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**Central Coast Regional Water Quality Control Board**

**NOTICE OF OPPORTUNITY TO COMMENT**  
**on the**  
**Draft Cleanup and Abatement Order for**  
**Kern Ridge Growers, LLC**

NOTICE IS HEREBY GIVEN THAT the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is accepting comments on the Draft Cleanup and Abatement Order for Kern Ridge Growers, LLC (CAO).

Subject site: San Luis Obispo County APN 096-201-012  
Highway 33, San Luis Obispo County

The Draft CAO addresses unpermitted discharge of waste within waters of the State on property owned by Kern Ridge Growers, LLC, in San Luis Obispo County (APN 096-201-012). The Draft CAO names Kern Ridge Growers, LLC, the owner of the subject parcel, as the responsible party. The draft CAO includes findings regarding the unpermitted discharge of waste to waters of the State. The draft CAO requires Kern Ridge Growers, LLC, to cleanup and abate the unpermitted discharge of waste and to restore waters of the State to pre-disturbance conditions.

The Draft CAO is attached to this announcement.

Persons wishing to comment on the Draft CAO must submit comments in writing no later than **October 18, 2018** to [Phillip.Hammer@waterboards.ca.gov](mailto:Phillip.Hammer@waterboards.ca.gov), or to the address below:

Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
Attn: Jon Rohrbough

For further information, please contact Phillip Hammer at [Phillip.Hammer@waterboards.ca.gov](mailto:Phillip.Hammer@waterboards.ca.gov) or 805-549-3882.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906**

**DRAFT CLEANUP AND ABATEMENT ORDER NO. R3-2018-0049**

*Issued to:*

***Kern Ridge Growers, LLC  
14322 DiGiorgio Road  
Arvin, CA 93203***

This Cleanup and Abatement Order (hereinafter "CAO") is issued to Kern Ridge Growers, LLC (hereinafter "Discharger") based on California Water Code (hereinafter "CWC") section 13304 that authorizes the California Regional Water Quality Control Board, Central Coast Region (hereinafter "Central Coast Water Board") to issue cleanup and abatement orders, and CWC section 13267, which authorizes the Central Coast Water Board to require the submittal of technical reports.

**FINDINGS:**

The Central Coast Water Board finds that:

**Site Description and Activities**

1. The subject site is an agricultural property located northeast of the intersection of Highway 33 and Foothill Road near the community of Cuyama in unincorporated San Luis Obispo County (Assessor's Parcel No. 096-201-012). The site is located in the Santa Maria Hydrologic Unit (312.00), as described in the *Water Quality Control Plan for the Central Coastal Basin* (hereinafter "Basin Plan").
2. The site abuts the Caliente Range of hills east of Highway 33 and includes multiple drainages that are ephemeral streams (see Location Map in Attachment A to this CAO, hereby incorporated by reference). For purposes of this CAO, two ephemeral streams on site have been identified as Ephemeral Stream A and Ephemeral Stream B, as shown in Attachment A to this CAO.
3. On January 5, 2017, California Department of Fish and Wildlife staff notified Central Coast Water Board staff that berms had been constructed on the site to impound flow or divert it from Ephemeral Streams A and B.
4. On July 13, 2018, Central Coast Water Board staff conducted an inspection of the site with the Discharger's representatives, Robert Giragosian and Vaughn Easter, and legal counsel, Richard G. Zimmer. Central Coast Water Board staff found evidence of the following activities:
  - a. A berm had been constructed across Ephemeral Stream A, and a basin had been excavated behind the berm to create an impoundment (hereinafter "Berm and Basin 1"). Ephemeral Stream A is located in the northeastern corner of the subject parcel. See Attachment A for the location of Ephemeral Stream A and Berm and Basin 1.

- b. A berm had been constructed across Ephemeral Stream B, and a basin had been excavated behind the berm to create an impoundment (hereinafter "Berm and Basin 2"). Ephemeral Stream B enters the subject parcel from the southeast. See Attachment A for the location of Ephemeral Stream B and Berm and Basin 2.
  - c. The creek bed and banks of Ephemeral Stream B had been modified through excavation and sediment placement activities to direct the flow of Ephemeral Stream B into Berm and Basin 2. See Attachment A for location of bed and bank modification of Ephemeral Stream B.
  - d. The activities described above resulted in discharge of waste (i.e. sediment and fill material) to Ephemeral Stream A and/or Ephemeral Stream B and continue to threaten to cause waste to be discharged where it is, or probably will be, discharged into Ephemeral Stream A and/or Ephemeral Stream B.
5. The Central Coast Water Board received no report of waste discharge from the Discharger for wastes discharged to Ephemeral Stream A and Ephemeral Stream B prior to commencement of excavation and sediment placement activities.
  6. Had the Discharger properly filed a report of waste discharge prior to commencement of excavation and sediment placement activities, Central Coast Water Board staff would not have approved the project as built by the Discharger because it reduces the area of waters of the State providing beneficial uses and prevents water from flowing downstream to significant sections of Ephemeral Streams A and B, thereby negatively impacting beneficial uses of the streams.

### **Purpose of the CAO**

7. This CAO requires the Discharger to clean up and abate the effects of discharging wastes to waters of the State without Waste Discharge Requirements. Investigation and cleanup actions required under this CAO shall be conducted to conform to and implement policies and requirements of the Porter-Cologne Water Quality Control Act (division 7, commencing with Water Code section 13000) including (1) sections 13267 and 13304; (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board (hereinafter "State Water Board") and the Basin Plan including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including Resolution No. 92-49, *Policies and Procedures for Investigation, and Cleanup and Abatement of Discharges under Water Code Section 13304*; and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.

### **Named Discharger**

8. The Discharger, a limited liability corporation registered in the State of California, is named as a discharger because it is the current owner of the property on which unpermitted discharge of waste to waters of the State occurred, and it has the legal authority to control the discharge.

9. If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters of the State, the Central Coast Water Board may consider adding those parties to this CAO.

### **Legal and Regulatory Authority**

10. The Porter-Cologne Water Quality Control Act (CWC Division 7) defines waters of the State as "...any surface water or groundwater, including saline waters, within the boundaries of the state."
11. Ephemeral streams are natural low areas or natural channels on the land surface, where water concentrates and flows briefly during or following a period of rainfall. Ephemeral Streams A and B are ephemeral streams for the following reasons:
  - a. Ephemeral Stream A –Ephemeral Stream A is identified as a blue line stream on U.S. Geological Survey Topographic Maps.<sup>1</sup> The stream has bed, banks, and a channel, which are standard features of ephemeral streams. The stream shows evidence of standard stream functions such as transport of water and sediment, and includes scour lines on the lower banks, which are also standard features of ephemeral streams. The stream bed lacks vegetation while the adjacent banks support abundant vegetation, which are common features of ephemeral streams in arid areas. See photographs in Attachment B to this CAO, hereby incorporated by reference.
  - b. Ephemeral Stream B – Ephemeral Stream B is identified as a blue line stream on U.S. Geological Survey Topographic Maps.<sup>2</sup> The stream has bed, banks, and a channel, which are standard features of ephemeral streams. The stream shows evidence of standard stream functions such as transport of water and sediment, and includes scour lines on the lower banks, which are also standard features of ephemeral streams. The stream bed lacks vegetation while the adjacent banks support abundant vegetation, which are common features of ephemeral streams in arid areas. See photographs in Attachment B to this CAO.

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<sup>1</sup> United States Geological Survey. Ballinger Canyon Quadrangle, California. 7.5 Minute Series (Topographic). 1995.

<sup>2</sup> *Ibid.*

12. Ephemeral streams are surface waters that satisfy the definition of waters of the State.<sup>3</sup> Ephemeral Stream A and Ephemeral Stream B are waters of the State.<sup>4</sup>
13. Ephemeral Streams A and B are not errant waters because the streams have clearly defined channels with bed and banks, through which water flows. Water that flows in channels contained by banks is not errant.
14. Pursuant to CWC section 13260, “any 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.
15. Pursuant to CWC section 13264, “[n]o person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260.”
16. CWC section 10350, subdivision (d) defines waste to include “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin ...”
17. The placement of sediment and fill material in waters of the State constitutes a discharge of waste.
18. Pursuant to Basin Plan section 4.8.5.1:

“The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.

The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen materials from timber harvesting, construction, and other soil disturbance activities at locations above the anticipated high water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish,

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<sup>3</sup> Under California law, the existence of a stream, creek or water course is not compromised by the ephemeral nature of its water flow. (See, e.g., *County of Sierra v. County of Nevada*. (1908) 155 Cal. 1, 8 [“there are places in the channel . . . which are dry, but a watercourse does not lose its character as such because in dry seasons, or under certain climatic conditions its channel may become dry in places”]; *Lindblom v. Round Valley Water Co.* (1918) 178 Cal. 450, 452-53 [noting that a seasonal stream “was of the character familiar in this state, and in other semi-arid regions” and that it is “not necessary to the existence of a watercourse that the flow should be continuous throughout the year”].) The term “stream” is commonly understood as “a watercourse having a source and terminus, banks and channel, through which waters flow, at least periodically. Streams usually empty into other streams, lakes, or the ocean, but a stream does not lose its character, as a watercourse even though it may break up and disappear.” (*Lukrich v. Rodgers* (1959) 176 Cal.App.2d 1, 7 [internal quotation marks omitted].) In *Rutherford v. State of California* (1987) 188 Cal.App.3d 1267, 1279, the Court of Appeal confirmed that a “stream” need not flow continually: “a stream need not flow continuously and sometimes due to climatic conditions may outwardly appear dry.” [Internal quotations and citations omitted].)

<sup>4</sup> Ephemeral Streams A and B may also be waters of the United States, but that determination is not necessary for the purpose of this CAO.

wildlife, and other beneficial uses is prohibited.”

19. Per Section 2.1 of the Basin Plan, “beneficial uses are regarded as existing whether the waterbody is perennial or ephemeral, or the flow is intermittent or continuous.” Surface water bodies within the Central Coast Region that do not have beneficial uses designated for them in Table 2-1 of the Basin Plan, such as Ephemeral Streams A and B, are assigned the following beneficial uses:
  - a. Municipal and domestic water supply; and
  - b. Protection of both recreation and aquatic life.
20. The discharge, placement, movement, and disposal of soil in Ephemeral Streams A and B is deleterious to beneficial uses because it reduces the ephemeral streams’ ability to support beneficial uses and water quality functions. Construction of the berms reduces the area of waters of the State providing beneficial uses. By obstructing the ephemeral streams’ natural surface flow, the discharge reduces the ephemeral streams’ ability to support beneficial uses and water quality functions in portions of the ephemeral streams downstream of the excavation and sediment placement activities. In addition, the grading activity and removal of riparian vegetation reduces the support Ephemeral Stream A and Ephemeral Stream B provide for wildlife habitat.
21. Restoration of Ephemeral Stream A and Ephemeral Stream B is necessary to return the beneficial uses and water quality functions that have been degraded or lost as a result of the discharge of waste to Ephemeral Stream A and Ephemeral Stream B. Without abatement, the effects of the waste threaten to continue to impact water quality and degrade the beneficial uses of waters of the State.
22. Discharge of waste material in a manner which causes, permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into a water of the State and creates, or threatens to create, a condition of pollution or nuisance is a violation of CWC section 13304.
23. CWC section 13304 authorizes the Central Coast Water Board to issue orders requiring a discharger to clean up and abate waste where the discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.
24. This CAO requires submittal of technical or monitoring reports pursuant to CWC section 13267, which authorizes the Central Coast Water Board to require any person who has discharged, discharges, or is suspected of having discharged or discharging, waste to submit technical or monitoring program reports.
25. The burden of providing the technical reports, including costs, bears a reasonable relationship to the need for the reports. The Central Coast Water Board requires these reports to ensure compliance with this CAO and that beneficial uses and water quality of Ephemeral Streams A and B are protected and restored. In accordance with CWC section 13267, subdivision (b), the findings in this CAO provide the Discharger with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports.

26. The Central Coast Water Board issues this CAO for the protection of the environment, and as such the issuance of this CAO is exempt from provisions of the California Environmental Quality Act (hereinafter "CEQA") (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations (hereinafter "CCR"), Title 14, sections 15061, subdivision (b)(3), 15308, and 15321. This CAO generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities. 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 not enough information concerning proposed remedial activities and possible associated environmental impacts. If the Central Coast Water Board determines that implementation of any plan required by this CAO will have a significant effect on the environment, the Central Coast Water Board will require or conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Discharger will bear the costs, including the Central Coast Water Board's costs, of determining whether implementation of any plan required by this CAO will have a significant effect on the environment and if so, in preparing and handling any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Central Coast Water Board shall enter into a memorandum of understanding with the Central Coast Water Board regarding such costs prior to undertaking any environmental review.

**IT IS HEREBY ORDERED**, pursuant to CWC sections 13304 and 13267, that Kern Ridge Growers, LLC shall take the following actions to comply with this CAO:

### **TASKS**

1. Immediately upon issuance of this CAO, the Discharger shall implement and maintain best management practices (i.e., erosion and sediment controls) for temporary stabilization of disturbed areas.

### **Restoration Plan**

2. Within 120 calendar days of the issuance of this CAO, the Discharger shall submit for approval a Restoration Plan of technical quality acceptable to the Central Coast Water Board Executive Officer. The Restoration Plan shall be designed to restore waters of the State, associated habitat, and beneficial uses that have been impacted by the discharge of waste. The Restoration Plan shall be prepared by personnel qualified in civil engineering, geotechnical engineering, geomorphology, biology, stream restoration, and habitat restoration. For the purposes of this CAO, a qualified person is one with no less than five years of experience designing successful restoration projects within San Luis Obispo County. The Restoration Plan shall include, but not be limited to, the following:
  - a. Identification of party(ies) responsible for the restoration;
  - b. A detailed description of the site prior to the disturbance activities that includes:
    - i. Identification of the location and size of waters of the State that were directly and indirectly impacted.

- ii. A description of the waters of the State that were directly and indirectly impacted, by habitat type.
- iii. Identification and description of the functions and values of the waters of the State that were directly and indirectly impacted.
- c. A schedule of restoration activities that identifies the date the Discharger will begin implementation of the restoration and the date the Discharger will complete the restoration, and that addresses grading, planting, submittal of "as-built" documents, monitoring, maintenance, and reporting activities;
- d. A detailed description of proposed restoration methods;
- e. Removal of all previously discharged waste (sediment and fill material) from Ephemeral Stream A and Ephemeral Stream B;
- f. Regrading areas of Ephemeral Stream A and Ephemeral Stream B disturbed by construction of Berm and Basin 1, Berm and Basin 2, and the bed and bank modification to Ephemeral Stream B, to restore pre-disturbance elevations, topography, and beneficial uses, including identification of grading elevations and contours, and a quantitative comparison of restored elevations and contours with pre-disturbance elevations and contours;
- g. Realigning Ephemeral Stream A and Ephemeral Stream B to their pre-disturbance locations;
- h. Reconstructing stable streambed and banks of Ephemeral Stream A and Ephemeral Stream B to their respective pre-disturbance conditions;
- i. Revegetating disturbed areas of Ephemeral Stream A and Ephemeral Stream B with native species to restore affected habitat and beneficial uses to pre-disturbance conditions. Planting plans must include identification of the plant community(ies) that will be restored; the size of areas to be planted; plant species, quantities, and layout; how the plantings will be irrigated until they become established; and a description of the functions and values of the restored habitat and how it will replace lost or otherwise disturbed beneficial uses and functions;
- j. Permanent stabilization (i.e., erosion and sediment control) for disturbed areas immediately adjacent to Ephemeral Stream A and Ephemeral Stream B, respectively, to prevent channel instability and waste discharges to Ephemeral Stream A and Ephemeral Stream B;
- k. Identification of maintenance and monitoring activities, and a proposed duration of monitoring and maintenance at the restoration site of no less than five years;
- l. Identification of the party(ies) responsible for monitoring and maintenance of the restoration site;
- m. Proposed performance criteria, including criteria for channel stability and revegetation survival and cover, that will ensure full restoration of Ephemeral Stream A and

Ephemeral Stream B;

- n. A Reporting Plan, with report submittal at least semi-annually; and
- o. A technical analysis demonstrating the following:
  - i. Restored channels will be geomorphically stable, within natural ranges for streams draining the western side of the Caliente Range;
  - ii. Sediment and any other material placed to restore Ephemeral Stream A and Ephemeral Stream B to pre-disturbance elevations will be stable and not result in erosion outside natural ranges for watersheds on the western side of the Caliente Range;
  - iii. Replanted vegetation will restore lost or otherwise disturbed habitat and beneficial uses and functions, and will thrive beyond the length of the monitoring period; and
  - iv. Disturbed areas immediately adjacent to Ephemeral Stream A and Ephemeral Stream B will be stable and will not contribute to channel instability or discharges of waste (including sediment) to Ephemeral Stream A, Ephemeral Stream B, and/or other waters of the State that are outside natural ranges for watersheds on the western side of the Caliente Range.

#### Approvals and Permits

- 3. Within 120 calendar days of the issuance of this CAO, the Discharger shall submit complete applications for all necessary approvals and permits required to implement the Restoration Plan, which may include, but are not limited to, a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (if required), a CWA Section 401 Water Quality Certification from the Central Coast Water Board (if required), Waste Discharge Requirements from the Central Coast Water Board, a Fish and Game Code Section 1600 Streambed Alteration Agreement from the California Department of Fish and Wildlife, and a grading permit from San Luis Obispo County. An application for CWA Section 401 Water Quality Certification (if required) must be accompanied by the correct fee deposit, as identified in CCR, title 23, section 3833. An application for CWA Section 401 Water Quality Certification (if required) or a Report of Waste Discharge for Waste Discharge Requirements from the Central Coast Water Board shall include the following information:
  - a. The name, address, and telephone number of:
    - (1) the Discharger, and
    - (2) the Discharger's agent (if an agent is submitting the application);
  - b. A full, technically accurate description, including the purpose and final goal, of the entire activity;
  - c. Complete identification of all federal licenses and/or permits being sought for or applying to the proposed activity, including the:
    - (1) federal agency;
    - (2) type (e.g., individual license, regional general permit, nationwide permit, etc.);
    - (3) license/permit number(s) (e.g., nationwide permit number), if applicable; and
    - (4) file number(s) assigned by the federal agency(ies), if available;
  - d. Complete copies of either:
    - (1) the application(s) for federal license(s) and/or permit(s) being sought for the activity;
    - or,

- (2) if no federal applications are required, any notification(s) concerning the proposed activity issued by the federal agency(ies); or,
  - (3) if no federal notifications are issued, any correspondence between the applicant and the federal agency(ies) describing or discussing the proposed activity.
- If no application, notification, correspondence, or other document must be exchanged between the applicant and federal agency(ies) prior to the start of the activity, the application or Report of Waste Discharge shall include a written statement to this effect;
- e. Copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included;
  - f. A copy of any draft or final CEQA document(s), if available, prepared for the activity. Although CEQA documentation is not required for a complete application or a Report of Waste Discharge, the Central Coast Water Board shall be provided with and have ample time to properly review a final copy of valid CEQA documentation before issuing a CWA Section 401 Water Quality Certification or Waste Discharge Requirements;
  - g. A complete project description, including:
    - (1) Name of any receiving water body that may receive a discharge;
    - (2) Type of receiving water body (e.g., at a minimum: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, or wetland type);
    - (3) The latitude and longitude of the activity, expressed in decimal degrees.
    - (4) For each water body type reported as described section 3.g(2) of this Order, the total estimated quantity of waters of the State and United States that may be adversely impacted temporarily or permanently by a discharge or by dredging. The estimated quantity of waters to be adversely impacted by any discharge shall be reported in acres and linear feet, and dredging estimates shall be reported in cubic yards;
    - (5) The total estimated quantity (in acres and linear feet) of waters of the State and United States, by type (see section 3.g(2) of this Order) proposed to be created, restored, or enhanced;
    - (6) A description of any other steps that have been or will be taken to avoid, minimize, or compensate for loss of or significant adverse impacts to beneficial uses of waters of the State;
    - (7) The total size (in acres and linear feet) and description of the entire project area, including areas outside of jurisdictional waters of the State and United States; and
    - (8) A brief list and description, including estimated adverse impacts of any projects implemented by the Discharger within the last five years or planned for implementation by the Discharger within the next five years, that are in any way related to the proposed activity or that may impact the same receiving water body as the proposed activity.
4. Within 150 calendar days of the issuance of this CAO, the Discharger shall report to the Central Coast Water Board on the status of obtaining all of the necessary approvals/permits required for the cleanup and abatement activities. The Discharger shall continue to report to the Central Coast Water Board every 30 days thereafter until all of the necessary approval and permits required for the cleanup and abatement activities have been issued.
  5. Within 10 days of receipt by the Discharger of any approval or permit required to complete the cleanup and abatement activities require by this CAO, the Discharger shall submit

copies of all such approvals or permits to the Central Coast Water Board.

### Implementation

6. Within 21 days of receipt of all the necessary approvals and permits required to implement the Restoration Plan, the Discharger shall begin implementation of the Restoration Plan in accordance with the schedule contained in the Restoration Plan approved by the Central Coast Water Board's Executive Officer. In the event the Restoration Plan has not been approved by the Executive Officer when the Discharger receives all the necessary approvals and permits required to implement the Restoration Plan, the Discharger shall begin implementation of the Restoration Plan in accordance with the schedule contained in the Restoration Plan within 21 days of the Executive Officer's approval of the Restoration Plan.
7. Cleanup and abatement activities shall be conducted in such a manner as to avoid any adverse impacts to Ephemeral Stream A, Ephemeral Stream B, and other waters of the State. Any heavy equipment used during cleanup and abatement activities shall be staged at least 100 feet outside of the boundaries of Ephemeral Stream A, Ephemeral Stream B, and other waters of the State.
8. The Discharger shall dispose of all removed waste in a manner that complies with any and all applicable laws and regulations.
9. Within 30 days of completion of cleanup and abatement activities, the Discharger shall submit a Cleanup and Abatement Report to the Central Coast Water Board documenting the completion of required cleanup and abatement activities. The Cleanup and Abatement Report must include, but is not limited, to:
  - a. Confirmation that Ephemeral Stream A and Ephemeral Stream B have been reconstructed and restored as required;
  - b. Confirmation that all disturbed areas immediately adjacent to Ephemeral Stream A and Ephemeral Stream B have been stabilized as required;
  - c. Confirmation that all appropriate and necessary best management practices (i.e., erosion and sediment controls) for temporary stabilization of disturbed areas were properly installed and maintained as required;
  - d. Confirmation that supplemental irrigation is in place as described in the Restoration Plan;
  - e. "As-built" documentation of restored elevations and contours;
  - f. "As-built" documentation of planting activities; and
  - g. Photographic documentation of all required cleanup and abatement activities, sufficient for Central Coast Water Board staff to verify completion of all required activities.

**PROVISIONS**

10. Due Date Amendments – The Discharger may request, in writing, an extension of a due date specified herein if the Discharger is unable to perform any activity or submit any document in compliance with the schedules specified in this CAO. The extension request must include justification for the delay and must be received by Central Coast Water Board staff at least 10 days prior to the scheduled due date, or as soon as the need for the delay is recognized, whichever occurs first. Requests for due date amendments are subject to approval by the Central Coast Water Board Executive Officer. Due date amendment requests may be granted via revision of this CAO or by letter. Extension requests not approved in writing by the Executive Officer with reference to this CAO are denied.
11. Report of Changed Owner or Operator – The Discharger shall notify Central Coast Water Board staff upon any change in site ownership, site occupancy, or contact information associated with the property identified in this CAO.
12. Qualifications and Signatory Requirements – Geotechnical reports, geomorphology reports, and all other technical reports and plans shall be prepared under the direct supervision of, and signed or stamped by a California Professional Geologist, Certified Engineering Geologist, or Civil Engineer.

All submittals required in conjunction with this CAO must include a signed certified statement by an authorized representative of the Discharger, certifying under penalty of perjury under the laws of the State of California that the submitted document is true, complete, and accurate. The statement shall read as follows:

*I certify under penalty of law 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 who manage the system, or those persons directly responsible for gathering the information, 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 fines and imprisonment for knowing violations.*

13. Report Submittals – All submittals required by this CAO shall be submitted to:

Phillip Hammer  
Senior Environmental Scientist  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 100  
San Luis Obispo, CA 93401  
Email: [Phillip.Hammer@waterboards.ca.gov](mailto:Phillip.Hammer@waterboards.ca.gov)  
805-549-3882

14. Pursuant to Water Code section 13304, the Central Coast Water Board is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs to investigate authorized discharges of waste and to oversee cleanup of such wastes, abatement of the effects thereof, or other remedial action, required by this CAO. If directed by the Central Coast Water Board, the Discharger shall reimburse the Central Coast Water Board for such costs.

15. This CAO does not limit the authority of the Central Coast Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the site consistent with the Water Code.
16. The Discharger is advised that any future activities that have the potential to temporarily or permanently impact waters of the State (e.g., Ephemeral Stream A and Ephemeral Stream B) shall require permits from the Central Coast Water Board.
17. Failure to comply with the provisions of this CAO may subject the Discharger to further enforcement action, including but not limited to, assessment of civil liability pursuant to CWC sections 13261, 13265, 13268, 13350, and 13385, and referral to the district attorney or attorney general for injunctive relief and civil or criminal liability.
18. Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Section 13320 of the CWC and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this CAO. Copies of the law and regulations applicable to filing petitions will be provided upon request.

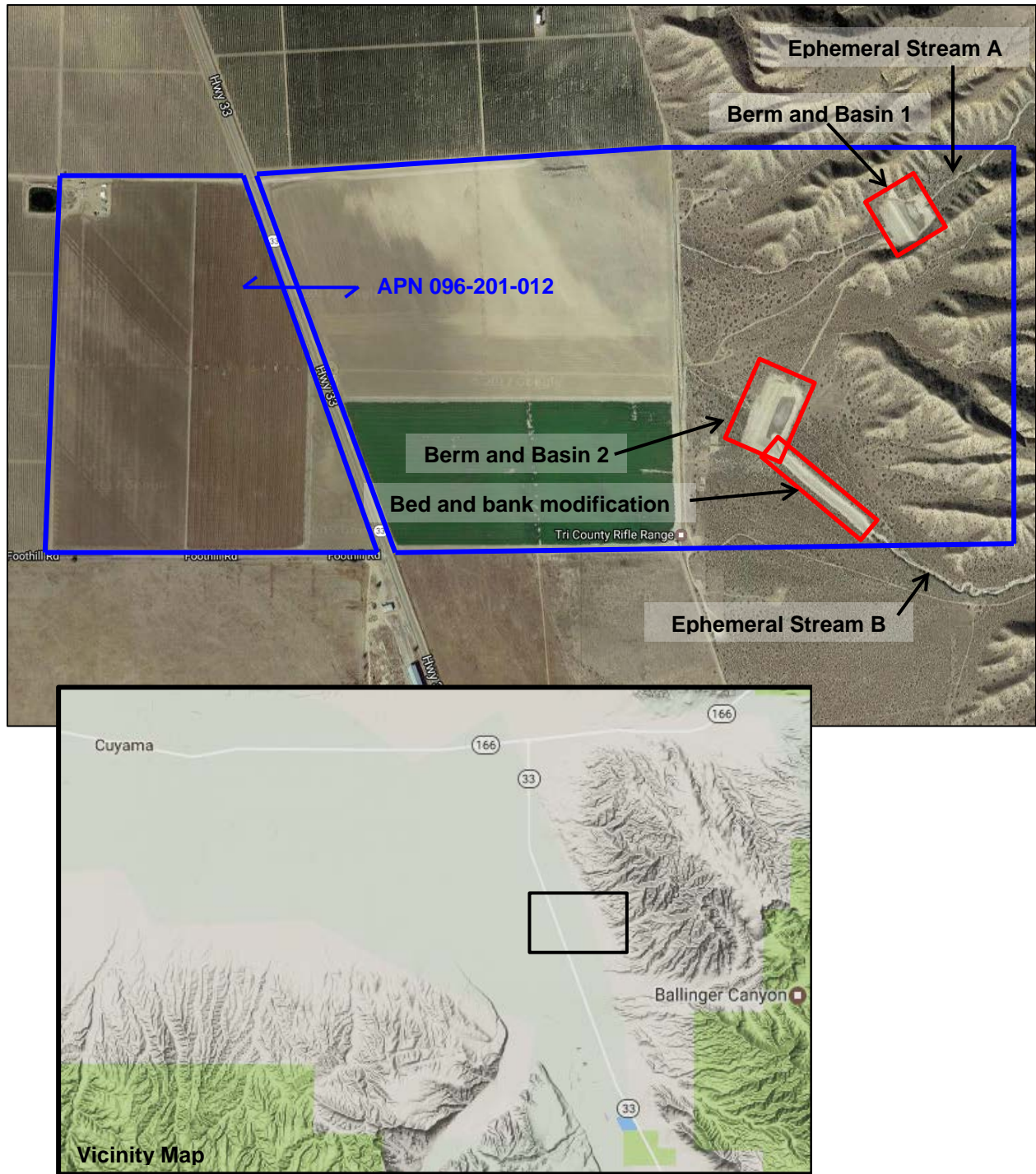
ORDERED BY \_\_\_\_\_

John M. Robertson  
Executive Officer

\_\_\_\_\_  
Date

- Attachments:  
Attachment A – Location Map  
Attachment B – Site Photographs

### Location Map



**Photographs from July 13, 2018 Field Investigation**

Photo 1: Ephemeral Stream A downstream of Berm and Basin 1.



Photo 2: Berm and Basin 1 built across Ephemeral Stream A (upstream face of berm with basin).



Photo 3: Ephemeral Stream A entering Berm and Basin 1 from upstream.



Photo 4: Ephemeral Stream A upstream of Berm and Basin 1.



Photo 5: Ephemeral Stream B, upstream of bed and bank modification and Berm and Basin 2.



Photo 6: Ephemeral Stream B upstream of Berm and Basin 2, with stream bed and bank modification on the right side of photo.



Photo 7: Ephemeral Stream B entering Berm and Basin 2.



Photo 8: Berm and Basin 2

