been removed. The list shall identify the number and spacing of plantings for each species, as applicable, and the relative seed percentages and application rates for each seed mix being used.
 - ii. A detailed description of soil preparation activities (e.g., removing all fill material, removing compacted soils; adding soil amendments such as compost, top soil, etc.).
 - iii. Interim and final success criteria for each of the above-referenced surface waters. The criteria shall include, but not be limited to, percent live vegetative cover, total cover, vegetative species diversity, and vegetative species composition. Success criteria may be based upon proposed reference sites accepted in writing by Lahontan Water Board and CDFW staff. If reference sites are proposed as the basis for the success criteria, then the proposed reference sites must be identified and fully characterized with respect to the proposed criteria. Any other method of developing success criteria must also be fully described and its applicability to the restoration activities justified.
 - iv. A detailed description of assessment methodologies and schedule for implementing them in order to evaluate progress towards satisfying interim and final vegetation success criteria. Each surface water restoration area shall be assessed, at a minimum, annually for a minimum of five years, unless a reduction in the monitoring period is authorized in writing by the Lahontan Water Board and CDFW staff. Satisfying the final vegetation success criteria shall be based upon no augmentation or artificial irrigation activities occurring for the previous year and is to be accomplished by the end of the fifth monitoring event (2018).
- d. The Dischargers have the opportunity to restore and/or create surface water resources on one or more of the three parcels that would be in addition to those listed above. If the Dischargers propose to implement such measures prior to November 8, 2013, then the Dischargers must submit the same information as described in Directive Nos. 5.a – 5.c within the Restoration Plan. Such measures must be clearly identified as being in addition those required to restore all surface waters to pre-project conditions on all three parcels.

- e. A detailed project schedule that begins implementation of the Restoration Plan by **September 27, 2013** and completes all initial restoration activities, as described above and identified in the Restoration Plan, by **November 8, 2013**.
 - f. The report must be signed by the Dischargers in addition to the qualified restoration consultant or other appropriate licensed or certified individual(s) responsible for developing the Surface Water Restoration Plan.
6. By **September 27, 2013**, begin implementing the Surface Water Restoration Plan that is to restore all surface waters listed in Directive No. 5, above, to pre-project conditions. All permits necessary to perform the work must be obtained prior to beginning restoration activities. All restoration activities must be performed under the direct oversight of a qualified restoration consultant. The consultant must have at least five years of experience with restoration of wetlands and surface water resources in fragile, montane environments in southern California, such as those that were present at the three parcels prior to development activities. The restoration areas shall be surveyed and appropriately delineated in the field to identify the full extent of all restoration site activities on the three parcels prior to commencing restoration activities. At all times during and following restoration activities, an effective combination of temporary and permanent erosion and sediment control BMPs must be properly installed and maintained throughout the restoration area to prevent erosion and sedimentation on and downstream of the three parcels.
 7. By **November 8, 2013**, all initial restoration activities, as identified in the Restoration Plan, shall be completed. Additionally, all areas on the three parcels shall be fully stabilized and winterized with an effective combination of temporary and permanent BMPs to prevent erosion and sedimentation on and downstream from the three parcels.
 8. By **December 31, 2013**, submit a technical report certifying completion of all initial restoration activities, as identified in the Restoration Plan. The report shall include appropriately scaled, detailed site plans accurately depicting the final, "as-built" restoration conditions and all BMPs implemented to effectively prevent erosion and sediment discharges. The report must be signed by the Dischargers and the qualified restoration consultant in responsible charge of all surface water restoration activities. Any deviations from the Surface Water Restoration Plan shall be identified and clearly illustrated on the as-built plans, and the reason(s) for such deviations shall be provided.
 9. By **May 30, 2014**, submit a Compensatory Mitigation Plan that fully and accurately describes the surface water mitigation activities the Dischargers propose to address the temporal and any authorized permanent impacts to pre-project surface waters on the three parcels. Lahontan Water Board staff applied the 2012 USACE - South Pacific Division (SPD) Standard Operating Procedure (SOP) No. 12501-SPD for Determination of Mitigation Ratios (<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/ta>)

[bid/10390/Article/7554/12501-spd.aspx](#)) for determining compensatory mitigation ratio requirements for temporal and permanent impacts to the pre-project surface waters at the three parcels. Results yielded applicable compensatory mitigation ratios of 4.5:1 (mitigation area:impacted area) for impacts associated with the creeks and spring-fed open water channels, 5.5:1 for the wetlands, and 6.6:1 for the springs. These compensatory mitigation ratios are based upon the proposed mitigation being on-site (located on any or all of the three parcels and/or within the Lake Arrowhead/Deep Creek watershed above the elevation of 3,200 feet above mean sea level), in-kind ("a resource of a similar structural and functional type to the impacted resource") surface waters. For any proposed compensatory mitigation that is either out-of-kind and/or outside the area referenced in the previous sentence, higher compensatory mitigation ratios shall apply. One-to-one credit will be given towards meeting the compensatory mitigation requirements for all successful restoration work (i.e., satisfies final success criteria) completed in response to Directive Nos. 5 – 7, above.

The Compensatory Mitigation Plan shall provide the same types of information as required for the Restoration Plan, in addition to the methodology for preserving all compensatory mitigation in perpetuity. The Compensatory Mitigation Plan shall include an implementation schedule identifying major milestones such as, but not limited to, site access agreements or acquisitions (if proposed compensatory mitigation measures are located on properties other than the three parcels), beginning and completing mitigation design, permit acquisitions, beginning and completing mitigation activities.

The Compensatory Mitigation Plan is subject to Water Board staff acceptance. All initial compensatory mitigation activities as identified in the Compensatory Mitigation Plan shall be completed by **March 31, 2015**, and shall include measures to ensure said restored/created surface water resources and functions are preserved in perpetuity.

10. Beginning **November 30, 2014**, and annually thereafter until the restoration site satisfies final success criteria without any assistance/augmentation during the preceding year, submit a technical/monitoring report that provides the results of the vegetation restoration site assessment discussed in Directive No. 5.c.iv, above. These technical/monitoring reports shall also address any failure for restoration activities to satisfy interim or final success criteria by identifying and describing proposed corrective actions, their associated objectives, and when they will be implemented. Additionally, each of these technical/monitoring reports shall identify and describe all corrective actions implemented during the report's monitoring period, and shall discuss if each corrective action met its objective. These technical/monitoring reports must be signed by the Dischargers and by the qualified restoration consultant in responsible charge of vegetation restoration activities at the three parcels.

D. REPORTING REQUIREMENTS

1. **Signatory Requirements.** All reports required under this Cleanup and Abatement Order shall be signed and certified by the Dischargers or by a duly authorized representative of the Dischargers and submitted to all parties identified in Reporting Requirement No. 4, below. A person is a duly authorized representative of the Dischargers only if: (1) the authorization is made in writing by the Dischargers and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

2. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. **Notification of Work Performed.** The Dischargers must notify Lahontan Water Board and CDFW staff a minimum of 72 hours in advance of any work at the three parcels performed pursuant to this Order. This includes any work that threatens to create a condition of pollution or threatens to cause waste to be discharged into waters of the state. Notification must be done in electronic correspondence to staff identified below. Any method of notification other than electronic mail will not satisfy the requirement set forth in this paragraph. The notification should contain the date the work will be performed, the duration and the type of work that will be performed.

Email Contacts:

Lahontan Water Board, Victorville: Jan [Zimmerman –
Jan.Zimmerman@waterboards.ca.gov](mailto:Jan.Zimmerman@waterboards.ca.gov)

Lahontan Water Board, South Lake Tahoe: Scott Ferguson –
Scott.Ferguson@waterboards.ca.gov

CDFW: Joanna Gibson - Joanna.Gibson@wildlife.ca.gov

4. **Report Submittals.** All reports required under this Order shall be submitted concurrently to each of the following Lahontan Water Board offices, below, in addition to CDFW, USACE, and San Bernardino County Land Use Services:

Jan Zimmerman
California Regional Water Quality Control Board – Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392

Scott Ferguson
California Regional Water Quality Control Board – Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

E. NOTIFICATIONS

1. **Cost Recovery.** Pursuant to Water Code section 13304, the Lahontan Water Board is entitled to, and may seek, reimbursement for all reasonable costs actually incurred by the Lahontan Water Board to oversee cleanup of unauthorized discharges of waste, abatement of the effects thereof, or other remedial actions required by this Order.
2. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Lahontan Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken fall on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml or will be provided upon request.
3. **Modifications.** Any modification to this Order shall be in writing and approved by the Executive Officer, including any potential extensions. Any written extension request by the Dischargers shall include justification for the delay.
4. **Enforcement Notification.** Failure to comply with the requirements of this Cleanup and Abatement Order may result in additional enforcement action, which may include pursuing administrative civil liability pursuant to Water Code sections 13268, 13350, and/or 13385, or referral to the Attorney General of the State of California for such legal action as she may deem appropriate. The Lahontan Water Board is authorized to impose liabilities up to \$1,000, \$5,000, and \$10,000, respectively, per day for each violation.
5. **No Limitation of Water Board Authority.** This Order in no way limits the authority of this Water Board to institute additional enforcement actions or to require additional

Arimol Group, Inc. and
Meadowbrook Cedar, Inc.

CLEANUP AND ABATEMENT
ORDER NO. R6V-2013-PROPOSED

investigation and cleanup of the site consistent with the Water Code. This Order
may be revised as additional information becomes available.

Ordered by: _____
PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Dated: _____

Attachment: Water Code section 13267 Fact Sheet

PROPOSED