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## North Coast Regional Water Quality Control Board

August 21, 2023

Mr. Jake Burnham  
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Eugene, OR 97401  
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Mr. Macy Burnham  
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Larry Tardie, [larry@tardieinvestments.com](mailto:larry@tardieinvestments.com)

Subject: Notice of Violation of WDR Order No. R1-2019-0017 for the Northcrest Mobile Home Park, LLC Wastewater Treatment Facility

File: Northcrest Mobile Home Park WWTF, Del Norte County;  
WDID No. 1A171877RDN

Dear Mr. Burnham, Mr. Burnham, and Mr. Tardie:

**Please respond within 15 days of the date of this letter.**

The North Coast Regional Water Quality Control Board (Regional Water Board) is writing to notify Northcrest Mobile Home Park, LLC (NMHP) that, since January 1, 2020, Northcrest Mobile Home Park, LLC is in violation of California Water Code section 13268 (a)(1), which states that... *Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267...is guilty of a misdemeanor, and may be liable civilly in accordance with [Water Code section 13268] subdivision (b).*

NMHP has failed to submit the Technical Report as required by Waste Discharge Requirements Order No. R1-2019-0017 for the Northcrest Mobile Home Park, LLC Wastewater Treatment Facility (Order). The Order was adopted by the Regional Water Board on June 20, 2019.

The adopted Order can be obtained from the Regional Water Board office or from the Regional Water Board website at:

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/)  
([https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/)).

## **Background**

On May 12, 2017, NMHP submitted a Report of Waste Discharge applying for permit coverage for discharge by the Northcrest Mobile Home Park (Facility). The Regional Water Board adopted Order No. R1-2019-0017 on June 20, 2019, which included requirements regulating the discharge from the Facility. The Order requires the submittal of a technical report that includes an assessment of the current design capacity of the facility and an assessment of the current inflow from the Facility. The technical report was required within 6 months of adoption of the Order. In a letter dated 12/31/2019, SHN, on behalf of NMHP, requested an extension of the Technical Report due date. The reason for the extension request was to allow time for data collection during the monitoring well installation and groundwater sampling, which would provide more information to assess the capacity of the septic/leach field systems.

While Regional Water Board staff agree that well installation and groundwater sampling data would be useful to inform some parts of the Technical Report, the information required by the Order can be submitted ahead of monitoring well installation and completion of the Hydrogeologic Study. Additional information obtained from the Hydrogeologic Study should be added to the Technical Report when available but should not delay the submittal of the Technical Report required in the Order. Relevant information from the completed Hydrogeologic Study should be appended to the Technical Report when available per the implementation schedule in the workplan.

## **Alleged Violations**

The Regional Water Board alleges that NMHP is in violation of Section VII.O.2 of the WDRs due to failure to submit the following reports:

**Technical Report.** A professionally licensed engineer shall perform an assessment of the current design capacity of the Facility and an assessment of the current inflow to the Facility. The assessment of the design capacity shall consider the capacity of both the wastewater treatment and disposal systems. The Discharger shall submit an accurate figure for the design capacity of the Facility and inflow to the Facility to the Executive Officer within 6 months after permit adoption.

## **Potential Liabilities**

Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Pursuant to California Water Code section 13268, subdivision (b)(1), civil liability may be imposed by a regional board administratively in accordance with Article 2.5 (commencing with Section 13323) on a daily basis in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

The Regional Water Board is in the process of considering whether the violations of the Water Code warrant further enforcement. We encourage you to take steps to correct the violation as soon as possible, including: (1) comply fully with the requirements of Order No. R1-2019-0017, and (2) submit the Technical Report required by Order No. R1-2019-0017. Please note that the existing conditions may represent continuing violations of the Water Code and that correcting these conditions at the Facility does not preclude enforcement for the violations alleged in this notice.

### **Recommendations**

**Within 15 days from the date of this letter**, please advise the Regional Board of your intentions, plan, and schedule to implement corrective actions with respect to the submittal of the Technical Report required by Order No. R1-2019-0017.

**Within 180 days of the date of this letter**, please submit the required Technical Report to the Regional Water Board email address at [Northcoast@waterboards.ca.gov](mailto:Northcoast@waterboards.ca.gov) and the reasons for failing to submit these reports by their required due dates. Also please be sure to submit all future required reports no later than the due dates established in the WDRs.

In accordance with the WDRs, monitoring reports must be submitted with the following certification statement:

*"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 fine and imprisonment for knowing violations."*

If you have questions about what is required of you to comply with Order No. R1-2019-0017 or Water Code section 13267, and to discuss your plan and schedule to correct the alleged violations, please contact me by email at [Kelsey.Cody@waterboards.ca.gov](mailto:Kelsey.Cody@waterboards.ca.gov) or by phone at 707-576-2347.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

Sincerely,

Kelsey C. Cody, Ph.D.  
Senior Environmental Scientist  
Groundwater Permitting Unit

**Cc:**

**North Coast Regional Water Quality Control Board**

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