
North Coast Regional Water Quality Control Board

March 26, 2024

Eagle Rock Inc. - La Grange Pit
Attn: Dustin Tillinghast, Manager
40029 La Grange Rd
Junction City, CA, 96048
eaglerockest.1980@aol.com

Certified Mail 7018-1130-0000-5963-8037

Eagle Rock Inc.
Attn: Larry Yingling, President
P.O. Box 1498
Weaverville, CA, 96093

Dear Larry Yingling and Dustin Tillinghast:

Subject: Cleanup and Abatement and Water Code 13267 Order R1-2023-0036 for Eagle Rock Inc.

File: Trinity County, Eagle Rock Inc., SMARTS WDID No. 1 53I000476

Enclosed is a Cleanup and Abatement Order, No. R1-2023-0036 (Order), issued by the North Coast Regional Water Quality Control Board (Regional Water Board) in response to violations of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities NPDES Order CAS00001, State Water Resources Control Board Order 2014-0057-DWQ, North Coast Basin Plan Requirements, and Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements.

Regional Water Board staff inspected Eagle Rock Inc. property on August 25, 2022 and February 9, 2023. Staff observed property conditions and activities within and adjacent to Oregon Gulch and Poison Gulch that have discharged to waters or are a threat to receiving waters.

A Draft Order was provided for your review and comment for a period of 30 calendar days. Your comments were received on December 5, 2023, considered, and edits were made to the Order. The primary changes to the CAO were 1) the removal of the requirement to complete a Discharge Characterization Workplan and Report, 2) the removal of the requirement to complete a Hydrologic Connection Evaluation Workplan

and Report, and 3) a clarification as to the scope and focus of the requirement to complete a Delineation of Surface Waters of the State on the property.

While Regional Board staff continue to have concerns related to the character of discharges to the unlined ponds and the possibility of hydrologic connection between the ponds and surface or groundwater, Regional Board staff believe that other measures to assess and address any potential impacts are available. Regional Board staff will confer and reach out to you to discuss these concerns and any potential follow-up actions or requests.

The Regional Board understands that the surface waters in question are in a highly modified state after significant mining activities during and after the 1860's. The required action to delineate surface waters is neither a forensic wetlands delineation nor a forensic (historic) surface waters delineation. Instead, the required Delineation of Surface Waters of the State is an identification and mapping exercise of current surface waters. As impacts to surface waters have been identified both within the facility boundary and outside the boundary on other property locations (including other APNs), a delineation of all subject APNs is appropriate in order to properly complete the Impact Assessment.

This Order directs you to take steps to clean up and abate the effects of discharging, or threatening to discharge, wastewater, sediment, soil and other earthen materials from sites adjacent to Poison Gulch and Oregon Gulch and to eliminate the threat of future discharges. This Order includes a time schedule for compliance.

With the issuance of this Order, all requirements to cleanup, abate, and provide technical reports, and their deadlines are effective immediately.

For any questions on this matter, please contact Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov or 707-576-2609. For legal questions, please contact Nathan Jacobsen at Nathan.Jacobsen@waterboards.ca.gov.

Additionally, we are available to meet with you to discuss the Order.

Sincerely,

Valerie Quinto
Executive Officer

Enclosure: Cleanup and Abatement Order No. R1-2023-0036 and Inspection Memos dated August 25, 2022, and February 9, 2023.

cc: Trinity County Planning Department
Patrick Flynn, pflynn@trinitycounty.org

California Department of Fish and Wildlife

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North Coast Regional Water Quality Control Board

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North Coast Regional Water Quality Control Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

NORTH COAST REGION

CLEANUP AND ABATEMENT AND WATER CODE SECTION 13267 INVESTIGATIVE ORDER NO. R1-2023- 0036

for

Eagle Rock Inc.

Assessor Parcel Numbers:

024-010-031-000, 024-010-041-000, and 024-010-046-000

TRINITY COUNTY

This Order is issued to Eagle Rock Incorporated (property owner and operator), hereafter referred to as the Discharger, 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 Investigative Order, which authorizes the Regional Water Board to require the preparation and submittal of technical and monitoring reports.

FINDINGS

The Executive Officer finds, with respect to the Discharger's acts, or failure to act, the following:

- 1. Site Conditions:** The Discharger operates an industrial facility, Eagle Rock Inc. - La Grange Pit (hereafter Facility), enrolled under the Industrial General Permit on assessor parcel numbers 024-010-031-000 and 024-010-041-000 at 40029 La Grange Road, off State Route 299, near Junction City in Trinity County. The Discharger also owns an adjacent parcel (APN 024-010-046-000) downhill of

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the Facility's industrial boundary, this adjacent parcel is not enrolled under the Industrial General Permit. Collectively, APNs 024-010-041-000, 024-010-031-000, and 024-010-046-000 are hereafter referred to as the Property.

Oregon Gulch and Poison Gulch receive discharge from the Facility and parcel activities. Oregon and Poison Gulch are tributaries to the Trinity River, a water of the United States and state (references hereafter to waters of the United States are also waters of the state).

The Discharger has caused or allowed the discharge, and threatened discharge, of waste to receiving waters through site development activities, including clearing, grading, and other forms of ground disturbance, without adequate drainage, erosion or sediment control measures. The Discharger's activities resulting in the discharge were conducted without authorization from applicable federal, state, and local agencies, including the Regional Water Board.

Additionally, the Discharger violated the state-wide National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Industrial Activities NPDES Order CAS00001 and State Water Resources Control Board Order 2014-0057-DWQ (Industrial General Permit) (WDID 1 53I000476) by failing to implement effective minimum and/or advanced sediment and erosion control BMPs. The Facility lacked basic sediment and erosion control BMPs and was unprotected. The Discharger also violated portions of the Water Quality Control Plan for the North Coast Region (Basin Plan), and the Clean Water Act, Section 401 (Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. and 1341).

2. Purpose of the Order: This Order requires the Discharger to clean up and abate the effects of excavation, fill, and discharge of soil, concrete, and other earthen materials into Oregon Gulch and Poison Gulch and tributaries thereto. This Order also requires the Discharger to eliminate the threat of future discharges. Investigation and cleanup actions required under this Order shall be conducted to comply with the Industrial General Permit, Clean Water Act Section 401, the Basin Plan, State Water Resources Control 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.

3. Responsible Parties: The Discharger owns the Property and operates the Facility. The Discharger has discharged waste or created a threat of discharge of waste into waters of the United States, creating or threatening to create a condition of pollution. The Discharger had the ability to control the activities on the property that resulted in the discharge and threat of discharge of waste.

Per records from LandVision, the Discharger owns Assessor Parcel Numbers (APN) 024-010-031-000 and 024-010-041-000. The Discharger also owns an

adjacent parcel (024-010-046-000) downhill of the other two parcels. Combined, the three parcels (Property) encompass approximately 240 acres.

Per the Notice of Intent to comply with the Industrial General Permit, the Discharger operates the Facility located on State Route 299 in Junction City, California. The Notice of Intent uploaded to the Stormwater Multiple Application and Report Tracking System (SMARTS) states 240 acres of industrial area are exposed to stormwater.

The Regional Board reserves the right to amend this Order to add additional responsible parties if those parties are identified.

4. Property Location and Description: The Property is in Trinity County approximately 1.8 miles east of Junction City with a mailing address in Weaverville. The Property is in the floodplain(s) of Oregon Gulch and Poison Gulch. Both watercourses flow roughly east to west. Oregon Gulch is located along the southern Property boundary while Poison Gulch is in the center of the Property. Poison Gulch is a tributary to Oregon Gulch, Oregon Gulch is a tributary to the Trinity River. The Property slopes gently from east to west.

The Facility's industrial boundary is within APN 024-010-031-000 and APN 024-010-041-000. Activities associated with the Facility include excavation, crushing, screening, washing, and stockpiling. Also, there are concrete and asphalt hot mix plants, and storage of rusty scrap metals and industrial equipment at the Facility. The Facility is also used as a quarry where sand and rock are produced, aggregates are crushed and mixed, and asphalt and concrete are mixed and stored.

Assessor parcel number 024-010-046-000 was recently acquired and proposed potential uses include material storage, residence establishment, and recreational activities. An access road with watercourse crossings was constructed through the parcel. A pond has been constructed along the Oregon Gulch channel.

5. Factual Basis of Order: On September 28, 2021, Regional Water Board staff inspected the Facility for compliance with the Industrial General Permit. On August 25, 2022, Regional Water Board staff and California Department of Fish and Wildlife staff inspected the Facility and Property. Portions of the Property were also inspected on February 9, 2023. The Discharger's activities and/or the conditions observed at the Facility and on the Property created and threatened to create a condition of pollution and are detailed in the Regional Water Board Inspection Memos (Attachment A).

a. Receiving Waters: Oregon Gulch and Poison Gulch are tributaries to the Trinity River. Oregon Gulch and Poison Gulch are in the Helena Hydrologic subarea (1106.150601) Oregon Gulch and Poison Gulch, tributaries thereto, and the Trinity River are waters of the state, as well as

waters of the United States. Trinity River is a Clean Water Act section 303(d)-listed impaired water body due to sediment. The U.S. Environmental Protection Agency approved the Trinity River Total Maximum Daily Load for Sediment on December 20, 2001.

b. Observations: Regional Water Board staff observed multiple locations throughout the Property where activities directly and/or indirectly impacted waters of the state. These activities were adjacent to and/or within Oregon and Poison Gulch included, but not limited to, installation of stream crossings with hydrologically connected road segments, placement of concrete slabs in channel banks for energy dissipation for stabilization, modification and realignment of stream channel, and construction of an onstream sediment detention basin. A pond has been constructed within the Oregon Gulch riparian area and historic channel using heavy equipment. The pond appears to be filled with surface and subsurface water from Oregon Gulch. See Inspection Memos (Attachment A) for additional information. These activities have caused, and threaten to cause, waste to be discharged or deposited into Oregon Gulch and Poison Gulch. Activities have created and threaten to create a condition of pollution by unreasonably impacting water quality and beneficial uses.

6. Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives: The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporated by reference the plans and policies adopted by the State Water Board.

a. Beneficial Uses: Existing and potential beneficial uses for the Trinity River, specifically the Helena Hydrologic subarea include the following: Cold Freshwater Habitat (COLD); Rare, Threatened or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR), and Spawning, Reproduction, and/or Early Development (SPWN), Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PRO); Groundwater Recharge (GWR); Freshwater Replenishment (FRSH); Navigation (NAV); Hydropower Generation (POW); Water Contact Recreation (REC-1) & Other Non-Contact Recreation (REC-2); Commercial and Sport Fishing (COMM); and Aquaculture (AQUA).

b. Basin Plan Prohibitions: The Basin Plan contains specific standards and provisions for maintaining high quality waters of the state that provide protection to the beneficial uses listed above. The Basin Plan's Action Plan for Logging, Construction, and Associated Activities includes two waste discharge prohibitions (page 4-29.00 of the 2011 Basin Plan):

- i. Prohibition 1 – “The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or

watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.”

ii. Prohibition 2 – “The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.”

c. Basin Plan Objectives: Section 3 of the Basin Plan¹ contains water quality objectives for both groundwater and surface water not to be exceeded as a result of waste discharges. The water quality objectives that are of importance in protecting the beneficial uses from unreasonable effects due to waste discharges at this site include the following:

i. Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”

ii. Settleable Material: “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”

iii. Sediment: “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.”

iv. Turbidity: “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”

v. pH: “The pH shall conform to those limits listed in Basin Plan Table 3-1. For waters not listed in Table 3-1 and where pH objectives are not prescribed, the pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.2 units in waters with MAR or SAL beneficial uses nor 0.5 units within the range specified above in fresh waters with COLD or WARM beneficial uses.”

7. Regional Water Board Resolutions: As part of Regional Water Board’s efforts to control sediment waste discharges and restore sediment-impaired

¹ Water Quality Control Plan for the North Coast Region ([Basin Plan](#))

water bodies, the Regional Water Board adopted the Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region, which is also known as the Sediment TMDL Implementation Policy, on November 29, 2004. This Policy was adopted through Resolution No. R1- 2004-0087.

The Sediment TMDL Implementation Policy directs the Executive Officer to use “all available authorities, including existing regulatory standards and permitting and enforcement tools, to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.” The goals of the policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer adversely affected by sediment.

To address sources of elevated water temperature to reduce impairments to waters of the state and prevent further impairment, the Regional Water Board adopted the Policy for Implementation of the Water Quality Objective for Temperature in the North Coast Region (Temperature Implementation Policy) through Resolution No. R1-2014-0006. To attain and maintain the water quality objectives for temperature, the policy directs the Regional Water Board to implement programs and collaborate with others to prevent, minimize, and mitigate temperature alterations associated with certain activities, including, but not limited to, activities that result in either the removal of riparian vegetation that provides shade to a waterbody, sediment discharges, impoundments and other channel alterations, reduction of instream summer flows, and/or reduction of cold water sources.

8. State Board Resolutions: State Water Board Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California (Resolution No. 68-16).

Resolution No. 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution No. 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence.

To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

9. Failure to Comply with Necessary Permits: Regional Water Board staff has reviewed available records and determined that grading, clearing, road and watercourse crossing construction, and dredge and/or fill within waters of the state have occurred at the Property without necessary regulatory coverage, including Clean Water Act section 401 Water Quality Certification from the Regional Water Board.

10. Failure to Comply with the Basin Plan: The failure to prevent discharges of sediment into Oregon Gulch and Poison Gulch does not, or threatens to not, comply with the Basin Plan's water quality standard for sediment. Basin Plan section 3.3.11 states that the sediment load and suspended sediment discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

11. Legal Authority to Require Cleanup and Abatement: Water Code section 13304, subdivision (a) states, in relevant part:

A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

12. Cleanup and Abatement Action Necessary: Cleanup and abatement is necessary to ensure that the threat of unauthorized discharges to receiving waters, including groundwater, from the Facility are prevented. Discharges and threatened discharges of sediment into receiving waters have or threatens to create a condition of pollution and/or nuisance.

13. 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, when investigating, 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. This Order requires three reports. Staff estimate the cost of these reports to be approximately \$33,000 to \$52,000. The specific requirements of these reports and their deadlines can be found below in Required Actions section.

a. Delineation of Surface Waters of the State: a technical report identifying all current waters of the state within the subject APNs. It is used to identify where impacts to waters of the state are occurring. This information will be followed by an assessment of type, scope and scale of impact which then guides corrective action plan development, implementation, monitoring and reporting.

b. Impacts Assessment: a technical report identifying and describing activities on the Property that are directly and indirectly impacting waters of the state, including identifying all roads and watercourse crossings on the Property. The Impacts Assessment should be used to develop appropriate stabilization and abatement work to prevent or minimize sediment discharge.

c. Corrective Action Plan: a document containing site-specific treatments, with an implementation schedule, to restore and rehabilitate impacted waters.

The anticipated benefits of these reports and documents include protection from actual and threatened waste discharges that impact beneficial uses and water quality objectives. In addition, by requiring the Discharger to submit these items, the Regional Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed abatement actions to confirm the proposed work will adequately remediate site conditions and prevent sediment discharges from further impacting the beneficial uses of sensitive water bodies. As previously mentioned, the Trinity River is a Clean Water Act section 303(d)-listed impaired water body due to sediment thereby heightening the need for these Items technical report to reduce further impairment to waters of the state.

14. California Environmental Quality Act: Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061, subdivision (b)(3), 15301, 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementing cleanup, abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, that the Discharger 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 Discharger shall obtain all necessary permits for the activities required in this Order.

Delineation of Surface Waters of the State (including waters of the US)

1. By May 31, 2024, the Discharger shall submit a **Delineation of Surface Waters of the State** prepared by an appropriately qualified professional for the identification of all surface waters of the state on the Property. The delineation shall include identification and mapping of all current waters of the state (includes waters of the U.S.). Waters of the state may include isolated wetlands, stream channels that may be dry during much of the year, and riparian areas, regardless of current condition. Maps identifying waters of the state must be included in the Delineation of Waters of the State.-The Delineation shall be submitted to the Executive Officer, or their designee, for review and approval.

Impact Assessment

2. By May 31, 2024, the Discharger shall submit an **Impact Assessment** report describing dredge/fill activities on the Property that are directly and indirectly impacting or threatening to impact surface waters of the state. The Impact Assessment must include maps that appropriately illustrate features such as, but not limited to, concrete used for stream bank armoring, settling ponds in or adjacent to waters of the state, heavy equipment use in or adjacent to waters of the state, riparian vegetation clearing and/or removal etc. The Impact Assessment must also identify all roads and watercourse crossings on the Property. In addition to locating all roads and watercourse crossings, the assessment must include, but not be limited to, the following:

- a. An assessment of the condition of all roads.
- b. An assessment of all watercourse crossings that addresses crossing type and material, installation (on/off grade, alignment with channel etc.), condition (functioning/not functioning, rusted/not rusted etc.), and sizing (length and diameter) in relation to flood interval.
- c. Photographs of watercourse crossings taken from upstream and downstream of the crossing, or any other position to convey existing conditions.
- d. Copies of all permits and authorizations issued by the Regional Water Board, California Department of Fish and Wildlife, United States Army Corps of Engineers.

Corrective Action Plan

3. By June 30, 2024, the Discharger shall submit a **Corrective Action Plan** proposing treatment at all sites identified in the Impacts Assessment report. The Executive Officer, or their designee, will review and approve the Corrective Action Plan. The Corrective Action Plan shall include a description of stabilization measures necessary to clean up wastes and to prevent further erosion and discharge of sediment to Poison Gulch and Oregon Gulch. The Corrective Action Plan must address, but not be limited to, the following:

- a. Proposed upgrades of roads to current design standards to prevent fine sediment discharge.
- b. Proposed upgrades (treatment, removal, or replacement) of any watercourse crossings to ensure it meets current and acceptable design standards. All permanent watercourse crossings that are constructed or reconstructed shall be capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.
- c. Proposed treatment of anthropogenic controllable sediment discharge sources, such as on-stream sediment basins, earthen berms, material piles, or other unstable areas.
- d. Removal of non-native material from waters of the state, such as concrete bank armor, asphalt, pipes, hoses etc.
- e. Restoration and rehabilitation of riparian areas, stream banks, and stream channels throughout the Property including any opportunities for riparian restoration within the Facility boundary. Typical treatments include riparian planting and bioengineering.
- f. Restoration and rehabilitation of pond constructed on APN 024-010-046-000. Diversion structures and berms must be removed. Altered stream channels and banks must be reestablished.
- g. Implementation schedule.
- h. Clean Water Act 401 Water Quality Certification or Waste Discharge Requirements permit application. Permit applications will be submitted following plan approval by the Regional Board.

4. By October 15, 2024, the Discharger shall have completed the work specified in the approved Corrective Action Plan, cleaning up and stabilizing for the 2024-2025 winter wet-weather period. The Discharger must notify Regional Water Board staff in writing (e-mail is appropriate) at least 24 hours in advance of commencing activities outlined in the approved Corrective Action Plan.

GENERAL REQUIREMENTS AND NOTICES

1. Duty to Use Qualified Professionals: The Discharger shall provide documentation that work plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Discharger shall include a statement of qualification and applicable registration numbers of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp to the report, plan, or document. The required activities must be implemented by the appropriately qualified/licensed professional as otherwise required by law.

All monitoring and sample collection shall be completed by personnel properly trained on the appropriate sample collection method, instrumentation, quality control, sample preservation requirements, hold times, equipment calibration, chain of custody, and data submittal. Personnel training records shall be maintained and made available to Regional Water Board staff upon request and shall remain available for a period of not less than three years.

2. Signatory Requirements: All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, 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 Discharger shall also state in the cover letter whether he/she will implement the recommendations/proposals provided in the report and the schedule for implementation. 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.

3. Delayed Compliance: If for any reason, the Discharger is 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 Executive Officer or his/her designee the Discharger 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.

4. Potential Liability: If the Discharger fails 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 the right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and conditions of this Order.

5. 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.

6. 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. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date.

7. Notice of Onsite Work: The Discharger, or a duly authorized agent, shall notify Regional Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Discharger may contact Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov or 707-576-2609, or Amanda Piscitelli at Amanda.Piscitelli@Waterboards.ca.gov or 707-445-6126.

8. Other Regulatory Requirements: The Discharger shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work.

9. Reasonable Access: The Discharger shall allow the Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise.

10. Notice of Change in Ownership or Occupancy: The Discharger shall file a written report on any changes in the Property's ownership or occupancy. This report shall be filed with the Regional Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.

Requesting Review by the State Water Board: Any person aggrieved by any final action of the Regional Water Board may petition the State Water Board to review the

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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.

Valerie Quinto

Executive Officer

240321_Final-ADA_CAO_R1-2023-0036

Attachment A: Regional Water Board Staff Inspection Memorandums dated August 25, 2022 and February 9, 2023.