



North Coast Regional Water Quality Control Board

August 9, 2022

Callcre 3001, LLC
4694 Excelsior Road
Eureka, CA 95503

Certified Mail No. 7021 0950 0001 6499 8210

Hunter Barber
2440 Garland Street
Eureka, CA 95501
hbarber29@yahoo.com

Certified Mail No. 7021 0950 0001 6499 8203

Dear Mr. Barber, and Callcre 3001, LLC:

Subject: Notice of Violation for Failure to Comply with Required Action No. 2 and 5 of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2020-0017 (Order)

File: Callcre 3001 LLC, 26670 Mad River Road, Mad River, CA 95552, Trinity County Assessor's Parcel Number (APN) 021-200-05-00 CIWQS Place ID 845727

The purpose of this letter is to notify you that Callcre 3001, LLC and Hunter Barber (the Dischargers) are in violation of the above-referenced Order regarding Trinity County Assessor's Parcel Number 021-200-05-00 (Property). Specifically, the Dischargers have failed to comply with Required Action No. 2, for failing to submit a Cleanup, Restoration, and Monitoring Plan (CRMP) by June 1, 2020, and Required Action No. 5, for failing to implement an approved CRMP by October 15, 2020.

Background

On February 12, 2020, the Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) issued the Order to the Dischargers. The Order pertains to observed discharges and threatened discharges to receiving waters associated with site development on the Property, including clearing, grading, and construction of roads, flat areas, a pond, and a stream crossing, without adequate drainage, erosion, or sediment control features, and without authorization from applicable federal, state, and local agencies.

GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

On March 11, 2020, and April 14, 2020, Natural Resources Management Corporation (NRM), the consultant hired by Mr. Barber, submitted monthly progress reports to satisfy the March and April 2020 reporting requirements contained in Required Action No. 1 of the Order.

On April 15, 2020, NRM submitted a request to extend the Order deadline for Required Action No. 2 from May 1, 2020 to June 1, 2020, in part due to the COVID-19 pandemic. On May 15, 2020, the Executive Officer of the Regional Water Board approved extending the Order deadline for Required Action No. 2 to June 1, 2020.

On June 24, 2020, Regional Water Board staff (Staff) notified the Dischargers that they were in violation of Required Action No. 2 for failure to submit a CRMP by June 1, 2020.

On October 19, 2020, NRM submitted a Restoration Plan and on November 9, 2020 NRM submitted a Delineation of Waters Report (collectively "Submitted Plans") to the Regional Water Board on behalf of Mr. Barber.

On November 18, 2020, Staff informed NRM that the Submitted Plans did not meet all of the requirements for the CRMP required by the Order, primarily because they did not include a solution for the unauthorized stream crossing and legacy cultivation pads on the Property.

In March of 2021, NRM worked with Staff to revise the CRMP to meet the requirements of the Order, but on November 9, 2021, NRM advised Staff that Mr. Barber was on a financial hold with NRM until he paid outstanding balances. To date, the Regional Water Board has not received an acceptable CRMP from the Dischargers.

County records available from Land Vision services shows the Veena Menda Revocable Trust obtained ownership of the Property on February 14, 2022, following foreclosure of the Property.

Future Enforcement

Submittal of the CRMP is required under the Order, pursuant to Water Code section 13267. Failure to submit reports required under Water Code section 13267 is a misdemeanor and may result in administrative civil liability imposed by the Regional Water Board in an amount up to one thousand dollars (\$1,000) per day for each day the violation occurs or civil liability imposed by the superior court in an amount up to five thousand dollars (\$5,000) per day for each day the violation occurs, pursuant to Water Code section 13268. Implementation of the cleanup and restoration activities described in an approved CRMP is required under the order, pursuant to Water Code section 13304. Failure to complete implementation of an approved CRMP may result in administrative civil liability imposed by the Regional Water Board in an amount up to five thousand dollars (\$5,000) per day for each day the violation occurs or civil liability imposed by the superior court in an amount up to fifteen thousand dollars (\$15,000) per day for each day the violation occurs, pursuant to Water Code section 13350.

To minimize additional potential civil liability, I recommend that you contact Brian Fuller of my staff and submit a CRMP as soon as possible. Until an acceptable CRMP is submitted for approval, and until an approved CRMP is fully implemented, the Dischargers remain in violation of the deadlines contained in the Order and may be subject to ongoing liability. Brian Fuller can be reached via email at Brian.Fuller@waterboards.ca.gov or by phone at (707) 576-2806.

Sincerely,

Jeremiah Puget
Senior Environmental Scientist
Enforcement Unit

Certified Mail – Return Receipt requested

cc:

Consultants for the Dischargers

Alicia Heitzman, aheitzman@nrmcorp.com

Department of Fish and Wildlife

Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

Warden Brendan Lynch, Brendan.Lynch@wildlife.ca.gov

North Coast Regional Water Quality Control Board

Brian Fuller, Brian.Fuller@waterboards.ca.gov

Jeremiah Puget, Jeremiah.Puget@waterboards.ca.gov

Kason Grady, Kason.Grady@waterboards.ca.gov

Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

State Water Resources Control Board, Office of Enforcement

Heather Jidkov, Heather.Jidkov@waterboards.ca.gov