
North Coast Regional Water Quality Control Board

January 24, 2022

Reservation Ranch
Attn: Steven B. Westbrook and
Robert L. Westbrook Jr.
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To: Mr. Steven B. Westbrook and Mr. Robert L. Westbrook:

Subject: Final Cleanup and Abatement Order for Reservation Ranch R1-2021-0023
Conditional Approval of Order Required Action No. 4A

Files: Reservation Ranch; WDID No. 1B11125DDN; CIWQS PIN CW-775497

The North Coast Regional Water Quality Control Board (Regional Water Board) issued you Cleanup and Abatement Order (Order) R1-2021-0023 on April 21, 2021. This letter provides conditional approval of Order Required Action No. 4A.

Order Required Action 4A requires submittal of a "Waste Material Excavation Plan acceptable to the Executive Officer that includes a plan to remove waste material from areas within and adjacent to Islas Slough." You submitted a proposed final Waste Material Excavation Plan on November 22, 2021. Regional Water Board staff find that the Waste Material Excavation Plan is acceptable, subject to the following conditions:

1. Order General Requirement and Notices No. 1 requires that the "Dischargers shall include a statement of qualification and registration numbers of the responsible lead professionals in all plans and reports required under this Order." Although your submittal included stamped plans from a professional engineer, the statement of qualifications from all responsible lead professionals is missing. **This information must be provided no later than February 7, 2022.**

2. Order General Requirement and Notices No. 2 requires that:

All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to his/her knowledge, the report is true, complete, and accurate. The Dischargers shall also state in the cover letter whether they will

implement the recommendations/proposals provided in the report. Any person signing a document submitted under this Order shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

This cover letter was missing from the Waste Material Excavation Plan submittal. **This information must be provided no later than February 7, 2022.**

3. Implementation of the Waste Material Excavation Plan will require you to first obtain Clean Water Act section 401 water quality certification from the Regional Water Board.

Additional details for the waste excavation must be provided in the application for 401 water quality certification, including:

- a. A detailed description of the order of operations and timeline for waste material excavation, designed to avoid and minimize sediment discharges to Islas Slough during excavation;
 - b. A solid and hazardous waste disposal contingency plan describing response actions when solid waste is encountered during excavation. There must be separate plans for both solid and hazardous wastes; and
 - c. A detailed Revegetation Plan. The Waste Material Excavation Plan noted that the "Revegetation Plan was submitted in 2017 by SHN." Regional Water Board staff are uncertain which Revegetation Plan you are referring to. A detailed Revegetation Plan must be provided as part of the 401 water quality certification application. If the 2017 Revegetation Plan remains relevant to the project description at the time of application submittal, you may include that plan.
4. Implementation of the Waste Material Excavation Plan will also require you to first obtain Construction General Permit coverage from the State Water Resources Control Board. Construction General Permit coverage requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) detailing site-specific erosion control, sediment control, and housekeeping measures to prevent pollutant discharges (e.g., sediment) during project operations. If possible, the SWPPP should be submitted with the 401 water quality certification application, or prior to issuance of the 401 water quality certification so that staff may review the proposed pollution prevention measures.

Waste material excavation operations will also require a permit from the California Coastal Commission. Because the California Coastal Commission's enforcement action(s) at the site are still not resolved, a 401 water quality certification application should not be submitted until the California Coastal Commission and Reservation Ranch have agreed on the scope of waste material excavation operations at Islas Slough. Deferring submittal of the 401 water quality certification application until that time will ensure Regional Water Board staff and yourselves do not spend resources preparing and evaluating project details that may be significantly changed at a future date.

When you are ready to prepare your 401 water quality certification application, we highly recommend you contact Regional Water Board staff to schedule a pre-submittal consultation. In the consultation we will identify the required application information and thereby help the efficiency of your application preparation and our review.

Please note that this Waste Material Excavation Plan approval is conditional upon provision of the information requested in the above items. Failure to provide the above information may result in additional enforcement actions from the Regional Water Board.

Regional Water Board staff are available to discuss this conditional approval of the Waste Material Excavation Plan. Please contact Brendan Thompson, via email at Brendan.Thompson@waterboards.ca.gov or via phone at (707) 407-0036.

Sincerely,

Matthias St. John.
Executive Officer

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cc:

North Coast Regional Water Quality Control Board

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