

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

**CLEANUP AND ABATEMENT AND 13267 ORDER NO. R1-2022-0035
FOR**

**Gary and Matthew Humecke
APN 211-382-031-000
Humboldt County**

This Order is issued to Gary Humecke, Matthew Humecke, and Tranquility Lane Farms, Inc. (hereafter referred to as the Dischargers) based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue a Cleanup and Abatement Order, and Water Code section 13267, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports (Order).

FINDINGS

The Executive Officer, acting under authority delegated by the Regional Water Board, finds, with respect to the Dischargers' acts, or failure to act, the following:

1. Purpose of the Order: This Order requires the Dischargers to clean up and abate the effects of discharging earthen fill into and where it can enter into wetlands and unnamed tributaries of the South Fork Eel River and to eliminate the threat of future discharges at the property located at Humboldt County Assessor's Parcel Number (APN) 211-382-031-000 (the Property). This Order requires investigation and cleanup actions in compliance with the Porter-Cologne Water Quality Control Act (Water Code § 13000 *et seq.*), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49), and other applicable State and Regional Water Board plans, policies, and regulations.
2. Responsible Parties: The Dischargers, as the Property owners and/or operators and the persons discharging or creating a threat of discharge, with the legal ability to control the activities on the Property that resulted in the discharge and/or threat of discharge, are responsible parties for purposes of this Order. This Order finds that Gary Humecke, Matthew Humecke, and Tranquility Lane Farms, Inc. are the responsible parties, and are all jointly and severally liable:
 - a. Per parcel information available from LandVision, Matthew R. Humecke owns the Property associated with 989 Cathey Road, Miranda, CA 95553, including approximately 25 acres, identified as Humboldt County APN 211-382-031-000.

- b. Gary Humecke is listed as the contact person for the cannabis cultivation site on the application for enrollment (Application No. 429223) for coverage under State Water Board Order WQ 2019-0001-DWQ: *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order). He is also listed as the contact person for the cultivator (Tranquility Lane Farms, Inc.), the address where legal notice may be served, and the billing party (Tranquility Lane Farms, Inc.)
 - c. The Regional Board reserves the right to amend this Order, or issue a subsequent Order, to add additional responsible parties when/if those parties are identified.
3. Property Location and Description: The Property is located approximately two miles north of Miranda and one mile east of the South Fork Eel River in Humboldt County, CA.
4. Watershed Setting: The discharge and/or threatened discharge is located within the Weott Hydrologic Subarea of the South Fork Eel River Hydrologic Area of the Eel River Hydrologic Unit (HU/HA/HSA 111.31). The Basin Plan designates beneficial uses of water within Hydrologic Subareas. See Attachment 1 for additional watershed information, including the existing and potential beneficial uses for the watershed and information regarding watershed-specific impairments and Total Maximum Daily Loads. The impacted wetlands and watercourses on the Property are waters of the state and potentially waters of the United States, pending determination from the US Army Corps of Engineers. The South Fork Eel River is both a water of the state and a water of the United States. References hereinafter to waters of the United States are also waters of the state. See Attachment 2 for more detail.
5. Property History: Per parcel information available from LandVision, on July 12, 2019, Matthew Humecke purchased the property from Jacqueline Cathey.
6. Factual Basis of Order: On September 10, 2020, personnel from the California Department of Fish and Wildlife (CDFW) contacted staff from the Regional Water Board regarding potential wetland disturbance on the Property due to recent site grading. Personnel from the Humboldt County Planning and Building Department (County) subsequently issued a stop work order on the Property, required interim erosion control measures, and requested a wetland delineation be conducted in the spring of 2021. Subsequent admissions by the Dischargers and their agents reveal that they conducted the site grading for purposes of developing a cannabis cultivation site. According to the State Water Board's Cannabis Cultivation Policy, waste discharges from activities that prepare or develop a cannabis cultivation site require regulatory coverage from the Water Boards and the Property should have been enrolled under the Cannabis General Order prior to those activities commencing.

On September 30, 2020, the Dischargers' authorized agent (Steven Luu, doing business as SL Consulting Services Inc) submitted, on their behalf, an application for coverage of the Property under the Cannabis General Order as a Tier 2, High Risk site. On October 27, 2020, the Regional Water Board issued to the Dischargers a Notice of Applicability, confirming the active status of the enrollment, assigning Waste Discharge Identification (WDID) Number 1_12CC429223, and notifying the Dischargers of applicable requirements.

On October 1, 2020, Steven Luu submitted a Disturbed Area Stabilization Plan (DASP) to the Regional Water Board on behalf of the Dischargers. The DASP included recommended measures for short-term stabilization efforts on the Property. On October 29, 2020, the Regional Water Board issued a DASP approval letter to Gary Humecke.

On April 12, 2021, Regional Water Board staff received a Delineation of *Aquatic Resources Report: Humboldt County APN 211-382-031-000* (Report), prepared by Natural Resources Management Corporation on behalf of Gary and Matt Humecke (Attachment 3). The Report delineated aquatic resources on the Property, including areas disturbed by site development for cannabis cultivation in 2020. The Report estimated that approximately 1 acre of wetlands and 215 linear feet of watercourses were impacted by site development from excavation, placement of fill, and removal of native soil and vegetation.

On June 1, 2021, Regional Water Board staff, accompanied by personnel from CDFW, the County, and the US Army Corps of Engineers, inspected the Property. The purpose of the inspection was to evaluate onsite development and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. Additionally, staff compared site conditions to observations, findings, and exhibits presented in the above-referenced Report and found them to be generally accurate.

On July 20, 2021, Regional Water Board staff transmitted the June 1, 2021, inspection report and Notice of Violation to Matt and Gary Humecke (Attachment 4). The Dischargers' activities and/or the conditions observed at the Property, as documented in the Regional Water Board inspection report, and as detailed below, violate the following:

- Basin Plan section 4.2.1, Prohibition 2,
- California Water Code section 13264(a),
- Federal Clean Water Act sections 301(a), 401, and 404,
- Cannabis General Order, Attachment A, Section 1 - General Requirements and Prohibitions Nos. 1, 25, 26, 27, and 37,
- Cannabis General Order, Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 3, 4, 33, 38, 57, 59, 62, 63, 64, and 76, and

- Cannabis General Order, Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation Nos. 31, 48, 49, 50, 52, and 56.
7. Property Features or Conditions Impacting or Threatening to Impact Water Quality and Beneficial Uses: The Dischargers have caused or allowed the discharge and threatened discharge of waste to receiving waters through excavation, placement of earthen fill and other construction materials, and removal of native soil and vegetation as documented in the above-referenced Report, in the above-referenced inspection report and Notice of Violation , and in the CDFW September 10, 2020 site visit summary (Attachment 5).
- a. Site development activities conducted by the Dischargers and their agents, including grading and filling, partial construction of a graded flat, partial construction of a pond, and alteration of ephemeral watercourses and other natural drainage features, have resulted in the placement of earthen fill materials into and/or where they can enter into wetlands and tributaries to the South Fork Eel River.
 - b. Inadequate maintenance of constructed or existing features, including the Wetland Culverts and Culverts 1 and 2, has caused or allowed the discharge of sediment and other construction materials (i.e., culvert segments, imported gravel, and imported riprap, including waste vehicles) into and/or where they can enter into wetlands and unnamed tributaries to the South Fork Eel River.
8. Findings of Pollution: The discharges and threatened discharges described in Findings 6 and 7, above, have altered and threaten to further alter the quality of waters of the state to a degree that unreasonably affects waters for beneficial uses. Therefore, the discharges and threatened discharges create a condition of pollution subject to this Order in accordance with Water Code section 13304, as follows:
- a. Discharges of sediment and other inert materials alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Sediment laden storm water discharges to downstream surface waters and the resulting turbidity can affect the recreational and aesthetic enjoyment of those surface waters (Beneficial Uses impacted: REC-1 and REC-2). Additionally, such discharges directly threaten wildlife habitat and aquatic species (Beneficial Uses impacted: RARE, MIGR, SPWN, COLD, COMM, and WILD).
 - b. Suspended sediment in surface waters can cause harm to aquatic organisms by abrasion of surface membranes, interference with respiration, and sensory perception in aquatic fauna. Suspended sediment can reduce photosynthesis in

and survival of aquatic life by limiting the transmittance of light.

The Basin Plan contains a water quality objective for sediment which requires that the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

- c. The discharge of organic and earthen material is especially problematic for cold-water fish in water bodies that are listed as impaired under Section 303(d) of the Clean Water Act due to pollutants such as temperature and sedimentation/siltation. Sediment delivery impacts the migration, spawning, reproduction, and early development of cold-water fish such as spring and fall run Chinook salmon, Coho salmon, and steelhead trout. Impacts include (1) increased turbidity (loss of clarity) and resulting decreased light transmittance, biological productivity, and aesthetic value; and (2) physical suffocation through burial of bottom dwelling (benthic) organisms, salmonid eggs, and alevin (newly spawned salmon or trout still carrying its yolk).
 - d. Sediment can also physically damage gills causing fish mortality; increase physiological stress; reduce reproduction; impair normal feeding and predator avoidance behaviors, resulting in impacts to commercial and recreational fishing resources; increase water temperature; and fill in lagoons and wetlands converting them from aquatic to terrestrial habitat.
 - e. Sediment is a pollutant that can have substantial biological, chemical, and physical impacts on receiving waters. It should be noted that these water quality impacts occur during both sediment transport and sediment deposition. In addition to the problems associated with suspended sediment, sediment is also an excellent transport mechanism for toxics (e.g., metals and synthetic organics), which bind to sediment particles (Beneficial Uses impacted: REC-1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).
9. Legal and Regulatory Authority: The Water Code, California Environmental Quality Act (CEQA), and the Basin Plan contain various provisions that support the issuance of this Order or requirements with which this Order complies. Legal citations to the Water Code, CEQA, and Basin Plan requirements and authorities are included in Attachment 2 to this Order and are incorporated herein by reference.
10. Cleanup and Abatement Action Necessary: Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property is prevented, that the background water quality or the best water quality that is feasible is restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board.

11. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

The technical reports required by this Order pursuant to Water Code section 13267 are necessary to assure compliance with this Order and to protect the waters of the state.

The technical reports are further necessary to demonstrate that appropriate methods will be used to clean up waste discharged to waters of the state, to ensure that cleanup complies with Basin Plan requirements and State Water Board Resolution 92-49, and that the Dischargers will implement adequate and effective best management measures and practices to control and minimize future pollutant discharges from the Property.

In accordance with Water Code section 13267, subdivision (b) the findings in this Order provide the Dischargers with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports.

This Order requires three types of technical and monitoring reports. Staff estimates the range of total costs of preparing the reports to be approximately \$10,140 – \$40,280. The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

- a. Necessary reports include a Cleanup, Restoration, and Monitoring Plan, a Completion Report, and annual monitoring reports. Staff estimated the costs for preparing these technical and monitoring reports using the October 2017 State Water Board's *Direct Cost Analysis for the Proposed Cannabis Cultivation Policy* (2017 Direct Cost Analysis).¹
- b. A Cleanup, Restoration, and Monitoring Plan (CRMP) is a technical report that is necessary to: (1) assess impacts to waters of the state resulting from site development for cannabis cultivation on the Property; (2) determine the appropriate restoration and abatement work to correct those impacts; and (3)

¹ The 2017 Direct Cost Analysis can be found at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf

create a plan along with an implementation schedule that will guide the scope of work to clean up and abate the discharges and threats of discharge on the Property. The anticipated benefits from the CRMP include restoration of altered natural drainage and habitat, mitigation for altered and/or destroyed wetlands and watercourses, and protection from actual and threatened waste discharges that impact beneficial uses and exceed water quality objectives. In addition, by requiring the Dischargers to submit a CRMP, the Regional Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm that the proposed work will adequately remediate site conditions and prevent sediment discharges from further impacting the beneficial uses of sensitive water bodies. As previously referenced, the South Fork Eel River is listed as impaired under Clean Water Act section 303(d) due to sediment/siltation and high-water temperature, thereby heightening the need for this technical report in order to reduce further impairment to waters of the state. The CRMP requirements (i.e., field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$3,660 and \$11,720. However, the cost in this case is expected to be near the middle or lower end of this range because an extensive forensic wetland delineation for the Property has already been completed. Furthermore, work in surface waters on the Property that is subject to regulation under a section 401 water quality certification, other waste discharge requirements, or waiver thereof, may have comparable planning requirements that serve to fulfill part of this Order's requirements for a CRMP without additional cost. The burden, including costs, of preparing and submitting a CRMP, therefore, bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

- c. A Completion Report is necessary to demonstrate that the Dischargers have successfully implemented and completed the CRMP activities in a timely manner in accordance with the implementation schedules set forth in this Order and the CRMP. The benefit derived from a Completion Report is documented evidence that remedial actions and best management practices were implemented to ensure that cleanup and abatement activities remedy all water quality threats and impacts. The scope of a Completion Report (i.e., field inspection and report preparation) is comparable to that of preparing a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$1,080-\$4,760. Furthermore, work in surface waters on the Property that is subject to regulation under a section 401 water quality certification, other waste discharge requirements, or waiver thereof, may have comparable completion reporting requirements that serve to fulfill part of this Order's requirements for a Completion Report without additional cost. The burden, including costs, of preparing and submitting a Completion Report, therefore, bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

- d. Annual monitoring reports are necessary to ensure that the implementation of the CRMP appropriately restored impacted beneficial uses and abated the threat of future impacts to waters of the state from the site development for cannabis cultivation on the Property. Observation and maintenance of the completed project is required to ensure that the anticipated water quality benefits are achieved in the long-term and that CRMP components remain effective and maintained. Moreover, these reports provide further benefit by certifying that all applicable best practical treatment or control measures are implemented and properly maintained after the cleanup process. By requiring the Dischargers to submit annual monitoring reports, the Regional Water Board or its delegated officer can confirm the implemented work adequately remediated site conditions in order to prevent sediment discharges from further impacting the beneficial uses of sensitive water bodies. The annual monitoring plan requirements (i.e., field inspection and report preparation) are comparable to that of preparing a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$1,080-\$4,760 annually for a period of 5 years. Furthermore, work in surface waters on the Property that is subject to regulation under a section 401 water quality certification, other waste discharge requirements, or waiver thereof, may have comparable annual monitoring and reporting requirements that serve to fulfill this Order's monitoring and reporting requirements here without additional cost. The burden, including costs, of preparing and submitting a Completion Report, therefore, bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

The Dischargers named in this Order own and/or operate activities on the Property from which waste was discharged, and thus are appropriately responsible for providing the reports.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information. The Dischargers shall obtain all necessary permits for the activities required in this Order, including, but not limited to a Clean Water Act section 401 water quality certification, other waste discharge requirements, or waiver thereof, for all cleanup and abatement work in surface waters on the Property.

- 1. Submit a Cleanup, Restoration, and Monitoring Plan:** By September 15, 2022, the Dischargers shall submit a proposed Cleanup, Restoration, and Monitoring Plan (CRMP) to the Regional Water Board for approval by the Executive Officer. The CRMP shall include, but not be limited to the following:

a. Impacts Assessment

An assessment of any direct and indirect impacts caused by the unauthorized activities to any waters of the state on the Property, including, but not limited to: rivers, streams, seeps, springs, bogs, and wetlands, including all areas that have been developed or disturbed; and including controllable sediment delivery sites requiring restoration.

The Impacts Assessment shall be completed by an appropriately qualified professional and must, at a minimum, address: surface water hydrology; bed and bank stability; habitat and function of watercourses, wetlands, and riparian areas, and loss thereof; active or potential erosion and sedimentation sites; stability of graded and developed features, including the graded and filled area, the constructed flat, and pond site; culverts and other watercourse crossings; roads; and all other disturbed areas on the Property caused by the unauthorized activities. Details and descriptions of all impacts to water resources shall be provided, including: areal extent, nature, and volume of waste/fill materials placed in streams and wetlands; and including changes in drainage/runoff patterns, soils, substrates, vegetation, natural form, natural function, habitat, and species diversity.

The Impacts Assessment shall include aerial photographs and/or satellite images, photographs, wetland delineation reports and supporting data, topographic maps, drawings, and other exhibits representing Property conditions prior to and after conducting the unauthorized activities. The Impacts Assessment shall include a detailed map(s) accurately depicting the Property's current topography, the extent of all graded surfaces, all waters of the state and waters of the United States, general drainage patterns and directions, stream crossings, instream structures, and the functional status of these features. Depictions in the Impacts Assessment of Property conditions before and after the unauthorized activities shall serve as the basis for the CRMP.

Note: The requirements of the Impacts Assessment are partially fulfilled by the *Delineation of Aquatic Resources Report: Humboldt County APN 211-382-031-000*, prepared by Natural Resources Management Corporation on behalf of Gary and Matt Humecke (Attachment 3). The Dischargers remain responsible for providing supplemental information, as necessary, to satisfy the requirements described above.

b. Cleanup and Restoration Proposal

A proposal to restore beneficial uses of any waters of the state on the Property that were adversely impacted by the unauthorized activities, including unnamed tributaries to the South Fork Eel River, and any springs, seeps, bogs, or wetlands (e.g. complete removal of the earthen fill placed to develop the graded and filled area, the constructed flat, and pond site within wetlands and watercourses, and full restoration of those wetlands and watercourses).

The Cleanup and Restoration Proposal shall include practices and measures to accomplish the following:

- i. Remove all earthen material and other discharged or placed debris from surface waters, including culvert segments, imported gravel, and imported riprap.
- ii. Restore the vegetative and hydrological functions of the damaged wetlands and watercourses to ensure the long-term recovery of the affected surface waters.
- iii. Provide for free-draining, dispersed runoff from all disturbed surfaces, such that hydrologic modification is eliminated, gulying is prevented, and water is directed to stable slope areas.
- iv. Remove or stabilize unstable sidecast spoil materials, so they do not fail and deliver sediment to a nearby water of state.
- v. Replant slopes and streamside areas of disturbed watercourses with native vegetation to provide habitat, increase shading, increase bank stability, and prevent erosion.
- vi. Replant disturbed wetland areas with native vegetation to provide habitat and restore natural functions.
- vii. Control erosion and sediment delivery prior to, during, and following site restoration efforts, until vegetation is established.

The Cleanup and Restoration Proposal shall be prepared by an appropriately qualified professional with relevant experience in stream and wetland restoration, and include at a minimum: a project description, goal of restoration, implementation plan and schedule, plan for monitoring and site maintenance following restoration, and contingency measures addressing the diversity index of wetland/ non-wetland native plant species occurring on the Property. The plan should include specifications for debris removal and disposal.

The Cleanup and Restoration Proposal shall include design drawings at 1:12,000 or larger scale (e.g., 1:6,000) that delineate existing site conditions including existing and buried surface waters, projected restored slopes and surface waters, restoration plan work points, spoil disposal sites, re-vegetation planting areas, and any other features or site construction details to complete the scope of work; design and construction standards for earthen material compaction and stabilization.

c. Compensatory Mitigation Proposal

A proposal to provide compensatory mitigation to compensate for all temporal and/or permanent impacts to wetlands and other waters of the state that resulted from unauthorized activities on the Property. Compensatory mitigation shall comply with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Wetland Definition and

Procedures)² and be developed in accordance with the US Army Corps of Engineers Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios (12501-SPD)³. Opportunities for onsite mitigation must be explored and exhausted prior to proposing offsite mitigation projects.

The Compensatory Mitigation Proposal shall (1) describe existing and proposed site conditions at the proposed mitigation sites; (2) describe implementation methods used to provide compensatory mitigation; (3) include a land use covenant, deed restriction, or other legal mechanism to preserve all mitigation sites in place and in perpetuity; (4) include photo point monitoring that will document success of the compensatory mitigation; and (5) the submittal of monthly progress updates due on the 1st of each month until all required construction activities are completed.

d. Time Schedule

An implementation schedule that includes: a timeline for implementing practices and completing measures described in the Cleanup and Restoration Proposal; a timeline for submitting permit applications as necessary to all applicable local, state, and federal authorities; detailed project milestones to fulfill the requirements of this Order once those permits are obtained; and a deadline for having fully implemented and completed the CRMP.

To the extent possible, all work shall be completed prior to the first winter after CRMP approval. Depending on the extent of the work, the timing of CRMP submittal and approval, need for permits by other agencies, or other restrictions, it may require more than one construction season to complete work. The CRMP shall provide details and specifications, both in the narrative plan and in design drawings, as applicable, for site winterization to minimize and control erosion and sediment delivery over winter periods while construction is underway.

e. Monitoring Plan

Monitoring and reporting plan to document timely completion and effectiveness of specified actions in the Cleanup and Restoration Plan, including the implementation and effectiveness of management measures, consistent with the timelines specified in the approved Time Schedule.

2. Implement the CRMP: No more than 30 days after approval of the CRMP by the Regional Water Board Executive Officer, the Dischargers shall commence

² State Wetland Definition and Procedures can be found online at:
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/procedures_confirmed.pdf

³ The 12501-SPD can be found online at:
<https://www.spd.usace.army.mil/Portals/13/docs/regulatory/qmsref/ratio/12501-SPD.pdf>

implementation of the CRMP.

- 3. Modifications to the approved CRMP:** The Dischargers shall notify and provide rationale to the Regional Water Board staff and obtain approval from the Regional Water Board Executive Officer at least 30 days prior to making any modifications to the approved CRMP.
- 4. Submit Monthly Progress Reports:** The Dischargers shall submit monthly progress reports beginning the first day of the month following the implementation start date of the CRMP, through the completion of cleanup, stabilization, restoration, and mitigation work. The Dischargers shall include photographs at each photo monitoring point, as depicted on site maps/figures.
- 5. Complete the Cleanup and Restoration:** By July 31, 2023, the Dischargers shall complete all cleanup and restoration activities on the Property, as described in the approved CRMP.
- 6. Completion Report for the CRMP:** No more than 60 days after fully completing all work described in the approved CRMP, the Dischargers shall submit a Completion Report for approval by the Regional Water Board Executive Officer. The Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved CRMP to demonstrate the CRMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.
- 7. Annual Monitoring Reports:** Upon completion of the cleanup and restoration work described in the approved CRMP, the Dischargers shall submit annual monitoring reports by January 31 of each year for at least five years or until the Regional Water Board Executive Officer approves a request to discontinue monitoring. Such a request with supporting documentation may be submitted by the Dischargers when the success criteria in the approved CRMP are met. Each annual monitoring report shall include, at a minimum, a completed inspection checklist, photos of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to achieve the success criteria, and a description and proposed schedule for corrective actions. For the period during which this Order remains active, the Dischargers shall annually certify that the CRMP is being implemented and is effectively protecting water quality, and shall report on progress in implementing actions intended to bring the Property into compliance with the Performance Standards included in Attachment 6.
- 8. General Requirements, Notices and Performance Standards:** All actions taken by the Dischargers on the subject Property in response to this Order, including, but not limited to those taken pursuant to the approved CRMP, shall comply with the General Requirements, Notices and Performance Standards for Cleanup,

Abatement and Remedial Action (Performance Standards) identified in Attachment 6. Management practices and measures shall be properly designed, implemented/installed, and assessed periodically for effectiveness.

If a management measure is found to be ineffective, the Dischargers shall request modification of the Cleanup and Restoration Proposal in the CRMP consistent with Finding 12 below. After approval by the Regional Water Board or its delegated officer, the Dischargers shall implement the modified management measure(s) to ensure compliance with the Performance Standards included in Attachment 6.

- 9. Delayed Compliance:** If for any reason the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Regional Water Board Executive Officer, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer.
- 10. Potential Liability:** If the Dischargers fail to comply with the requirements of this Order, this matter may be referred to the Attorney General for judicial enforcement or a complaint for administrative civil liability may be issued by the Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and \$10 per gallon when the violation results in the discharge of waste, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to violation of the terms and condition of this Order.
- 11. No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.
- 12. Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.
- 13. Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify Regional Water Board staff at least 48 hours prior to any work, testing, or sampling on the Property that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers may contact the Regional Water Board by contacting Kate Hawken by phone at (707) 445-6127 or by email at Katherine.hawken@waterboards.ca.gov.

14. Requesting Review by the State Water Board: Any person aggrieved by this or any final action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et al.

The State Water Board must receive the petition no later than 5:00 p.m., 30 days following the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received on the next business day.

Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

Matthias St. John
Executive Officer

22_0035_Humecke_Final_CAO

Attachments:

1. Watershed Fact Sheet
2. Legal Basis for the Order
3. Delineation of Aquatic Resources Report: Humboldt County APN 211-382-031-000
4. Regional Water Board Report of June 1, 2021, Inspection and Notice of Violation
5. CDFW Summary of September 10, 2020, Site Visit
6. General Requirements, Notices and Performance Standards for Cleanup, Abatement and Remedial Action