
Santa Ana Regional Water Quality Control Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SANTA ANA REGION

DRAFT CLEANUP AND ABATEMENT AND WATER CODE SECTION 13267 INVESTIGATIVE ORDER NO. R8-2022-0031

FOR
DANIEL K. MUSETTI
ASSESSOR PARCEL NUMBER 455-200-063
RIVERSIDE COUNTY

This Order is issued to Daniel K. Musetti (hereafter referred to as the Discharger) based on provisions of Water Code section 13304, which authorizes the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Santa Ana Water Board to require the preparation and submittal of technical and monitoring reports (hereafter referred to as the Order).

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

Purpose of the Order

1. This Order requires the Discharger to clean up cannabis cultivation related waste and sediment that is discharging or threatening to discharge to tributaries of Salt Creek. These discharges and threatened discharges of waste are the result of unauthorized land disturbance activities on Riverside County Assessor Parcel Number (APN) 455-200-063 (Site) that were conducted adjacent to two ephemeral stream channels for the purpose of cannabis cultivation activities. These activities have discharged waste and threaten future discharges of waste into waters of the State of California (State) that have created or threaten to create a condition of pollution. This Order requires investigation and cleanup in compliance with the Water Code, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), State Water Resources Control Board (State Water Board) Resolution 92-49, and other applicable State and Regional Water Board plans, policies, and regulations.

Site Location and Description

2. The Site is located at 25050 Cortrite Avenue, Homeland, California 92548 (33.75624, -117.086350). The Site is located within the San Jacinto Valley Hydrologic Unit, Perris Hydrologic Area, Winchester Hydrologic Subarea (CalWater Hydrologic Unit Basin Number [HU] 4802.13). Two ephemeral streams, waters of the State, cross the Site from the north and west, converge into one stream near the southern boundary of the Site, exit the Site in the south, and continue southward downslope (National Hydrography Dataset, 2019). The streams are tributary to Salt Creek, which flows into Canyon Lake approximately 10 miles to the southwest and Lake Elsinore approximately 15 miles to the southwest.

Responsible Parties

3. This Order finds that the Discharger is a responsible party for purposes of complying with this Order based on the following:
 - i. The Discharger is the current owner of the Site and was the landowner during the inspection conducted on February 3, 2020 by South Coast Regional Cannabis Unit (Cannabis Unit) staff, working on behalf of the Santa Ana Water Board. Based on LandVision™ records, which access Riverside County Assessor Records, the Discharger purchased the Site on June 1, 1992.
4. The Santa Ana Water Board reserves the right to amend this Order to add additional responsible parties when/if those parties are identified.

Factual Basis of the Order

5. On February 3, 2020, Cannabis Unit staff inspected the Site as part of a criminal search warrant served by the Riverside County Sheriff's Department.
6. Observations made by Cannabis Unit staff during the inspection included the following:
 - i. Active cannabis cultivation occurring within eight greenhouses (cultivation areas), with approximately 730 live cannabis plants seized by law enforcement officials during execution of the warrant.
 - ii. Unauthorized land disturbance throughout the Site's approximately 19 acres, including in the riparian zone and on the banks of a water of the State.
 - iii. Discharges of sediment into waters of the State resulting from erosion due to cannabis cultivation activities. Discharges of sediment observed during the inspection included the following:

- a. evidence of sediment mobilization in rills, channels, and gullies that flowed into two ephemeral streams on the Site;
 - b. a sediment debris pile located within a stream channel adjacent to a dirt road that crosses the stream;
 - c. mass wasting and collapse of a stream bank that is adjacent to one of the greenhouses.
 - iv. Evidence of discharges of cannabis cultivation irrigation water runoff, including damp and stained soil at the base of cannabis plants within the eight greenhouses and fluvial erosion features originating from the eight greenhouses.
 - v. Cannabis plant material, potting soil, used cannabis grow blocks, and used cannabis grow bags observed within eroded rills, channels, and gullies, and within the stream channels on the Site.
 - vi. Containers of the pesticide Spectracide® Triazicide® Insect Killer observed within 10 feet of a stream bank.
 - vii. Various nutrients in solid and liquid form observed adjacent to the eight greenhouses and stored outside, uncovered, on the bare soil without containment.
 - viii. Litter, including greenhouse construction materials, irrigation lines, nutrient containers, and various domestic litter, located outside without containment throughout the Site, including within 10 feet of a stream channel bank.
7. The Discharger was notified by Cannabis Unit staff of violations of the Water Code via a Notice of Violation dated April 22, 2021, which was retrieved at the post office on May 3, 2021.
 8. On May 26, 2021, Cannabis Unit staff received an email that contained, among other attachments, a handwritten note addressed to Cannabis Unit staff that was signed by the Discharger, and three pages of photos with captions. The documents attached to the email did not provide evidence that any changes had been made to the Site following the February 3, 2020 inspection, or otherwise indicate that the Site had been appropriately cleaned up.
 9. On May 28, 2021, the Discharger contacted Cannabis Unit staff via telephone, during which staff confirmed receipt of the email and attachments, explained the alleged violations to the Discharger, and described the next steps required by the April 22, 2021 Notice of Violation. Cannabis Unit staff have received no further response from the Discharger since the phone call on May 28, 2021.

Beneficial Uses and Water Quality Objectives

10. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates, by references, plans and policies adopted by the State Water Board.
11. The Site is located within the San Jacinto Valley Hydrologic Unit, Perris Hydrologic Area, Winchester Hydrologic Subarea. The two unnamed ephemeral streams at the Site are tributary to Salt Creek (HU 802.12). The designated beneficial uses of inland surface streams for Salt Creek are contact water recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat, and are designated as intermittent. Beneficial uses of any specifically identified water body generally apply to all of its tributaries.
12. The designated beneficial uses of the adjacent mapped groundwater, the Hemet – South Groundwater Management Zone, include municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
13. The Water Quality Objectives applicable to Salt Creek (HU 802.12) that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to the waste discharges and threatened discharges observed at the Site include the following: excessive growth of algae from added nutrients, floatables, dissolved oxygen, pathogen indicator bacteria, pH, settleable solids, toxic substances, and turbidity. Inland surface water communities and populations, including vertebrate, invertebrate, and plant species, shall not be degraded as a result of the discharge of waste. Degradation is damage to an aquatic community or population with the result that balanced community no longer exists.¹
14. Water Quality Objectives applicable to the adjacent mapped groundwater, the Hemet – South Groundwater Management Zone, that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to the waste discharges and threatened discharges observed at the Site include the following: total dissolved solids, hardness (CaCO₃), metals, nitrate as nitrogen, pH, sodium, sulfate, taste and odor, and toxic substances.

¹ A balanced community is one that is (1) diverse, (2) has the ability to sustain itself through cyclic seasonal changes, (3) includes necessary food chain species, and (4) is not dominated by pollution-tolerant species, unless that domination is caused by physical habitat limitations. A balanced community also (5) may include historically introduced non-native species, but (6) does not include species present because best available technology has not been implemented, or (7) because site-specific objectives have been adopted, or (8) because of thermal discharges (Pages 4-6 and 4-7 of the Basin Plan.)

Legal Basis of the Order

15. Water Code section 13304, subdivision (a) states, in relevant part, “any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement 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 creates, or threatens to create, a condition of 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 and 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.”
16. “Waste,” as defined in 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 the purpose of, disposal.”
 - i. Sediment, when discharged to waters of the State, is considered a “waste” as defined in Water Code section 13050, subdivision (d). As a result of the erosion from cannabis cultivation activities and unauthorized land disturbance activities, sediment was discharged or deposited where it will be, or has the potential to be, mobilized and discharged into waters of the State. Additionally, the trash, chemical containers, other miscellaneous debris, nutrients, fertilizers, and soil amendments that were observed within and adjacent to the stream are “waste” as defined in Water Code section 13050, subdivision (d).
17. “Pollution” is defined in Water Code section 13050, subdivision (l)(1) as, “an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) the waters for beneficial uses or (B) facilities which serve these beneficial uses.”
 - i. Sediment from the unauthorized land disturbance activities, irrigation runoff, trash, chemical containers, and other miscellaneous debris has discharged, and has the potential to discharge, into the ephemeral stream, creating or threatening to create a condition of pollution by unreasonably affecting the beneficial uses of waters of the State.

- ii. Discharges of sediment and other inert material 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 and may impact the following beneficial uses for inland surface streams of Salt Creek: warm freshwater habitat and wildlife habitat. Sediment laden storm water discharges to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters, thereby impacting the following beneficial use: contact water recreation.
- iii. Sediment and soils that have been impacted by nutrients, fertilizers, and other soil amendments and pesticides throughout the cultivation areas, including within the ephemeral stream, have the potential to alter the chemistry and water quality of surface and groundwater. Such changes may lead to increased treatment and/or maintenance costs for users of the surface and groundwater, which could impact the following beneficial uses for the Hemet – South Groundwater Management Zone: municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
- iv. Irrigation runoff containing nutrients, fertilizers, and other amendments and pesticides also has the potential to alter the chemistry and water quality of surface and ground waters. Such changes may lead to increased treatment and/or maintenance costs for users of the surface and groundwater, which could impact the following beneficial uses for the Hemet – South Groundwater Management Zone: municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply.
- v. The dumping and discard of trash, chemical containers, and other miscellaneous debris has the potential to alter the hydrologic regimes of surface waters, threaten wildlife habitat and aquatic species, and impact sediments and soils, which may affect surface and ground water quality and impact the following beneficial uses for inland surface streams of Salt Creek: contact water recreation, warm freshwater habitat, and wildlife habitat.

18. As a result of the unauthorized land disturbance activities that were conducted at the Site for the purpose of cannabis cultivation activities, resulting in erosion and mass wasting of the stream bank, the Discharger has caused or permitted waste to be discharged or deposited where it will be, or has the potential to be, discharged to ephemeral streams on the Site, which are tributary to Salt Creek and are waters of the State. These discharges and threatened discharges of waste occurred without authorization under the Water Code. These unauthorized discharges and threatened discharges of waste have created or threaten to create a condition of pollution, as described above.
19. As a result of the use of pesticides, fertilizers and other amendments at the Site, the Discharger has caused or permitted waste, as described above, to be discharged or deposited where it will be, or has the potential to be, discharged to the underlying groundwater, a water of the State. These unauthorized discharges and threatened discharges of waste have created or threaten to create a condition of pollution, as described above.
20. Cleanup and abatement is necessary to ensure that any existing condition of pollution is cleaned up, that threatened unauthorized discharges of waste to waters of the State that may create a condition of pollution are prevented, and that any impacts to beneficial uses are mitigated.
21. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Santa Ana Water Board and State Water Board.
22. Resolution 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 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California (Antidegradation Policy). Resolution 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 which 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 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the Santa Ana 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.

Technical Reports Required

23. Water Code section 13267, subdivision (a) provides that the Santa Ana 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 Santa Ana Water Board, in conducting an investigation, may require dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Staff estimate the total cost of technical reports required by this Order to be approximately \$8,660 - \$29,240.² The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

- i. The Restoration and Monitoring Plan (RMP) is a technical report that is necessary to assess impacts to waters of the State resulting from the unauthorized grading and land disturbance activities and to determine the appropriate restoration and abatement work to correct those impacts. By requiring the Discharger to submit an RMP, the Santa Ana Water Board or its delegated officer has the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm the proposed work will adequately remediate Site conditions and prevent unauthorized discharges from further impacting beneficial uses. The plan requirements and associated costs to prepare an RMP (i.e. field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$3,660 and \$11,720. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMP bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

² The State Water Board considered the estimated costs associated with various technical reports regarding site characterization, stabilization, and restoration during the adoption and amendment of the Cannabis Cultivation Policy and General Order. Estimated costs for technical reports were presented in the State Water Board's 2017 Direct Cost Analysis for the Proposed Cannabis Cultivation Policy (2017 Direct Cost Analysis) (waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf).

The costs to develop the technical reports required in this Order are anticipated to be comparable to the preparation of reports presented in the 2017 Direct Cost Analysis, as detailed in Paragraph 19, subparagraphs a-c.

- ii. The RMP Completion Report is a report that demonstrates to the Santa Ana Water Board or its delegated officer that the restoration and corrective actions contained in the approved RMP have been fully implemented. By requiring the Discharger to submit documentation of the corrective actions, including pre- and post-construction photographs and relevant maps and schematic diagrams, staff can confirm the RMP has been fully implemented and that the erosion control measures are adequate to prevent future discharges of sediment and other wastes into waters of the State. The cost to prepare an RMP Completion Report is comparable to the report preparation component of a combined Site Management Plan and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$2,900 and \$8,000. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMP Completion Report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
- iii. Annual Monitoring Reports are necessary to document the long-term stability of restored areas, to identify any areas where restoration is failing or needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing sediment discharges to waters of the State. Given the condition of the Site as a result of the unauthorized land disturbance activities, including erosion and mass wasting of the stream bank, a yearly report for a minimum of two years will enable staff to confirm that the completed restoration and corrective actions documented in the RMP Completion Report continue to be effective over the wet and dry seasons. The cost to prepare an Annual Monitoring Report is comparable to producing a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$1,080 and \$4,760 per report, for a total of \$2,160 to \$9,520 for two annual reports. After consideration of these factors, staff has determined that the burden, including costs, of submitting the Annual Monitoring Reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

24. The Discharger named in this Order currently owns and/or operates the Site from which waste was discharged and has owned and/or operated during all relevant inspections, and thus is appropriately named a party responsible for providing the reports.

California Environmental Quality Act

25. Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provision of the Basin Plan, and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, § 15321. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., tit. 14, § 15307) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, § 15308). To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to ensure restoration of stream habitat and prevent erosion, such actions are considered exempt from the provisions of CEQA pursuant to California Code of Regulations, title 14, § 15333. Should additional environmental review be required in connection with future discretionary regulatory actions at this Site, the Board may recover the costs associated with preparing and processing environmental documents from the Discharger (Public Resources Code, § 21089).

Required Actions

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Discharger shall cleanup and abate or take other necessary remedial action with respect to the discharge and threatened discharge of waste to waters of the State and submit technical and/or monitoring reports as follows:

1. **Within 60 days of the effective date of this Order**, the Discharger shall submit a proposed Restoration and Monitoring Plan (RMP) for approval by the Santa Ana Water Board or its delegated officer. The RMP shall detail the actions proposed to clean up the observed discharges of waste to waters of the State, restore the impacted stream channel and riparian zone, and prevent future discharges at the Site. The RMP should include, at a minimum, the following items:
 - i. A plan to restore the stream channel and riparian environment that has been altered by the land disturbance associated with the cannabis cultivation activities. The restoration plan should include, at a minimum, the following:
 - a. Stabilization of the soils adjacent to the streams, stabilization of the road, and stabilization of the eroded stream bank and riparian zone, with native material, as possible. If applicable, any fill material should be sampled, tested, and confirmed clean before reuse;

- b. Install and maintain sediment erosion controls to maintain the restored stream channel and prevent excess sediment discharge into the stream system, including from the road crossing the stream;
 - c. Revegetate the riparian area (100-foot buffer adjacent to the stream channel), as necessary, with regional native vegetation of similar native species;
 - d. Best management practices to be applied during implementation of all planned work associated with Site restoration and maintenance.
 - ii. A sediment assessment phase shall be included to determine if the sediment eroded and transported into the stream channel from the stream bank and road surface can remain in place without impacting water quality, or, if necessary, require disposal to protect water quality;
 - iii. A vadose zone and shallow groundwater assessment phase shall be included to determine if the pesticides, fertilizers and other amendments used in the cultivation areas and transported into the stream channel have the potential to be discharged into the vadose zone and subsequently impact groundwater quality;
 - iv. Removal of all infrastructure related to the cannabis cultivation, including the greenhouses, any cannabis green waste, potting soils, and miscellaneous debris, from within the stream channel, riparian area, or other areas of the Site where it may be transported into the stream or infiltrate into the vadose zone;
 - v. Removal of all waste and litter from the Site that has the potential to be transported into the stream or infiltrate into the vadose zone, including transport due to restoration activities, earthmoving, precipitation runoff or stormwater, and natural stream flow; and
 - vi. A proposed implementation schedule that includes a proposed time schedule for submitting permit applications to all applicable local, state, and federal agencies, and detailed project milestones to fulfill the requirements of this Order. The implementation schedule and time schedule shall be subject to the approval of the Santa Ana Water Board or its delegated officer.
2. **No later than 30 days after approval of the RMP** by the Santa Ana Water Board or its delegated officer, the Discharger shall begin implementation of the RMP in accordance with the implementation schedule.
 3. By **March 31, 2023**, the Discharger shall complete implementation of the RMP.

4. **No more than 60 days after full completion of the RMP**, the Discharger shall submit an RMP Completion Report for approval by the Santa Ana Water Board or its delegated officer. The Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved RMP to demonstrate the RMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on Site maps/figures.
5. Upon completion of the restoration and mitigation measures contained in the RMP, the Discharger shall submit Annual Monitoring Reports by **January 31** of each year for at least 2 years or until the Santa Ana Water Board or its delegated officer approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the RMP are met with supporting documentation. Each Annual Monitoring Report shall include, at a minimum, a completed inspection checklist, photographs of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to achieve the success criteria.

General Requirements and Notices

Use of Qualified Professionals

1. All technical reports required by this Order that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geological sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Signatory Requirements

2. 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 their knowledge, the report is true, complete, and accurate. The Discharger shall also state if it agrees with any recommendations/proposals and whether it approves implementation of said proposals. 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.”

Notice of Change in Ownership or Occupancy

3. The Discharger shall file a written report on any changes in the Site’s ownership or occupancy. This report shall be filed with the Santa Ana Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.

Compliance with Other Regulatory Requirements

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

Cost Recovery

5. Pursuant to Water code section 13304, the Water Board staff is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs investigating and abating the effects of the unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. If requested by the Santa Ana Water Board, the Discharger shall enroll in the State Water Board’s Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the Santa Ana Water Board.

Submissions

6. All reports, plans, and documents required by this Order shall be submitted electronically as a Portable Document File (PDF) file to: santaana.cannabis@waterboards.ca.gov, with the following in the subject heading “**CAO:R8-2022-0031:BCovellone**” unless otherwise stated. If the report cannot be sent by email, it shall be submitted electronically on a Universal Serial Bus (USB) flash drive or Compact Disc (CD) to the following address:

Dr. Brian Covellone
Attn: CAO:R8-2022-0031:BCovellone
California Regional Water Quality Control Board, Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Delayed Compliance

7. If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the Required Actions, or in compliance with any work schedule submitted pursuant to this Order and approved by the Santa Ana Water Board or its delegated officer, 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 be granted by revision of this Order or by a letter from the Santa Ana Water Board or its delegated officer. The Santa Ana Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Discharger and will take all the available relevant facts into consideration when considering whether or not to grant an extension request.

Modification of Order

8. Any modification to this Order shall be requested in writing and shall be subject to the approval of the Santa Ana Water Board or its delegated officer, including any potential extension requests.

Enforcement Authority

9. If the Discharger fails to comply with the requirements of this Order, the Santa Ana Water Board, or its delegated officer, may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$5,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268 and 13350. The Santa Ana Water Board reserves its right to take any enforcement actions authorized by law.

Requesting Review by the State Water Board

10. Any person aggrieved by this action of the Santa Ana 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, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after 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 by the State Water Board by 5:00 p.m. 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 issued under authority delegated to the Executive Officer by the Santa Ana Water Board pursuant to R8-2017-0031 and is effective upon signature.

 Draft

Jayne Joy

Executive Officer

Attachments:

February 3, 2020 Site Inspection Report (Dated March 6, 2020)
April 22, 2021 Notice of Violation