



Central Coast Regional Water Quality Control Board

March 4, 2020

Robert Giragosian
Kern Ridge Growers, LLC
14322 DiGiorgio Road
Arvin, CA 93203
Email: bob@kernridge.com

**VIA CERTIFIED AND ELECTRONIC MAIL
No. 7019 0700 0001 7649 7543**

TRANSMITTAL OF DRAFT CLEANUP AND ABATEMENT ORDER NO. R3-2020-0028, KERN RIDGE GROWERS, LLC

**Subject Site: San Luis Obispo County Assessor's Parcel No. 096-201-012,
Highway 33, San Luis Obispo County**

Dear Mr. Giragosian:

This letter transmits the Draft Cleanup and Abatement Order No. R3-2020-0028 (Draft CAO), which addresses unpermitted sediment discharges and fill activity within waters of the State on property owned by Kern Ridge Growers, LLC in San Luis Obispo County (APN 096-201-012).

We are providing a comment period for the Draft CAO. Please note that only written comments will be accepted into the record. Please submit your written comments regarding the Draft CAO by **April 9, 2020**, to:

Phillip Hammer, via email at Phillip.Hammer@waterboards.ca.gov.

Or via regular mail to:

Phillip Hammer
Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

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 discharges of waste to waters of the State. The Draft CAO requires Kern Ridge

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast

Growers, LLC to cleanup and abate the unpermitted discharge of waste and to restore waters of the State.

As a reminder, this is an enforcement action, and therefore the Central Coast Water Board members, Advisory Team (Executive Officer John Robertson and legal counsel Stephanie Yu) are prohibited from discussing this case due to ex parte regulations. If you have questions or concerns about this case, please contact enforcement staff assigned to this case (Phillip Hammer or Mark Cassady), or our legal counsel from the State Water Resources Control Board, Office of Enforcement (Kailyn Ellison).

Please include Draft CAO Order No. R3-2020-0028 in the heading or subject line portion of all correspondence and reports to the Central Coast Water Board pertaining to this matter.

Sincerely,



for Matthew T. Keeling
Assistant Executive Officer

Attachments: Draft Cleanup and Abatement Order No. R3-2020-0028
Notice of Opportunity to Comment

cc: (via electronic mail)

Kailyn Ellison, Attorney for Central Coast Water Board Enforcement Team
State Water Resources Control Board, Office of Enforcement
Email: Kailyn.Ellison@waterboards.ca.gov

Thea Tryon, Enforcement Coordinator
Central Coast Water Board
Email: Thea.Tryon@waterboards.ca.gov

Todd Stanley, Enforcement Staff
Central Coast Water Board
Email: Todd.Stanley@waterboards.ca.gov

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**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. R3-2020-0028

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 located 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 onsite 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 and in waters of the State to impound flow or divert it from Ephemeral Streams A and B.
4. On July 13, 2018, Central Coast Water Board staff conducted a consent-based 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 site. 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 site 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 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 Ephemeral Stream B.
5. The Central Coast Water Board did not receive a 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 the waters of the State that provides 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.
7. The Discharger has worked cooperatively with Central Coast Water Board staff since 2017 to reach an agreed upon solution to remediate the activities described above. While the Discharger does not necessarily agree with the allegations made by Central Coast Water Board staff, it is willing to implement a restoration plan. To that end, the Discharger submitted a Streambed Restoration Plan included as Attachment B, hereby incorporated by reference.
8. The Streambed Restoration Plan describes work the Discharger will conduct to restore the impacted segments of Ephemeral Streams A and B. The work includes (1) cut and removal of the berms in the previous locations of Ephemeral Streams A and B, allowing the ephemeral streams to flow unimpeded to downstream segments; (2) reestablishment of the approximate original streambed alignments, stream bed

and bank locations, and grade lines; (3) placement of excavated sediment to reestablished stream banks; and (4) revegetation of streambed banks.

Purpose of the CAO

9. This CAO requires the Discharger to clean up and abate the effects of discharging waste to waters of the State without waste discharge requirements by implementing the Streambed Restoration Plan. The actions required under this CAO must 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 the 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

10. 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.
11. 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

12. 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.”
13. 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.¹ The stream has bed, banks,

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

- 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 C 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. 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.
14. Ephemeral streams are surface waters that satisfy the definition of waters of the State.² Ephemeral Stream A and Ephemeral Stream B are waters of the State.³
15. 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.
16. 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.
17. 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

² 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].)

³ 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.

the filing of the report required by section 13260.”

18. CWC section 13050, 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 ...”

19. The placement of sediment and fill material in waters of the State constitutes a discharge of waste.

20. 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, wildlife, and other beneficial uses is prohibited.”

21. 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.

22. 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.

23. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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 15308 and 15321. If the Central Coast Water Board subsequently 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 must cleanup and abate the site with the scope and schedule set forth below:

TASKS

1. The Discharger must complete implementation of the Streambed Restoration Plan in accordance with Attachment B no later than October 1, 2020.

Best Management Practices (BMPs) and Implementation Requirements

2. All work performed within waters of the State must be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures must be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation must not exceed the minimum necessary to complete implementation of the Streambed Restoration Plan.
3. No construction activities may be conducted below top of creek banks or in other waters of the State during the winter period (October 1 – May 30), unless prior written approval has been obtained from Central Coast Water Board. Requests to conduct construction activities below top of creek banks or in other waters of the State during the winter period must be submitted to the Central Coast Water Board at least 21 days prior to the planned winter period work date. If approval is obtained, the Discharger must implement the approved winter work as specified in the Central Coast Water Board staff approval and as described in any documentation submitted by the Discharger while seeking the approval.
4. Any excavated sediment must be placed in a manner that optimizes stream bank height within Berm and Basin 1 and Berm and Basin 2.
5. Erosion and sediment control measures must be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events.
6. The Discharger must implement and maintain an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The Discharger must implement and maintain washout, trackout, dust control, and any other applicable source control BMPs.
7. Erosion and sediment control measures and other construction BMPs must be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.
8. At any time of year, the Discharger may not conduct construction activities below top of creek banks or in other waters of the State during rain events or on any day for

which the National Weather Service has predicted a 25 percent or more chance of at least 0.1 inch rain in 24 hours (Predicted Rain Event). The Discharger must install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the site.

9. Any material stockpiled that is not actively being used during construction must be covered and surrounded with a linear sediment barrier.
10. The Discharger must retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) on site in case spills occur.
11. All construction vehicles and equipment used onsite must be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.
12. The Discharger must designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways.
13. All vehicle fueling and maintenance activity must occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from the Central Coast Water Board.
14. Revegetation measures must include, at a minimum, application of a bonded fiber matrix with a native seed mixture.
15. All construction-related equipment, materials, and any temporary BMPs no longer needed must be removed and cleared from the site upon completion of the project.

Standard Monitoring Requirements

16. Visually inspect the site and areas of waters of the State adjacent to project impact areas following completion of project construction and for three subsequent rainy seasons to ensure that the project is not causing excessive erosion, stream instability, or other water quality problems.
17. Monitor the revegetation locations for three years to assess attainment of 50 percent vegetative ground cover. If 50 percent vegetative ground cover is not achieved within that time, continue annual monitoring and maintenance until it is achieved.

Reporting Requirements

18. Construction Commencement Notification – At least seven days in advance of any ground disturbing or grubbing activities, submit notification to the Central Coast Water Board of the date when project construction will begin.
19. Discharge, Construction, and Revegetation Completion Notification – Within seven days of completing all project discharge, construction, and revegetation activities, submit notification to the Central Coast Water Board of project discharge, construction, and revegetation completion.
20. Annual Project Status Report – Submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year. Submit Annual Project Status Reports until you have conducted all required monitoring and revegetation has achieved all success criteria. The final Annual Project Status Report is due on or before the May 31 following the achievement of all revegetation success criteria. Each Annual Project Status Report must include at a minimum:
 - a. The status of the project: construction not started, construction started, or construction complete.
 - b. The date of construction initiation, if applicable.
 - c. The date of construction completion, if applicable.
 - d. If project construction is complete:
 - i. A summary of daily activities, monitoring and inspection observations, and problems incurred, and actions taken;
 - ii. A description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including:
 1. Erosion conditions;
 2. Stream stability conditions;
 3. Water quality and beneficial use conditions;
 4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after project construction; and
 5. Clearly identified representative photo-documentation of other project areas, prior to and after project construction.

- e. Revegetation reporting, if revegetation has started, including the following information:
 - i. Date of initiation of revegetation and date revegetation was completed;
 - ii. If revegetation was completed, confirmation revegetation was conducted as described in the Streambed Restoration Plan;
 - iii. Analysis of monitoring data collected in the field;
 - iv. Quantification of percent cover;
 - v. Qualitative and quantitative comparisons of current revegetation conditions with preconstruction conditions and previous revegetation monitoring results;
 - vi. Any remedial or maintenance actions taken or needed; and
 - vii. Annual photo-documentation representative of all revegetation areas, taken from vantage points from which the Central Coast Water Board can identify changes in size and cover of plants. Compare photos of revegetation with photos of the areas prior to revegetation.
- f. A description of revegetation completion status that identifies the amount of revegetation monitoring and maintenance remaining, or certifies that revegetation is complete and all required revegetation monitoring and maintenance has been conducted and all success criteria achieved. If the monitoring period is over, but all success criteria have not been achieved, the Annual Project Status Report must identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.

PROVISIONS

21. 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.

22. Report of Changed Owner or Operator – The Discharger must notify the Central Coast Water Board upon any change in site ownership, site occupancy, or contact information associated with the property identified in this CAO.
23. Qualifications and Signatory Requirements – Geotechnical reports, geomorphology reports, and all other technical reports and plans must 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 must 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.

24. Report Submittals – All submittals required by this CAO must be submitted electronically to the email below and by regular mail 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
Telephone: 805-549-3882

25. 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 must reimburse the Central Coast Water Board for such costs.
26. 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.

27. 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) must require permits from the Central Coast Water Board.
28. 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/or referral to the district attorney or attorney general for injunctive relief and civil or criminal liability.
29. 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 are available at:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml.

ORDERED BY _____

John M. Robertson
Executive Officer_____
Date

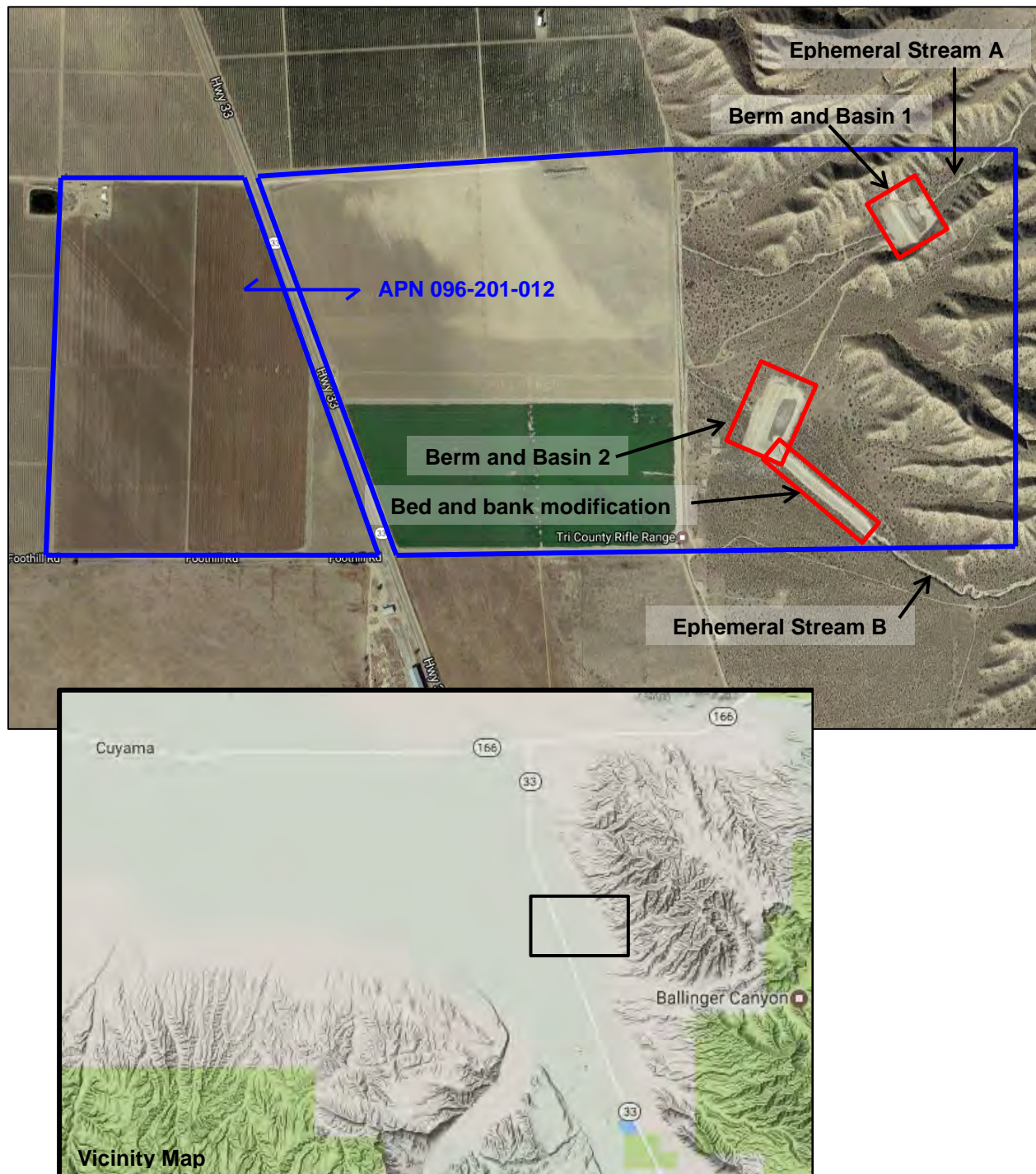
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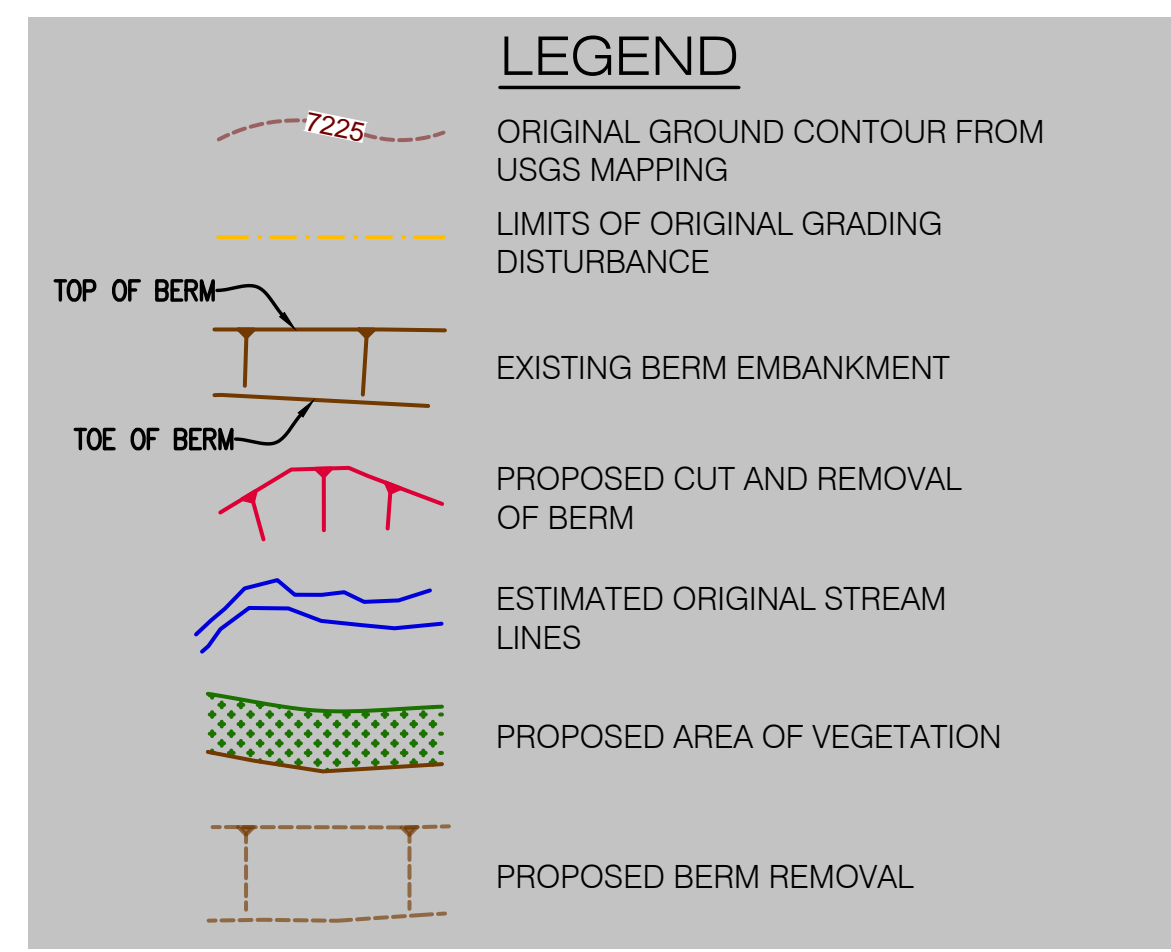
Attachment A – Location Map

Attachment B – Streambed Restoration Plan

Attachment C – Site Photographs

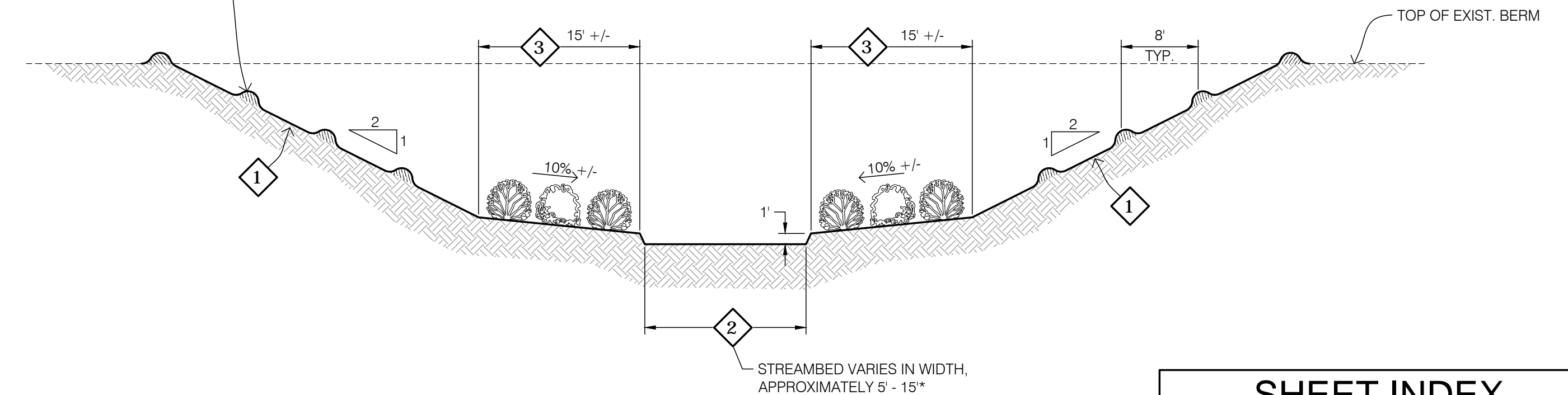
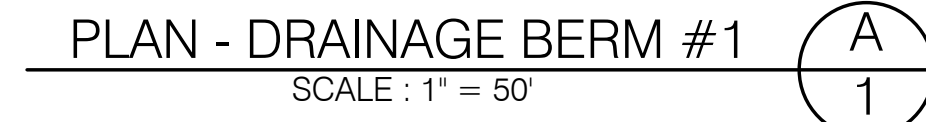
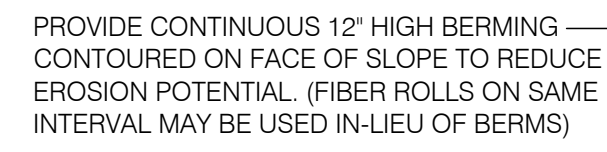
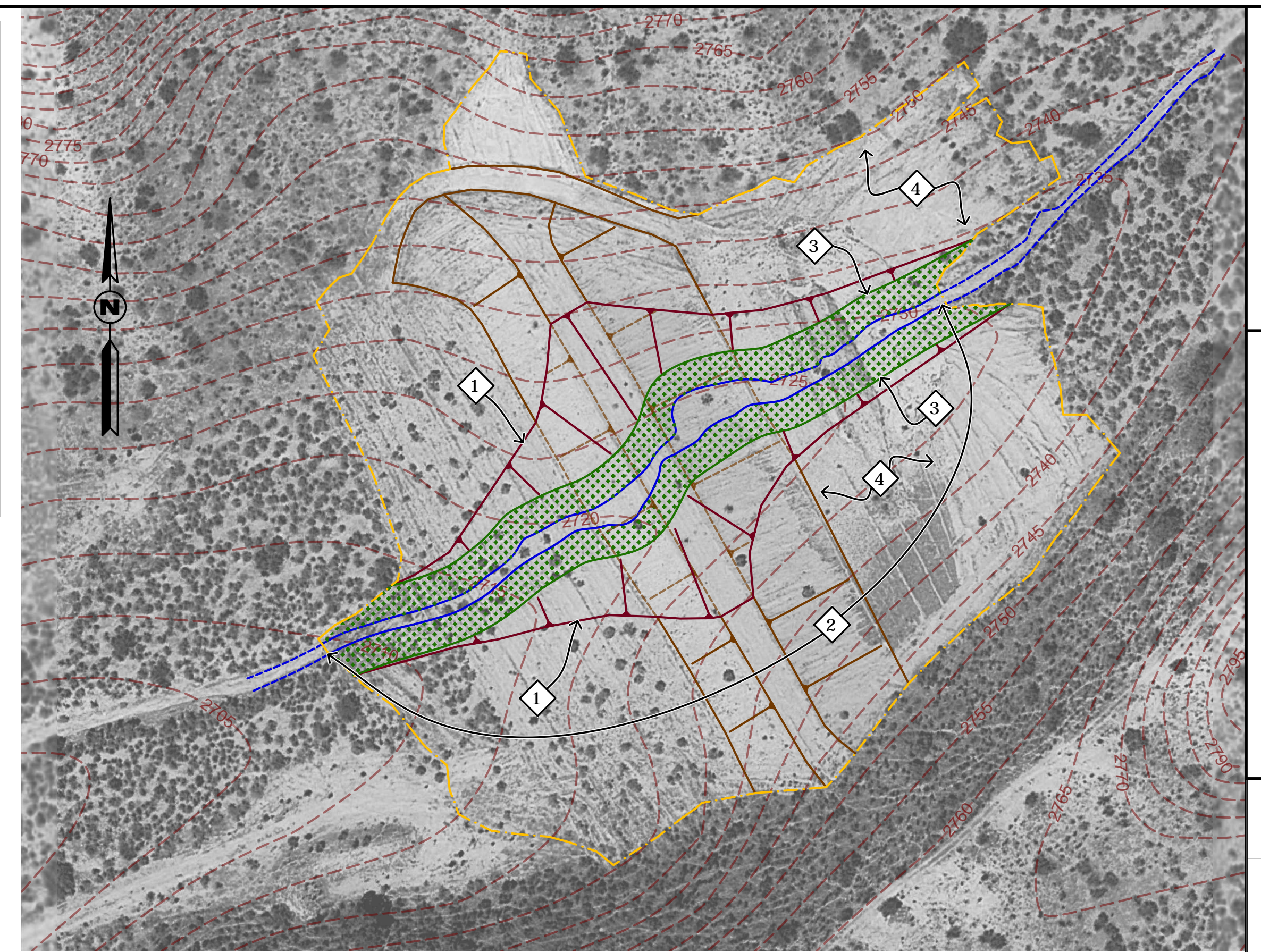
Location Map





PROPOSED ITEMS OF WORK

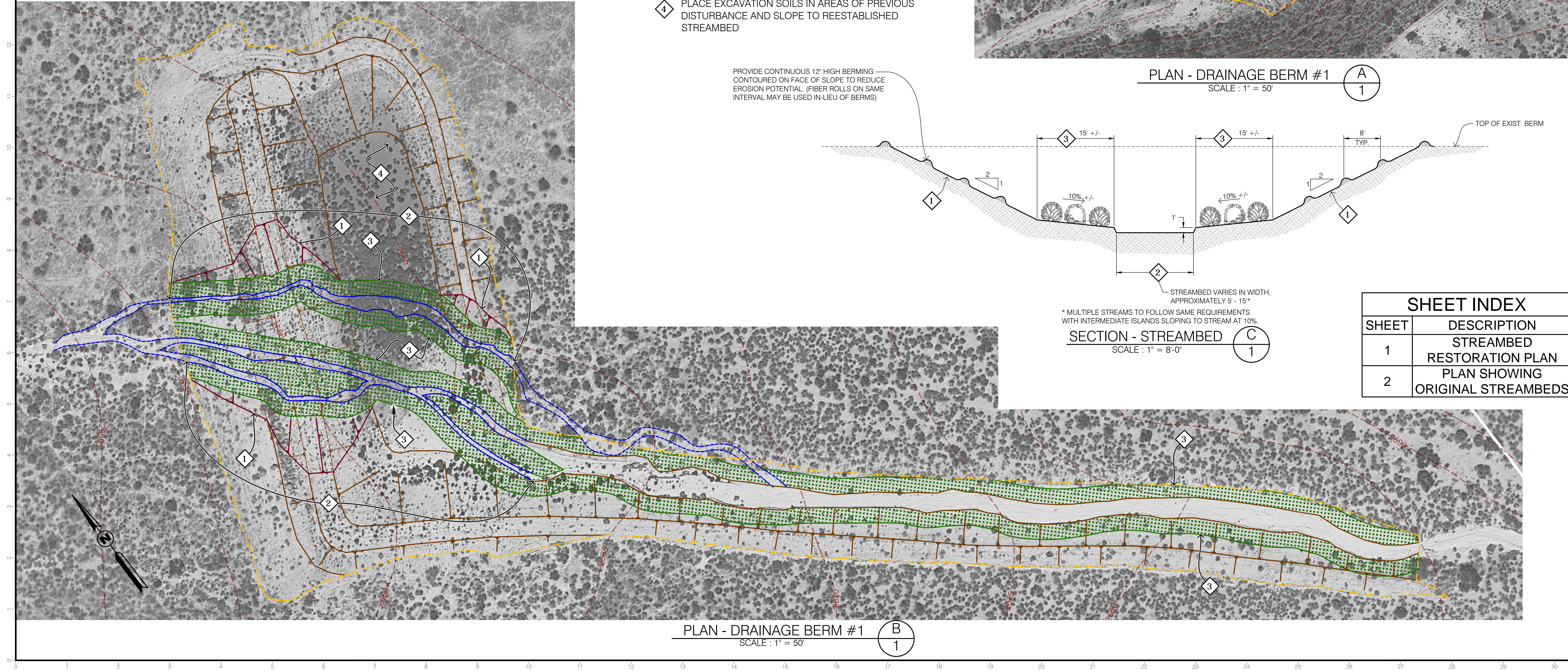
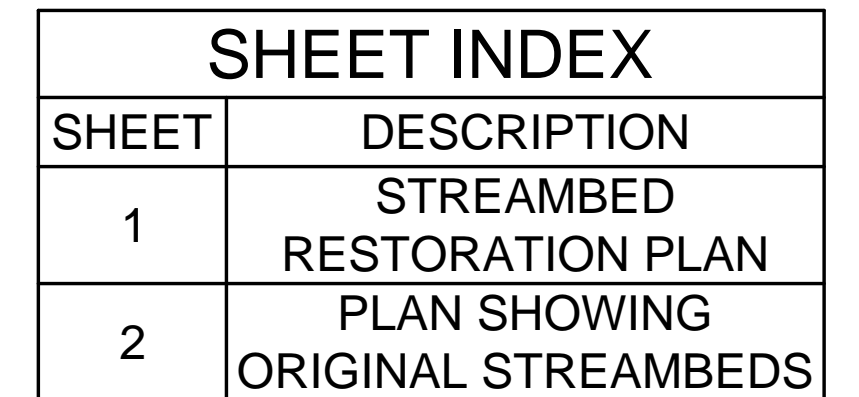
- 1 CUT BACK EXISTING BERMING AT 2 : 1 MAXIMUM CUT SLOPE, PROVIDE CONTOUR BERMING ON FACE OF SLOPE
- 2 REESTABLISH APPROXIMATE STREAMBED ALIGNMENT AND GRADE LINES, STRIVE TO SHAPE NATURALLY
- 3 REVEGETATE AREAS UTILIZING NATURAL RECRUITMENT OF PLANTS
- 4 PLACE EXCAVATION SOILS IN AREAS OF PREVIOUS DISTURBANCE AND SLOPE TO REESTABLISHED STREAMBED



SECTION - STREAMBED

SCALE : 1" = 8'-0"

C
1





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



Central Coast Regional Water Quality Control Board

March 4, 2020

NOTICE OF OPPORTUNITY TO COMMENT

on the
Draft Cleanup and Abatement Order No. R3-2020-0028 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 No. R3-2020-0028 for Kern Ridge Growers, LLC (draft CAO).

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

The draft CAO addresses unpermitted discharges 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.

The draft CAO is attached to this announcement.

Persons wishing to comment on the draft CAO must submit comments in writing no later than **April 9, 2020**, to 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: Phil Hammer

For further information, please contact Phillip Hammer at
Phillip.Hammer@waterboards.ca.gov or 805-549-3882.