
North Coast Regional Water Quality Control Board

June 10, 2022

Certified Mail No. 7021 0950 0001 6499 6131

Reservation Ranch
Attn: Steven B. Westbrook and
Robert L. Westbrook Jr.
PO Box 75
Smith River, CA 95567
ReservationRanchSteven@gmail.com
shipcrew@charter.net

Dear Steven B. Westbrook and Robert L. Westbrook Jr.:

Subject: **Revised Notice of Violation for Failure to Comply with Cleanup and Abatement Order No. R1-2021-0023 Required Action No. 2A and Extension of CAO Required Action 2A Compliance Date**

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

The original Notice of Violation (NOV) emailed on June 9, 2022 has been revised to correct a typo in Section D. The paper copy of the original unrevised NOV was not mailed.

You are receiving this Notice of Violation (NOV) because of your failure to comply with Required Action No. 2A of Cleanup and Abatement Order No. R1-2021-0023 (CAO). This NOV also provides a deadline extension of CAO Required Action 2A.

A. Background

The North Coast Regional Water Quality Control Board (Regional Water Board) issued the CAO to Reservation Ranch on April 21, 2021. CAO Required Action 2A requires that Reservation Ranch “either (1) obtain and submit copies of the appropriate permit(s) for storage and/or disposal of all solid waste material on the Property, or (2) remove and dispose of all solid waste at an appropriate off-site solid waste disposal facility” no later than April 21, 2022. Reservation Ranch did not complete either of the required actions by April 21, 2022.

Regional Water Board staff sent Reservation Ranch an email on April 29, 2022, requesting a status update for CAO Required Action No. 2A. Steven Westbrook followed-up to the email with Regional Water Board Environmental Scientist, Brendan Thompson, via telephone, on May 1, 2022. Mr. Westbrook reported that the trash had not been removed and permits for onsite disposal had not been obtained. Mr. Westbrook noted that a response to CAO Required Action 2A was not submitted by the

April 21, 2022 deadline because the requisite California Coastal Commission authorization for waste disposal had not yet been obtained. Mr. Westbrook also noted that Reservation Ranch assumed Regional Water Board staff would know Coastal Commission authorization had not yet been obtained and therefore staff would not expect a response to the CAO requirement. CAO General Requirement No. 7 requires that an extension request shall be submitted to the Regional Water Board as soon as a delay is recognized and prior to the compliance date. Mr. Thompson told Mr. Westbrook that a written request for extension of the missed deadline was needed, per the CAO requirements.

In a letter submitted May 3, 2022, Reservation Ranch requested an extension of the CAO Required Action No. 2 compliance deadline.

B. Violation

Reservation Ranch has violated CAO Required Action 2A because it has neither obtained and submitted copies of the appropriate permit(s) for storage and/or disposal of all solid waste material on the Property, or (2) remove and dispose of all solid waste at an appropriate off-site solid waste disposal facility. Additionally, Reservation Ranch failed to Comply with CAO General Requirement No. 7 because it did not request an extension when the delay was recognized and prior to the compliance date.

C. Potential Liabilities

CAO Required Action No. 2A and General Requirement No. 7 are required pursuant to California Water Code sections 13267 and 13303. Because Reservation Ranch failed to comply with Required Action No. 2A by April 21, 2021, and failed to comply with CAO General Requirement No. 7, it is in violation of the CAO and subject to penalties under the California Water Code. Violations of requirements imposed pursuant to Water Code section 13267 may result in administrative civil liability of up to \$1,000 per day pursuant to Water Code section 13268. Violations of requirements imposed pursuant to Water Code section 13304 may result in administrative civil liability of up to \$5,000 per day pursuant to Water Code section 13350.

D. CAO Required Action 2A Deadline Extension

Reservation Ranch requested an extension of CAO Required Action **2A** because California Coastal Commission authorization is still required for waste disposal. The CAO deadline extension is subject to the approval of the Regional Water Board Executive Officer per CAO General Requirements 7 and 10. I hereby grant Reservation Ranch an extension of the CAO Required Action 2A compliance date to **December 12, 2022**. Any subsequent extensions to this revised compliance date are also subject to CAO General Requirements 7 and 10.

E. Discussion—Solid Waste Abatement Plan

Your May 3, 2022 extension request letter said, “While we submitted [our] Solid Waste Disposal Abatement Plan (Waste Plan) to you on August 25, 2021 we have not been able to implement it due to the ongoing negotiations with Coastal Enforcement staff...” We are concerned it appears that Reservation Ranch expressed an intent to implement

the proposed August 25, 2021 Waste Plan. In an August 30, 2021 email, Regional Water Board staff alerted Reservation Ranch that the Waste Plan was unacceptable because the proposed burn activities would not be eligible for a North Coast Unified Air Quality Management District burn permit. The email went on to note that "Reservation Ranch must find another disposal option for untreated wood waste unless it can demonstrate with NCUAQMD correspondence that the untreated wood waste is allowed to be burned under their burn permit." We highly recommend that Reservation Ranch provide a revised waste disposal plan prior to conducting waste disposal.

Regional Water Board staff remains available to discuss the CAO, either in-person or via teleconference. To set-up an appointment, or for any questions on this matter, please contact Brendan Thompson at 707-576-2699 or via e-mail at Brendan.Thompson@waterboards.ca.gov. Contact Regional Water Board Staff Counsel, Nathan Jacobsen, at 916-341-5181, or via e-mail at Nathan.Jacobsen@waterboards.ca.gov, to discuss the deadline extension.

Sincerely,

Matthias St. John
Executive Officer

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cc: North Coast Regional Water Quality Control Board
Brendan Thompson, Brendan.Thompson@waterboards.ca.gov
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