CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

NORTH COAST REGION

CLEANUP AND ABATEMENT AND INVESTIGATIVE ORDER NO. R1-2026-0038

for

Direct Drilling, Inc., North Sky Communications, LLC, and Arcadian Infracom 4, LLC

Humboldt County and the North Coast Region

This Cleanup and Abatement Order (Order) is issued to Direct Drilling, Inc., North Sky Communications, LLC, and Arcadian Infracom 4, LLC, (collectively, the Dischargers) pursuant to California Water Code (Water Code) section 13304, which authorizes the North Coast Regional Water Quality Control Board (North Coast Water Board) to require cleanup and abatement of waste discharges, and Water Code section 13267, which authorizes the North Coast Water Board to require the preparation and submittal of technical and monitoring reports.

FINDINGS

The Executive Officer 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 unauthorized discharges of drilling waste used in horizontal directional drilling (HDD)[1], from disposal sites on private properties in the Garberville/Redway area of Southern Humboldt County to waters of the state, including an unnamed tributary (Tributary 1), Redwood Creek, and the South Fork Eel River. This Order further requires immediate investigation and cleanup to prevent further harm and unauthorized discharges consistent with the *Porter-Cologne Water Quality Control Act* (Wat. Code § 13000 et seq.), the *Water Quality Control Plan for the North Coast Region* (Basin Plan), State Water Resources Control Board (State Water Board) *Policies and Procedures for Investigation and Cleanup and Abatement of*

[1] **HDD waste** — a mixture of water and bentonite clay (specifically Tru-Bore® and Super Gel-X, both bentonite-based products) used to lubricate the drill bit, stabilize the borehole, and carry cuttings to the surface during horizontal directional drilling operations. The return mixture — which picks up soil, sand, rock fragments, and the bentonite itself — is properly called **HDD return slurry** or **HDD waste. Drilling waste, including all drilling fluids, additives, and materials or byproducts used in or produced by HDD activities.**

*Discharges under Water Code Section 13304 (*Resolution 92-49), and other applicable State and North Coast Water Board plans, policies, and regulations.

2. **Responsible Parties:** This Order finds that the Dischargers are responsible parties, and are all jointly and severally liable: (a) Direct Drilling, Inc., an HDD contractor operating in the Garberville area, as a subcontractor to perform HDD operations for the installation of fiber optic conduit along Highway 101 in the Garberville area; (b) North Sky Communications, LLC, the general contractor that hired Direct Drilling, Inc. for HDD operations; and (c) Arcadian Infracom, LLC, the project owner, developer and holder of contracts for the segment of a fiber optic network. The Dischargers have caused or permitted, or threatened to cause or permit, waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state, creating or threatening to create a condition of pollution or nuisance. The Regional Water 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. **Project Background:**

   a. Arcadian Infracom 4, LLC, the project owner, developer and holder of contracts for the segment of a fiber optic network. Arcadian contracted North Sky Communications LLC to manage construction, which in turn subcontracted Direct Drilling, Inc. to perform HDD operations for the installation of fiber optic conduit along Highway 101 in the Garberville area.

   b. Caltrans District 1 approved an Encroachment Permit 01-25-6-BB-0203 on April 12, 2026, to October 12, 2026, which states in part: “The permittee shall ensure that all drilling fluids are disposed of in a manner acceptable to the appropriate local, state, or federal regulatory agencies. When drilling in contaminated ground the drilling fluid shall be tested for contamination and disposed of appropriately. Restoration of damage to any highway or non-highway facility caused by escaping (“fracout”) drilling fluid, or the directional drilling operation, shall be the responsibility of the permittee.”

   c. Construction General Permit Coverage: The subject project segment is enrolled under the Caltrans Programmatic Permitting framework (WDID SWBPP000002) for which Caltrans is the programmatic enrollee. Caltrans prepared the Common Stormwater Pollution Prevention Plan (Common SWPPP), which establishes the stormwater management framework applicable to all associated Linear Underground/Overhead Projects (LUP) statewide.

      For this project segment (EP 0203 – Arcadian Infracom 4 LLC, Segment 5.1), Caltrans submitted and certified the Linear Construction Activity Notification (LCAN ID 112PP000147) in SMARTS on December 17, 2025. This LCAN lists Arcadian Infracom 4 LLC as the contractor responsible for construction activities along this segment.

4. **Disposal Sites and Discharge Events:** Direct Drilling, Inc. commenced HDD operations in the Garberville area the week of May 25, 2026, drilling Monday through

Thursday. The drilling operation used either Tru-Bore® bentonite-based drilling fluid (four fifty-pound sacks per 1,000 gallons of water) or Super Gel-X, sometimes with additives, generating an estimated 8,000 gallons of HDD waste per day (ten loads of approximately 800 gallons each). During the first week, Direct Drilling, Inc. most likely used Tru-Bore® without additives. North Coast Water Board staff (Staff) and personnel with the California Department of Fish and Wildlife (CDFW) have identified at least two unpermitted disposal sites and believe additional sites may exist:

a. **Briceland Road Property (4545 Briceland Road, Redway; Humboldt County Assessor's Parcel Number (APN) 220-261-009):** During the week of May 25, 2026, Direct Drilling, Inc. delivered HDD waste generated by their Garberville area operations to the Briceland Road Property owned by Mykal Coelho pursuant to an informal arrangement. The Dischargers had no regulatory coverage for waste discharges from the disposal of HDD waste on the Briceland Road Property, or any other property. HDD waste discharged from the Property to a roadside ditch on Briceland Road, with delivery into Tributary 1, a Class II watercourse that drains to Redwood Creek approximately 500 feet downstream.

   Based on reports by residents that Redwood Creek was white and opaque between Seely Creek and the South Fork Eel River, on June 2, a California Office of Emergency Service Hazardous Materials Spill Report went out to agencies, and on June 3 a CalEPA complaint was submitted.

   On June 2, 2026, at approximately 16:30, North Coast Water Board staff (Staff) received a complaint from a resident who observed Redwood Creek was white and opaque at the Seely Creek Road crossing, located approximately 1.7 miles upstream of the South Fork Eel River. Staff conducted field inspections on June 2 and June 4, 2026, documenting widespread turbidity in Redwood Creek. By June 4, 2026, the plume had reached the South Fork Eel River.

   On June 2 and 4, 2026, Staff conducted inspections and documented evidence of discharges of HDD waste emanating from the Property, into a ditch along Briceland Road, and into an unnamed tributary (Tributary 1) and Redwood Creek. Staff documented Clay deposition of approximately two inches depth in the roadside ditch along Briceland Road leading from the Briceland Road Property to Tributary 1 and significant bentonite bottom deposits in Tributary 1, including in the first pool downstream of the Briceland Road culvert, and on rock surfaces in the channel that were visibly coated with clay, downstream to Redwood Creek. The discharges resulted in substantial HDD waste in suspension in Tributary 1, turbid conditions in Redwood Creek for three miles downstream to the confluence of Redwood Creek with the South Fork Eel River, and a plume in South Fork Eel River.

   On June 10, 2026, CDFW inspected Tributary 1 and Redwood Creek and estimated the depth of the HDD waste in the first pool to be approximately two feet and noted observable deposits covering nearly the entire width and length of

the Tributary 1 channel. In Redwood Creek, CDFW observed a thin layer of deposition coating the channel bottom.

The Property drains to the Benbow Hydrologic Subarea of the South Fork Eel River Hydrologic Area. Redwood Creek is a documented coho salmon rearing tributary and supports threatened steelhead. The South Fork Eel River has been identified by NOAA Fisheries as a priority watershed for coho salmon, steelhead, and Chinook salmon recovery. June is an active period for juvenile salmonids in both systems.

The Discharger's activities at the Briceland Road Property, 1) caused and continue to threaten discharges of HDD waste — consisting of water, bentonite clay, and entrained soil and rock cuttings — into Tributary 1, Redwood Creek, and the South Fork Eel River, waters of the state and United States[2], and 2) cause or permit, and threaten to cause or permit, waste to be discharged or deposited where it is, or probably will be, discharged to waters of the state, and create and/or threaten to create a condition of pollution or nuisance.

b. **Meadows Business Park Property (1381 Evergreen Road, Redway; Humboldt County APN 223-311-045):** Around June 1, 2026, Direct Drilling, Inc. switched to disposal of HDD waste to an excavated pit on a rented property at the Meadows Business Park Property, where they stored equipment and supplies. California Department of Fish and Wildlife (CDFW) Warden Shane Embry visited the Meadows Business Park Property on June 4, 2026, and documented a pit full of gray slurry with Tru-Bore sacks staged nearby. The pit was used to recycle HDD drilling waste for reuse in the drilling operation. This site also lacks any permit or authorization for waste disposal. On June 9, 2026, Humboldt County Code Enforcement visited the Meadows Business Park Property and issued a stop work order until they provide an acceptable waste disposal plan.

c. **Additional Sites:** The North Coast Water Board has reason to believe additional disposal sites may exist in the Garberville area. Investigations indicate that work in the Garberville area generated approximately 8,000 gallons per day and 32,000 gallons per week for the period of May 25-June 8, 2026. Based on

[2] The North Coast Water Board administers and enforces the Clean Water Act (CWA). The CWA regulates what it refers to as “navigable waters” and defines those waters as “waters of the United States.” Waters of the United States includes traditionally navigable waters and tributaries as defined in 40 C.F.R. section 122.2. The Porter Cologne Water Quality Control Act provides the Regional Water Board additional authority to regulate discharges of waste into “waters of the state.” (Wat. Code § 13260.) The term “waters of the state” is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.” (Wat. Code § 13050 subd. (e).) All waters of the United States that are within the borders of California are also waters of the state for purposes of the Porter-Cologne.

interviews by Warden Embry of CDFW on June 4, 2026, the HDD drilling generated approximately ten 800-gallon tanks of waste per day, four days per week for the weeks of May 25-May 28 and June 1-June 4. At least one additional landowner in the Redway area was approached by representatives of Direct Drilling, Inc. to accept 4-5 loads per day of HDD waste (approximately 1,600 gallons per load) and declined.

There may be additional disposal sites in prior work areas, including in Mendocino County, where the North Coast Water Board learned that Direct Drilling, Inc has also been working for several months prior to Garberville and worked in Yreka in the last year.

5. **Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives**

The Water Quality Control Plan for the California Regional Water Quality Control Board, North Coast Region (Basin Plan)[3] **designates beneficial uses of water within Hydrologic Subareas, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference the plans and policies adopted by the State and Regional Water Boards.**

a. **Beneficial Uses:** Existing and Potential beneficial uses for the Benbow Hydrologic Subarea within the South Fork Eel River include the following: municipal and domestic supply (MUN), agricultural water 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), non-contact water recreation (REC-2), commercial and sport fishing (COMM), warm freshwater habitat (WARM) cold freshwater habitat (COLD), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), shellfish harvesting (SHELL), aquaculture (AQUA), wetland habitat (WET), and Native American culture (CUL). Beneficial uses of any specifically identified water body generally apply to all its tributaries.

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 identified. The Basin Plan's *Action Plan for Logging, Construction, and Associated Activities* includes the following waste discharge prohibitions:

[3] Available online here: https://www.waterboards.ca.gov/northcoast/water_issues/programs/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[4] 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 deleterious to fish, wildlife, or other beneficial uses is prohibited."

c. **Water Quality Objectives:** The Basin Plan designates beneficial uses (Chapter 2) as noted above and establishes water quality objectives (Chapter 3) for the protection of those uses. Beneficial uses of any specifically identified water body generally apply to all of its tributaries. Water quality objectives for groundwater as contained in the Basin Plan, chapter 3, include, but are not limited to, the following:

i. **Biostimulatory Substances**: Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

ii. **Chemical Constituents:** Waters shall not contain concentrations of chemical constituents in amounts that cause nuisance or adversely affect beneficial uses.

iii. **Color:** Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.

iv. **Dissolved Oxygen:** Dissolved oxygen concentrations shall conform to applicable aquatic life requirements. For waters designated Cold Freshwater Habitat (COLD), the daily minimum objective is 6.0 mg/L with a 7-day moving average objective of 8.0 mg/L. For waters designated Spawning, Reproduction, and/or Early Development (SPWN), the daily minimum objective is 9.0 mg/L with a 7-day moving average objective of 11.0 mg/L.

v. **Floating Material:** Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

[4] As provided in section 4.2.2, paragraph B.2, of the Basin Plan, "[t]he definition for 'stream or watercourse' as those terms are used in the waste discharge prohibitions relative to logging and construction activities shall be interpreted by the North Coast Water Board to mean the following: Natural watercourse as designated by a solid line or dash and three dots symbol shown in blue on the largest scale United State Geological Survey Topographic Map most recently published."

vi. **Sediment**: The suspended 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.

vii. **Settleable Material**: Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affects beneficial uses.

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

ix. **Tastes and Odors**: Waters shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance or adversely affect beneficial uses.

x. **Toxicity**: Waters shall not contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the synergistic effect of multiple substances. The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors shall not be less than that for the same waterbody in areas unaffected by the waste discharge.

xi. **Turbidity**: Turbidity shall not be increased more than 20 percent above naturally occurring background levels.

6. **North Coast Water Board TMDL Implementation**

The entire South Fork Eel River watershed is Clean Water Act section 303(d) listed as impaired due to elevated sedimentation/siltation and temperature. On December 16, 1999, the U.S. Environmental Protection Agency approved Total Maximum Daily Loads (TMDL) for temperature and sediment for the South Fork Eel River. To control sediment waste discharges and restore sediment impaired water bodies, the North Coast Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region*, directing 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 discharges 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. The Basin Plan *Action Plan to Address Elevated Water Temperatures in the Eel River Watershed* identifies implementation actions to achieve the temperature TMDL load allocations.

7. Briceland Road Property Features or Conditions Impacting or Threatening to Impact Water Quality and Beneficial Uses:

The discharge of HDD waste from the Briceland Road Property has caused, and threatens to continue to cause, exceedances of aforementioned objectives by introducing fine bentonite clay particles and associated soil and rock cuttings into Tributary 1 and Redwood Creek in concentrations that far exceed natural background levels and that adversely affect beneficial uses of those waters. The North Coast Water Board's Basin Plan states that controllable water quality factors shall conform to the water quality objectives contained therein, and that when other factors result in the degradation of water quality beyond established levels, controllable factors shall not cause further degradation. The South Fork Eel River, including its tributaries, is already impaired by excess sediment; the threat of any additional fine sediment loading from the HDD waste discharges from the Briceland Road Property constitutes a controllable factor that must be eliminated consistent with the Antidegradation Policy and State Water Board Resolution No. 68-16.

Given the potential for substantial HDD waste on the Property, and the continued presence of HDD waste in Tributary 1 and Redwood Creek, the HDD waste has the potential to further degrade surface water quality and adversely affect the MUN, COLD, SPWN, MIGR, WILD, REC-1, and REC-2 beneficial uses of Redwood Creek and the South Fork Eel River, as well as properties and water users downstream. Water users may be impacted by turbidity and concern that constituents of the HDD waste can enter and settle in water storage tanks. Any precipitation event or physical disturbance has the potential to remobilize settled HDD waste and transport additional fine sediment to waters of the state. HDD waste deposited in the interstitial spaces of the streambed has the potential to smother benthic invertebrate communities and degrades spawning gravel quality; such impacts may persist until winter high flows sufficient to flush the gravel occur, threatening the fall and winter spawning season for coho salmon and steelhead and the continued rearing of juvenile salmonids through the summer and fall months. Suspended clay particles that cloud the water column are capable of impairing fish feeding and reducing dissolved oxygen exchange through gills.

The discharge of HDD waste from the Briceland Road Property threatens to further alter the quality of waters of the state and potentially alter the quality of waters of the state to a degree that unreasonably affects waters for beneficial uses. Therefore, the threatened discharges of waste create a condition of threatened pollution subject to this Order in accordance with Water Code section 13304.

8. **Legal Basis of the Order**: 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….Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."

This Order is issued pursuant to California Water Code (Water Code) section 13267 and conforms to and implements policies and requirements of the Porter Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including section 13267, and the Basin Plan adopted by the North Coast Water Board including beneficial uses, water quality objectives, and implementation plans.

Water Code section 13267, subdivision (a), provides that the North Coast Water Board may investigate the quality of any waters 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 North Coast Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order will assist the North Coast Water Board in determining whether the Discharger has taken, or will take, necessary actions to protect water quality and the beneficial uses of surface waters in the Shasta River watershed. The burden of compiling these reports, including the costs associated with collecting the information, bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the North Coast Water Board to properly regulate and monitor the Property and to protect water quality.

9. "**Waste**," is defined by Water Code section 13050, subdivision (d), includes, "sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature, prior to, and for purposes of, disposal." Earthen material, including sediment when discharged to waters of the state, is a "waste" as defined in Water Code section 13050, subdivision (d). The sediment described above threatens to discharge into the waters of the state in a manner that has created or threatens to create a condition of pollution by altering the quality of the waters of the state. The extent of these threatened and actual discharges of waste could be deleterious to fish, wildlife, or other beneficial uses.

10. "**Nuisance**" is defined in the Water Code section 13050 as anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as a result of, the treatment or disposal of waste

11. "**Pollution**" is defined by Water Code section 13050, subdivision (l)(1) as, an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects either waters of the state for beneficial use or facilities that serve these beneficial uses.

    a. Discharges of sediment and other inert material can 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. Additionally, such discharges directly threaten wildlife habitat and aquatic species (beneficial uses impacted: RARE, MIGR, SPWN, COLD, COMM, and WILD). The unnamed tributaries provide habitat for amphibians and are tributary to streams that provide habitat for salmonids. Increased sedimentation and turbidity can also result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (beneficial uses impacted: AGR and MUN). Sediment-laden storm water can also discharge to surface water and result in increased turbidity that may affect the recreational and aesthetic enjoyment of the surface waters (beneficial uses impacted: REC-1 and REC-2).

    b. The discharge of sediment is especially problematic in this watershed since the South Fork Eel River is Clean Water Act section 303(d)-listed as impaired due to elevated sedimentation/siltation, and its tributaries are listed as impaired due to elevated temperature. Sediment delivery to streams impacts the migration, spawning, reproduction, and early development of cold-water fish such as fall run Chinook salmon, Coho salmon, and steelhead trout.

    c. Sediment delivery to headwater streams is especially problematic for amphibian species. Sediment deposition (i.e. bottom deposits) in headwater streams can result in the direct impact to native amphibians that rely on clean substrate to burrow in and access cold, clean water, including Southern Torrent Salamanders, Coastal Giant Salamanders, and Tailed Frogs. Southern Torrent Salamanders are primarily aquatic, extremely moisture dependent, burrow into streambed substrates during both low and high stream flows, and feed largely on aquatic macroinvertebrates. Southern Torrents lay single eggs that take approximately eight months to hatch, and their larvae take up to two and a half years to metamorphose.

    d. 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.

Suspended sediment can also physically damage gills causing fish mortality; increased 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. Impacts to beneficial uses occur both during 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) and nutrients, which bind to sediment particles. (beneficial uses impacted: REC1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).

12. **Cleanup and Abatement Action Necessary:** Cleanup and abatement is necessary to ensure that threatened discharges of waste to waters of the state threatening to create a condition of pollution and nuisance, are appropriately cleaned up, that background water quality conditions are restored, and that any impacts to beneficial uses are mitigated.

    The unauthorized discharge of HDD waste could alter the quality of waters of the state to a degree which would unreasonably affect waters of the state for beneficial uses. The current condition of pollution is a violation of applicable water quality regulations and the issuance of this Order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the North Coast Water Board.

13. **Technical Reports Required:** Water Code section 13267, subdivision (b) provides that the North Coast Water Board may require a discharger to furnish, under penalty of perjury, technical or monitoring reports. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained. The technical reports required by this Order are necessary to investigate the quality of waters of the state, characterize the full extent of waste discharge, and protect beneficial uses. The reports required, herein, and described below, address cleanup and abatement planning, waste characterization and disposal site inventory, stream impacts assessment, sensitive receptor survey, and post-impact monitoring — each necessary to fully understand and remediate a

discharge that has impacted a highly sensitive salmonid watershed during the critical juvenile rearing season.[5,6]

a. **Immediate Cessation Notification (Required Action 1)**: The notification and certification to the North Coast Water Board confirming cessation of unauthorized discharges is a technical report necessary to confirm and document compliance with the most urgent requirement of this Order. The scope of this reporting obligation (cover letter and certification of cessation) is straightforward, and the reporting burden is minimal. Estimated reporting costs range between $400 and $900. The burden of this report bears a reasonable relationship to the need for immediate confirmation that active discharges have ceased.

b. **Discharge Characterization Report (Required Action 2)**: The Discharge Characterization Report is a technical report necessary to establish the complete factual record of the HDD drilling waste discharge, including the identity and composition of all drilling fluid products and additives, the chronological history of all disposal events, and the pathways by which HDD waste reached waters of the state. The scope of report preparation tasks (drilling fluid SDS compilation, disposal narrative, site inventory, pathway analysis, volume estimate) is comparable in level of effort to a Site Assessment Report as described in the 2023 Cost Guidelines. Estimated reporting costs range between $4,000 and $10,300. The burden of preparing and submitting the Discharge Characterization Report bears a reasonable relationship to the need for the report to establish the basic evidentiary record underlying all subsequent required actions.

c. **Corrective Action Plan (Required Action 3)**: The Corrective Action Plan (CAP) is a technical report necessary to ensure that short-term abatement measures are designed, documented, and implemented in a manner that prevents further unauthorized discharges of HDD waste and remediates discharges that have already occurred. The scope of CAP report preparation tasks (source control plan, in-stream cleanup methodology, disposal site inventory, implementation schedule) is comparable in level of effort to a Corrective Action Plan as described in the 2023 Cost Guidelines. This case exceeds the basic CAP benchmark in complexity due to multiple disposal sites, multi-party discharger structure, and

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[5] Estimates based on the Underground Storage Tank Cleanup Fund 2023 Cost Guidelines Update, dated July 1, 2023, updated with an approximate 8% CPI adjustment to reflect inflation from mid-2023 to mid-2026 consistent with the California Department of Industrial Relations CPI calculator methodology (https://www.dir.ca.gov/OPRL/capriceindex.htm). Fisheries biologist and restoration ecologist rates are derived from BLS Occupational Outlook Handbook (2024–25) and Northern California consulting market data, as those classifications are not included in the UST Cost Guidelines.

[6] This cost analysis section was prepared by Jeremiah Puget, Senior Environmental Scientist with the assistance of Generative AI.

hydrological connectivity to an impaired waterbody supporting listed species. Estimated reporting costs range between $7,200 and $19,100. The burden of preparing and submitting the CAP bears a reasonable relationship to the need for a documented, professional-quality cleanup plan for a multi-site discharge affecting a 303(d)-listed waterbody during salmonid rearing season.

d. **Weekly Progress Reports (Required Action 4)**: Weekly progress reports are technical reports necessary to ensure that all major cleanup and abatement activities are documented in real time, that new disposal sites are promptly reported, and that cleanup effectiveness can be evaluated on a continuous basis during the active remediation phase. The scope of report preparation (activity summary, photo documentation, schedule tracking, Water Board submission) is comparable to, and below the upper range of, the Cleanup Progress Report benchmark in the 2023 Cost Guidelines, estimated at $1,500–$4,300 per report. Estimated reporting costs for an assumed ten-week active remediation period range between $6,000 and $14,000. The burden of weekly progress reports bears a reasonable relationship to the need for regular, documented oversight of an active multi-site cleanup in a sensitive biological environment and to the benefit of ensuring all cleanup activities remain on schedule.

e. **North Coast Water Board Approval Coordination (Required Action 5)**: The coordination correspondence required under Required Action 5, including any emergency authorization requests submitted to the North Coast Water Board or CDFW prior to commencing in-stream cleanup activities, constitutes a technical report necessary to ensure that in-stream and riparian cleanup activities are conducted with appropriate regulatory oversight in a sensitive biological environment. Estimated reporting costs range between $300 and $800. The burden bears a reasonable relationship to the benefit of ensuring that cleanup activities in coho and steelhead habitat are conducted in coordination with the appropriate regulatory agencies.

f. **Stream Impacts Assessment and Sensitive Receptor Survey (Required Action 6)**: The Stream Impacts Assessment is a multi-component technical report necessary to characterize the full extent of impacts to aquatic habitat, listed biological resources, and domestic water supply receptors from the HDD waste discharge. The scope of associated reporting tasks (physical habitat assessment documentation, biological survey reporting, water quality and sampling report, receptor determination) is comparable in level of effort to an integrated Site Assessment Report with biological specialist components, as referenced in the 2023 Cost Guidelines and in the North Coast Water Board's established practice for biological impact documentation in listed species habitat. Estimated reporting costs range between $9,000 and $24,000. The benefit derived from this report — documented characterization of harm to coho salmon, steelhead, and their habitat in a watershed with substantial restoration investments — clearly and substantially exceeds the reporting burden. The

burden of preparing and submitting the Stream Impacts Assessment bears a reasonable relationship to the need for the report and the benefits to be obtained.

g. **Mitigation Plan (Required Action 7)**: The Mitigation Plan is a technical report necessary to ensure that documented impacts to aquatic resources are addressed through a professional-quality, permit-coordinated restoration and mitigation program. The scope of report preparation tasks (impact summary, mitigation options analysis, gravel augmentation design, performance standards, regulatory authorization documentation) is comparable in level of effort to a Remedial Action Plan for a complicated site as described in the 2023 Cost Guidelines, adjusted for the aquatic biological focus of the required mitigation work. Estimated reporting costs range between $8,500 and $22,000. The burden of preparing and submitting the Mitigation Plan bears a reasonable relationship to the need for a plan and documented evidence that impacts to listed species and their habitat will be specifically and meaningfully addressed and mitigated.

h. **Post-Impact Monitoring and Sampling Program (Required Action 8)**: The Post-Impact Monitoring and Sampling Program is a technical report necessary to ensure that water quality, biological, and substrate recovery are documented through systematic, professionally-designed monitoring. The monitoring program design, semi-annual reports, and data management obligations are comparable in level of effort to the combination of a monitoring plan and recurring Cleanup Progress Reports described in the 2023 Cost Guidelines, with additional biological monitoring components appropriate to the sensitivity of the receiving waters. Estimated reporting costs for the first year range between $7,500 and $18,500. The monitoring program includes an adaptive management structure that limits ongoing reporting obligations to conditions observed. Monitoring requirements cease when the North Coast Water Board formally determines that recovery has been achieved. The benefit of systematic post-impact monitoring and verified recovery of aquatic resources in a 303(d)-listed watershed supporting listed salmonids clearly justifies the reporting burden. The burden of preparing and submitting monitoring program reports bears a reasonable relationship to the need for the reports and the benefits to be obtained.

i. **CAP Completion Report (Required Action 10)**: The CAP Completion Report is a technical report necessary to demonstrate that the Dischargers have successfully implemented and completed all cleanup and abatement activities required by the approved CAP, with documented evidence that proper off-site disposal was accomplished and that a licensed professional has certified the adequacy of the completed work. The scope of report preparation (cleanup summary with photo documentation, disposal facility receipt compilation, professional certification) is comparable to that of a Cleanup Progress Report as described in the 2023 Cost Guidelines, adjusted for the multi-site scope of this Order. Estimated reporting costs range between $2,800 and $7,800. The burden of preparing and submitting the CAP Completion Report bears a reasonable relationship to the need for documented evidence that all remedial actions and

best management practices were implemented in a manner that adequately prevents further potential discharges to waters of the state.

14. Notification: As of June 16, 2026, Staff notified the Dischargers of its intent to issue this Order during virtual meetings, discussing the Dischargers' plans to address the emergency conditions at the Briceland Road Property and threats associated with the discharge events. Due to the urgent need to address the imminent threat to waters of the state, the environment, and public health, this Order has been issued as expeditiously as possible. The Dischargers can seek changes or comment on this Order once it is issued. Moreover, under Water Code section 13320, it can petition the State Water Resources Control Board for review, as explained in General Requirements and Notices, Paragraph 22, below.

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 North Coast 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), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Facility. 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. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger's proposed cleanup, abatement or restoration activities and possible associated environmental impacts. To the extent that the Order requires earth-disturbing and re-vegetation activities not to exceed five acres in size and to assure restoration of stream habitat and prevent erosion, this Order is exempt from provisions of CEQA pursuant to California Code of Regulations, title 14, section 15333. If the North Coast 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 North Coast Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. The Discharger will bear the costs, including the North Coast Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing any documents necessary for the North Coast Water Board to satisfy its environmental review obligations under CEQA. If necessary, the Discharger and a consultant acceptable to the North Coast Water Board shall enter into a memorandum of understanding with the North Coast Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13304 and 13267, that the Dischargers shall clean up any wastes and abate the actual and threatened impacts to

water quality in accordance with the scope and schedule set forth below and provide the technical reports as required below.

1. **Immediate Cessation of Unauthorized Discharges**

   The Dischargers shall **immediately** cease all unauthorized disposal of HDD waste at any unpermitted location, including but not limited to the Briceland Road Property and the Meadows Business Park pit. No HDD waste shall be deposited, stored, or discharged at any location in the North Coast Region without prior written authorization from the North Coast Water Board. Any continued disposal of HDD waste is permissible only at a properly permitted disposal facility or at a location that holds an applicable waste discharge requirement or general permit coverage approved in advance by the North Coast Water Board and all applicable local agencies.

2. **Discharge Characterization Report**

   By July 10, 2026, the Dischargers shall submit a Discharge Characterization Report, prepared by and/or under the direction of a qualified professional, that provides a complete accounting of all HDD waste recycled and HDD waste generated and disposed of in connection with the HDD operations in the North Coast Region. The report shall include, at minimum:

   a. Copies of all contracts, subcontracts, agreements, work orders, scopes, purchase orders, task orders, payments, amendments and other contractual agreements issued and entered into for the project segment and the generation, transportation, storage, treatment, dewatering, placement or disposal of HDD waste.

   b. A description of the events and arrangements that led up to and after the disposal of HDD waste on the Briceland Road Property. This description shall summarize the sequence of activities, communications, agreements, site uses, and operational choices that resulted in the placement, storage, management, or disposal of HDD waste on the Briceland Road Property, and shall describe how the waste was handled after it was deposited.

   c. Copies of all communications between the Dischargers and any contractor, subcontractor, employee, agent, landowners or representative involved in the HDD operations concerning the use of all properties for storage, treatment, dewatering, placement, or disposal of drilling waste. Identification of all persons who participated in, directed, approved, supervised, managed, negotiated, authorized, arranged, transported, stored, treated, dewatered, placed, or disposed of HDD waste on the properties, or who participated in discussions or decisions regarding the use of the properties for such activities. For each person identified, provide their name, title, employer or affiliation, contact information, role and responsibilities, dates of involvement, and a description of their participation in the decision-making process and disposal activities.

d. A characterization of the constituents of the HDD waste and their concentrations, breakdown products, and safety data sheets.

e. A chronological narrative of all disposal events from May 25, 2026, to the date of this Order, including dates, composition, volumes (gallons), disposal locations, personnel involved, and identification of those personnel in responsible charge of the activities.

f. A map showing all disposal and recycling sites including GPS coordinates, site ownership, address, assessor's parcel numbers, timing of and volumes of disposal, and personnel involved.

g. An evaluation of the factors that caused or contributed to each discharge, including but not limited to site selection, waste placement methods, containment measures, storage capacity, dewatering practices, precipitation, and hydrologic connections to surface waters from each disposal site, operational decisions, and any failures of planning, design, operation, or maintenance.

h. All available truck manifests, haul logs, or load tickets for the HDD waste disposal to date.

i. A description of any additional disposal sites not yet inventoried, and a plan and schedule for confirming the complete accounting of disposal locations.

j. Estimates of the volume of HDD waste accepted the at each disposal site, the volume still on site, the volume discharged from each disposal location to waters of the state and the basis for the estimates.

3. **Corrective Action Plan**

By July 10, 2026, the Dischargers shall submit a proposed **Corrective Action Plan (CAP)**, prepared by an appropriately licensed and qualified professional and subject to review and concurrence by the Regional Water Board or its delegated officer, for completion of short-term abatement measures necessary to prevent further unauthorized discharges of HDD waste and to remediate discharges that have already occurred. The CAP shall include, at a minimum, the following elements:

a. **Site Stabilization and Source Control:**

i. Identification of all discharge locations and pathways at all known HDD waste disposal sites and all areas of immediate concern with potential to discharge to waters of the state.

ii. Proposed Best Management Practices (BMPs) and physical containment measures to prevent additional HDD waste from reaching any watercourse or drainage feature hydrologically connected to waters of the state.

iii. Proposed actions to prevent the resuspension and downstream transport of settled bentonite material discharged from the Briceland Road Property to Tributary 1 during abatement activities.

iv. Proposed measures to stabilize and contain HDD waste remaining at all HDD waste disposal locations, pending transport to a properly permitted disposal facility.

v. All proposed site stabilization and source controls shall be reflected in the regulatory documents, site specific plans, contracts, scopes of work, design drawings and specifications as applicable.

b. **In-Stream and Riparian Cleanup:**

i. Proposed cleanup activities, methods, and BMPs to remove settled HDD waste materials from the ditch along Briceland Road, the culvert under Briceland Road, Tributary 1, and, to the extent feasible and consistent with minimizing additional disturbance, from affected reaches of Redwood Creek and the South Fork Eel River. A proposed methodology for extraction of settled HDD waste materials from Tributary 1 pools downstream of the Briceland Road culvert, including a dewatering plan for Tributary 1 and a description of any additional equipment and personnel required.

ii. Any in-stream cleanup work shall require preauthorization from CDFW and the North Coast Water Board prior to implementation. If emergency conditions necessitate work before authorization can be obtained, the Dischargers shall coordinate with CDFW for emergency permit options and notify the North Coast Water Board in writing at least 24 hours in advance.

iii. Proposed disposal location(s) for all material recovered during cleanup, including confirmation of permit status for each receiving facility.

c. **Additional Disposal Site Inventory and Plan:**

i. A plan and schedule for confirming the complete inventory of all disposal sites used in connection with the Garberville HDD operations, including any sites not yet identified.

ii. For each identified disposal site, an assessment of site conditions and proximity to waters of the state, an estimate of volume of HDD waste deposited, and proposed site stabilization and cleanup measures.

iii. A plan for proper off-site disposal of all HDD waste at a permitted facility, including the identity of the receiving facility, its permit status, and a proposed transport and disposal schedule.

iv. A summary of other work areas within the North Coast Region and a summary of locations and methods of HDD waste disposal.

d. **Implementation Schedule:**

i. A detailed schedule for completion of all CAP tasks, with specific milestone dates, identification of responsible parties, and criteria for determining task completion.

ii. The Dischargers shall notify North Coast Water Board staff in writing (email is acceptable) at least 24 hours before commencing any activity described in the approved CAP.

e. Downstream Notification Plan

A plan and proposed schedule to notify downstream residents of abatement and remediation actions at the Property, including efforts to control any turbidity that may worsen during abatement and remediation efforts.

4. Weekly Progress Reports

Beginning July 13, 2026, and continuing until CAP completion, the Dischargers shall submit **weekly progress reports** to the North Coast Water Board. Each report shall include: a summary of all major cleanup and abatement activities conducted during the reporting period; documentation of any new disposal and recycling sites identified including volumes generated recycled and disposed of; all available truck manifests, haul logs, or load tickets for the HDD waste disposal; evaluation of the effectiveness of ongoing cleanup measures; photographic documentation of work areas; identification of any problems or delays and proposed solutions; and a schedule outlook for the following reporting period.

5. **North Coast Water Board Approval Required**

No in-stream or riparian cleanup activities shall commence until the North Coast Water Board and CDFW has approved the relevant component of the CAP or has notified the Dischargers in writing that work may proceed on an emergency basis.

6. **Impacts Assessment and Sensitive Receptor Survey**

By July 20, 2026 (or within 14 days of North Coast Water Board approval of the CAP, whichever is later), the Dischargers shall submit a **Stream Impacts Assessment and Sensitive Receptor Survey**, prepared by or under the direction of a qualified professional, including methodologies, procedures and results, that characterizes the full extent of impacts to aquatic habitat and sensitive biological resources resulting from the discharge of HDD waste. The assessment shall include, but not be limited to:

a. Physical Habitat Assessment:

i. A survey of the bentonite deposition extent in Tributary 1, Redwood Creek, and the receiving reaches of the South Fork Eel River, documenting the longitudinal and cross-sectional extent of bentonite deposits and estimating the volume and thickness of settled material.

ii. An assessment of impacts to streambed substrate quality, including fine sediment embeddedness of gravels and cobbles, and an evaluation of the degree to which spawning and rearing habitat suitability has been impacted.

iii. Documentation of all survey methods, survey reach boundaries, sampling locations (with GPS coordinates), and photographs keyed to a site map.

b. Sensitive Receptor Survey — Biological Resources:

i. A survey for the presence or sign of coho salmon (Oncorhynchus kisutch), steelhead trout (O. mykiss), and Chinook salmon (O. tshawytscha) within the affected reaches, including juvenile fish.

ii. A survey for the presence of other state and federally listed or sensitive species or critical habitat within the affected area, consistent with CEQA and CESA requirements.

iii. A qualitative assessment of benthic macroinvertebrate community condition in affected reaches compared to reference conditions upstream of the discharge, as an indicator of food web impacts to juvenile salmonids.

iv. A description of any observed mortality, distress, or displacement attributable to the discharge, along with coordination with CDFW regarding any observed impacts to fish and wildlife.

c. Water Quality Monitoring and Sampling:

i. Collection and laboratory analysis of water and sediment samples in accordance with US EPA approved methods from the Briceland Road ditch, Tributary 1, and affected reaches of Redwood Creek with characterization of the chemical composition of HDD waste that entered the watercourse. Samples shall be collected upstream, downstream and within impacted areas of Tributary 1 and Redwood Creek. Monitoring and Sampling shall also include analysis for HDD waste constituents and additives, dissolved oxygen, pH, turbidity, total suspended solids, settleable solids, California Toxic Rule Priority Pollutant metals, Methylene Blue Active Substances, orthophosphate, total phosphorus, an aquatic bioassay from Tributary 1, and other constituents that may have been mobilized from the underlying geology during drilling operations. Sample locations shall be determined in coordination with North Coast Water Board staff.

ii. Sampling results shall be compared to applicable Basin Plan water quality objectives and to background conditions upstream of the discharge, and any exceedances shall be identified and discussed.

d. Drinking Water and Domestic and Agricultural Supply Receptors:

i. A survey of known or reasonably suspected domestic water supply wells, surface water diversions, including domestic and agricultural water intakes, within the potentially affected area of Redwood Creek and the South Fork Eel River downstream of the HDD waste discharge points.

ii. A determination of whether any identified receptors have been or may be adversely affected by the discharge of HDD waste, and a recommendation as to whether additional sampling, notification or remediation is warranted.

7. Mitigation Plan

By August 3, 2026 (or within 14 days of submittal of the Impacts Assessment, whichever is later), the Dischargers shall submit a **Mitigation Plan**, prepared by a qualified professional, for restoring beneficial uses and mitigating documented impacts to aquatic resources. The plan shall include:

a. A summary of the stream impacts documented in Required Action 5, identifying the nature, geographic extent, and estimated severity of each impact category (substrate, biological, water quality).

b. Proposed mitigation measures for each documented impact category, including but not limited to: (a) removal or natural flushing of bentonite deposits with a schedule keyed to expected winter flow conditions; (b) measures to accelerate recovery of benthic invertebrate communities in affected reaches; (c) gravel augmentation or substrate rehabilitation in reaches where spawning habitat has been severely degraded, if warranted; and (d) any appropriate in-stream habitat improvements within the Redwood Creek or South Fork Eel River watersheds to offset harm to salmonid populations.

c. A proposed environmental enhancement project related to impacted beneficial uses.

d. Identification of any applicable regulatory authorizations (e.g. CDFW Lake and Streambed Alteration Agreement, North Coast Water Board preauthorization, County of Humboldt) required prior to implementing proposed mitigation measures.

e. A proposed implementation schedule and performance standards for each mitigation measure, with criteria for determining when mitigation goals have been achieved.

f. A long-term monitoring component consistent with Required Action 8.

8. Post-Impact Monitoring and Sampling Program

By August 3, 2026, the Dischargers shall submit a **Post-Impact Monitoring and Sampling Program** for North Coast Water Board approval. The program shall be consistent with the findings of Required Action 5c and shall be implemented upon approval. The program shall include, at minimum:

a. Water Quality Monitoring:

i. Turbidity and total suspended solids monitoring at a minimum of three stations (one upstream reference station, one station within Tributary 1, and one station in Redwood Creek downstream of Tributary 1 confluence), conducted on a weekly basis for the first 90 days following CAP approval

and monthly thereafter until North Coast Water Board staff determines that water quality has returned to reference conditions or background levels.

ii. Post-storm event sampling following any precipitation event of 0.5 inches or greater within a 48-hour period, to evaluate whether storm flows mobilize residual bentonite deposits from the Briceland Road Property, the ditch, or the affected tributary reaches.

iii. A laboratory analysis protocol consistent with the sampling parameters identified in Required Action 5c, with results compared to Basin Plan water quality objectives and upstream reference conditions.

b. Biological Monitoring:

i. Benthic macroinvertebrate sampling at affected and reference stations in autumn (October–November of 2026) and spring (March–April of 2027), with results compared to pre-disturbance reference conditions or published regional benchmarks, to evaluate recovery of the aquatic food web.

ii. Juvenile salmonid snorkel surveys and electrofishing (if authorized) in affected reaches of Tributary 1 and Redwood Creek conducted in summer (June–August) and autumn (September–October) of 2026, in coordination with CDFW, to document species presence, relative abundance, and condition in relation to reference reaches.

iii. Spawning redd surveys in Redwood Creek during the coho and steelhead spawning season (November 2026–February 2027), at a minimum, to document any change in spawning utilization of reaches affected by bentonite deposition.

c. Substrate Condition Monitoring:

i. Pebble count and embeddedness surveys at affected and reference stations following the first significant winter flow event (estimated peak flow > 200 cfs in Redwood Creek) to evaluate whether natural flushing has restored substrate quality.

ii. Photographic documentation at fixed monitoring stations at each sampling event, keyed to a site map, for comparison across monitoring periods.

d. Monitoring Reports:

i. Monitoring results shall be submitted to the North Coast Water Board in semi-annual monitoring reports due March 31 and September 30 each year, with the first report due six months after North Coast Water Board approval of the monitoring program, and continuing until North Coast Water Board staff formally notifies the Dischargers in writing that monitoring requirements have been satisfied.

ii. Each monitoring report shall include a summary of results, comparison to objectives and prior sampling results, an evaluation of whether recovery trajectories are on track, and any recommended adaptive management actions.

9. CAP Completion

Upon written approval of the CAP and implementation schedule by the North Coast Water Board Executive Officer, or their designee, and after obtaining any required regulatory authorizations, the Dischargers shall commence implementation of the approved CAP no later than five (5) calendar days following the latter of (1) Executive Officer approval or (2) receipt of required regulatory authorizations, unless otherwise specified in writing by the Executive Officer. The Dischargers shall complete the work specified in the approved CAP per the approved schedule of implementation. The Dischargers must notify North Coast Water Board staff in writing (e-mail is appropriate) at least 24 hours in advance of commencing activities outlined in the approved CAP.

10. CAP Completion Report

No later than 14 days following completion of all activities described in the approved CAP, the Dischargers shall submit a **CAP Completion Report** to the North Coast Water Board. This report shall include a summary and photographic documentation of all completed cleanup and abatement measures, clearly keyed to site maps; confirmation of proper off-site disposal of all HDD waste with disposal facility receipts; a statement of professional certification by the responsible licensed professional; and a determination of whether any additional cleanup is warranted based on conditions observed at completion.

11. Mitigation Completion Report

No later than 14 days following completion of all activities described in the approved Mitigation Plan, the Dischargers shall submit a **Mitigation Completion Report** to the North Coast Water Board. This report shall include a summary and photographic documentation of all completed cleanup and abatement measures, clearly keyed to site maps; confirmation of proper off-site disposal of all HDD waste with disposal facility receipts; a statement of professional certification by the responsible licensed professional; and a determination of whether any additional cleanup is warranted based on conditions observed at completion.

12. Post-Impact Monitoring and Sampling Program Completion Report

No later than 14 days following completion of all activities described in the approved Post-Impact Monitoring and Sampling Program, the Dischargers shall submit a Post-Impact Monitoring and Sampling Report Completion Report to the North Coast Water Board. This report shall include a summary and photographic documentation of all completed cleanup and abatement measures, clearly keyed to site maps; confirmation of proper off-site disposal of all HDD waste with disposal facility receipts; a statement of professional certification by the

responsible licensed professional; and a determination of whether any additional cleanup is warranted based on conditions observed at completion.

GENERAL REQUIREMENTS AND NOTICES

12. **Duty to Use Qualified Professionals:** The Dischargers shall provide technical and monitoring reports prepared under the direction of appropriately qualified professionals. In preparing the technical reports, any engineering or geologic evaluations and judgments shall be performed by or under the direction of registered professionals pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. Reports submitted by or on behalf of the Discharger shall include a statement of qualifications and registration numbers of the responsible lead professional. The lead professional shall sign and affix their registration stamp to the report.

13. **Signatory Requirements:** 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 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 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."

14. **Reasonable Access:** The Dischargers shall allow the North Coast Water Board, or an authorized representative, upon presentation of credentials and other documents as required by law, to enter at reasonable times to inspect any facility, property, or disposal site relevant to this Order and to review any records required to be kept under this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.

15. **Submissions**: All submissions, monitoring reports, technical reports, or notices required under this Order shall be submitted to North Coast Water Board staff at the addresses provided below. North Coast Water Board staff will coordinate to obtain approval of the required submittals.

By email (preferred) to:

The North Coast Water Board at NorthCoast@Waterboards.ca.gov, Adona White at Adona.White@waterboards.ca.gov and Jeremiah Puget at Jeremiah.Puget@waterboards.ca.gov

Or by mail to:

North Coast Regional Water Quality Control Board, Attn: Jeremiah Puget
5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403

16. **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.
17. **Cost Recovery:** Pursuant to Water Code section 13304, the State or North Coast Water Board is entitled to all reasonable costs actually incurred to investigate and abate the effects of unauthorized discharges of waste and to oversee cleanup and restoration actions required by this Order.
18. **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 North Coast Water Board Executive Officer or their designee, 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 but no later than 5 days prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer or their designee.
19. **Modifications:** Any modification to this Order shall be in writing and approved by the North Coast Water Board or its delegated officer.
20. **Enforcement Authority and 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 North Coast Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to $1,000 dollars per day for violation of technical reporting requirements and liability of $5,000 per day of violation and/or up to $10 per gallon when the violation results in the discharge of waste, pursuant to Water Code sections 13268, 13350, and/or 13385. The North Coast 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
21. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the North Coast Water Board to institute additional enforcement actions or to require additional investigation and cleanup consistent with the Water Code. This Order may be revised as additional information becomes available.

22. **Requesting Review by the State Water Board:** Any person aggrieved by this, or any final action of the North Coast 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: Filing Petition (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.

Original signed by Valerie Quinto on June 17, 2026

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Valerie Quinto
Executive Officer