

California Regional Water Quality Control Board
North Coast Region

Technical and Monitoring Report
Order No. R1-2000-44
Pursuant to Water Code Section 13267(b)

For

Richard L. Grandfield, Sr.
And
DANA K. and SUZIE GRANDFIELD

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. Richard L. Grandfield, Sr. and Dana K. and Suzie Grandfield have owned and presently own property described by Assessors Parcel Numbers 503-261-31, which is located at 723 Fickle Hill Road, within the boundaries of the City of Arcata. On April 14, 2000, Richard L. Grandfield, Sr. granted title to the referenced property to Dana K. and Suzie Grandfield. Richard L. Grandfield, Sr. and Dana K. and Suzie Grandfield are hereinafter named the discharger.
2. The property is within the Grotzman Creek watershed, tributary to Gannon Slough thence Arcata Bay. The discharger has caused or permitted periodic dumping of earthen material; rubble and construction-project waste (approximately 2200 cubic yards) for at least two years. The dumping may have been an effort to widen a roadway by filling in a portion of the Grotzman Creek drainage. The earthen materials have been dumped onto vegetated sloping hillside without clearing, grubbing, compaction or drainage management.
3. As a consequence of these dumping activities, approximately 700 cubic yards of earthen material, rubble and construction-project waste slumped and slid onto a slope above the west fork of Grotzman Creek on or about March 18, 2000. The slope failure caused loose, unconsolidated fill and vegetation to enter the waters of Grotzman Creek and caused the toppling of eight redwood trees up to 30 inches in diameter. The slide caused extensive damage to the streamside riparian habitat. The slide area appears to be unstable and has potential for further discharge to Grotzman Creek and its tributaries.
4. Investigation by the State of California Department of Fish and Game has identified the following violations of the Fish and Game Code:

Section 1603, unlawful streambed alteration.

Section 5652, deposited garbage / refuse within 150 feet of a stream.

Section 5650, water pollution, silt and asphalt.

5. Preliminary investigation by the City of Arcata indicates that the discharger has violated City regulations and Municipal Code including the following:
 - a. Section 3-0401 of the Arcata Land Use and Development Guide (LUDG) requiring a permit for grading and fill activities, including the submission of a grading plan and supporting technical reports.
 - b. Section 5440.1 of the Arcata Municipal Code requiring that grading, demolition and construction waste be confined to the property on which the grading, demolition or construction occurs and removed by the owner immediately after such demolition or construction is completed.
 - c. Section 5420.4 of the Arcata Municipal Code requiring the landfill disposal of all solid wastes.
 - d. Section 7997.02 of the Arcata Municipal Code prohibiting the obstruction of any facility used by the City of Arcata in its storm water drainage enterprise and utility (such as the Grotzman Creek drainage).
6. The City of Arcata has contracted the services of Pacific Watershed Associates to make an initial site assessment and determination of the scope of appropriate remediation to restore the Grotzman Creek drainage to its previous condition.
7. Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.
8. The beneficial uses of Grotzman Creek and Arcata Bay include:
 1. municipal and domestic supply
 2. groundwater recharge
 3. water contact recreation
 4. non-contact water recreation
 5. commercial and sport fishing
 6. cold freshwater habitat
 7. wildlife habitat
 8. migration of aquatic organisms
 9. spawning, reproduction, and/or early development
 10. industrial service supply
 11. industrial process
 12. navigation
 13. preservation of areas of special biological significance
 14. preservation of rare and endangered species
 15. marine habitat
 16. shellfish harvesting
 17. estuarine habitat
 18. aquaculture

9. The Regional Water Board adopted the Water Quality Control Plan for the North Coast Region on December 9, 1993. The Water Quality Control Plan includes an Action Plan for Logging, Construction, and Associated Activities. The Action Plan provides that:
 - a. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from 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.
 - b. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from 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.
10. Section 13267(b) of the Porter-Cologne Water Quality Control Act states:

“...the regional board may require that any person who has discharged, discharges, or is suspected of discharging...waste...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.”
11. The discharger has discharged waste that could affect the quality of waters of the state. in violation of the Basin Plan prohibitions and has caused or permitted waste to be discharged or deposited where it may be discharged into Grotzman Creek and the City of Arcata’s storm water drainage system thence Arcata Bay, which are waters of the state and creates or threatens to create a condition of pollution or nuisance.
12. Pursuant to Sections 15321 and 15308, Title 14, California Code of Regulations, this action is exempt from the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) as an enforcement action to protect the environment.

THEREFORE, IT IS HEREBY ORDERED that pursuant to the California Water Code Section 13267(b) the discharger shall furnish the following technical or monitoring reports:

1. On or before June 30, 2000, the discharger shall submit a workplan to the Executive Officer, for his concurrence, describing work to:
 - A. Clean up and abate the effects of earthen materials, rubble and construction-project waste discharged to Grotzman Creek and/or placed where it may be discharged;
 - B. Restore the streambed and banks to a stable re-vegetated condition;
 - C. Replant the hillside with native vegetation to stabilize against further discharges;
 - D. Establish a stable re-vegetated condition on the hillside;
 - E. Keep erosion control measures in place until adequate natural cover has been established.

The work plan shall delineate all measures which are intended to remove the material, restore the streambed and banks (including native vegetation and original geometry), stabilize hillside, dispose of the material at an appropriate location, and ensure compliance with the Basin Plan and all applicable city and county ordinances, codes and permit requirements.

2. Submit a report describing the commencement of the activities in the workplan concurred in by the Executive Officer no later than fifteen days after issuance of a Section 404 permit or Voluntary Restoration Order by the U.S. Army Corps of Engineers, completion of a Streambed Alteration Agreement with California Department of Fish and Game, and compliance with all applicable county codes and permit requirements.
3. Submit a report documenting completion of all work no later than September 15, 2000.
4. Submit a final compliance report that clearly delineates measures taken to clean up and abate the effects of discharges and any additional earth-disturbance activities required to perform the cleanup on or before September 30, 2000,

If, for any reason, the discharger is unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the discharger may request, in writing, an extension of the time as specified. A written extension may be granted for good cause, in which case this Order will be revised accordingly.

Ordered by _____
Lee A. Michlin
Executive Officer

June 16, 2000

(tmdgrandfieldcao)