

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2016-0711
FOR
LAWRENCE GASPER
ASSESSOR PARCEL 061-440-009-000
SHASTA COUNTY

This Cleanup and Abatement Order (Order) is issued to Lawrence Gasper (Discharger) based on the provisions of Water Code section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

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

1. **Purpose of the Order:** This Order requires the Discharger to clean up and abate the effects of discharges of nutrients, soil and rock into three unnamed Class III tributaries that discharge to an irrigation canal, which is hydrologically connected with Little Cow Creek, a Class I anadromous fishery tributary to Cow Creek, which is in turn tributary to the Sacramento River, and to eliminate the threat of future discharges. The unnamed tributaries are hereafter referred to as "Unnamed Tributaries." The Unnamed Tributaries are considered a water of the state, as well as waters of the United States. The Discharger has excavated approximately 341 cubic yards of native soil and discharged sediment to waters of the state in 2014, without authorization from applicable state and local agencies, including the Central Valley Water Board. The work was performed to expand an area for the cultivation of cannabis. This Order requires investigation and cleanup in compliance with the Water Code, the Basin Plan, Resolution 92-49, and other applicable State and Regional Water Board plans, policies, and regulations.
2. **Responsible Parties:** The Discharger, as both the property owner and the person who excavated and deposited the fill material, is the responsible party for the purposes of this Order. This Order finds that the Discharger is the primary responsible party and is liable for the cleanup of the Site.
 - a. Per records from the Shasta County Assessor-Recorder's Office, Lawrence Gasper owns just over 4 acres, identified as Assessor Parcel No. 061-440-009-000 (the Site). The Site is located at 11404 Deschutes Road, Bella Vista, CA 96008 in Shasta County; Section 20, Township 32N, Range 3W Mount Diablo Meridian in the vicinity of latitude 40.620121° and longitude -122.234466°.
 - b. Based on satellite imagery and Mr. Gasper's own statements, excavation occurred at the Site during 2014 resulting in numerous unpermitted discharges of sediment into the Unnamed Tributaries, the irrigation canal, and Little Cow Creek. The Discharger has stated that he conducted all of the work himself. The Central Valley Water Board reserves the right to amend this CAO to add additional responsible parties if any others are identified.
3. **Site Location and Description:** The Site is located at 11404 Deschutes Road in Bella Vista, Shasta County. Excavation and occurred in the vicinity of latitude 40.620121° and longitude -122.234466° adjacent to and within the Unnamed Tributaries to the irrigation canal. This location is less than one mile upstream from the irrigation canal's confluence with Little Cow Creek.
4. **Site History:** Per records from the Shasta County Assessor-Recorder's Office, the Discharger purchased the Site in November of 1990. The Site was inspected by the Central Valley Water Board on 5 February 2015.
 - a. On 13 March 2015, Central Valley Water Board staff issued a Notice of Violation (NOV) and a Water Code section 13267 Order to the Discharger via Certified Mail, requesting a work plan be submitted to the Redding office of the Central Valley Water Board within 30 days of the date of the letter (12 April 2015)

- b. Central Valley Water Board staff established phone contact with the Discharger on 23 March 2015 and twice more on 1 April 2015. The Discharger provided a phone number where he could be contacted. Each conversation was documented in a Record of Communication and retained in the Board's case file. The Discharger told staff that he had received the NOV and Water Code 13267 Order and would provide a work plan for mitigating the threat of discharge from the excavation and the road surface, generated and approved by an appropriate professional, no later than the established deadline. However, the Discharger did not submit a work plan as stated.
 - c. On 13 May 2015, the Central Valley Water Board management issued another NOV for failure to comply with the Water Code Section 13267 Order. This NOV requested that a workplan for the mitigation of the threat of discharge from the excavation conducted by the Discharger and the road surface on the Site be submitted no later than 1 June 2015. This NOV was returned to the Central Valley Water Board Redding office unclaimed on 15 June 2015.
 - d. On 17 June 2015 and 22 June 2015, staff made several attempts to contact the Discharger via the previously established phone number. The calls were unanswered and no voicemail option was available for the phone number.
 - e. On 7 July 2015, a third NOV was issued by Clint Snyder, Assistant Executive Officer, via Certified Mail to the previously established address and personal delivery by a law enforcement officer to the Discharger's home address. The letter was returned to the Central Valley Water Board's Redding office unclaimed on 27 July 2015. The law enforcement officer taped a copy of the NOV to the Discharger's gate.
 - f. On 13 January 2016, a draft Cleanup and Abatement Order (draft CAO) was issued by Clint Snyder, Assistant Executive Officer, via process server to the previously established address. The discharger was given 30 days, or until 13 February 2016, to respond with comments.
 - g. The Discharger refused service or was otherwise unable to be contacted after four attempts, made at varying times on different days of the week. On 8 February the Discharger contacted ACE Attorney Service, Inc. (ACE) by phone and requested information regarding the documents the process server attempted to serve. ACE made four more attempts to serve the draft CAO to the Discharger with no success. The Discharger finally signed for the documents under the name *John Doe* on 22 February 2016 at 10:19 AM.
 - h. Given the difficulties in delivery to the Discharger, staff allowed an additional 30 days from date of service, or until 23 March 2016, to respond with comments. No comments were received by 23 March 2016.
5. **Factual Basis of Order:** The Discharger conducted activities detailed below that have created and/or threaten to create, conditions of pollution in waters of the state by unreasonably impacting water quality and beneficial uses.
- a. The Site is located in close proximity to, and is hydrologically connected to Little Cow Creek, a Class I anadromous fishery and tributary to Cow Creek. The Unnamed Tributaries carry storm water runoff from the Site and road surface to an irrigation canal, which discharges to Little Cow Creek. The main source of Site runoff initiates as sheet flow from the excavated hillside, side casts, and the road surface, and travels down the Unnamed Tributaries to an irrigation canal then to Little Cow Creek. Little Cow Creek is on the State's CWA 303(d) list of impaired waterbodies for cadmium, copper, and zinc. Little Cow Creek is a tributary to Cow Creek, which is on the State's CWA 303(d) list of impaired water bodies for fecal coliform. Increased turbidity resulting from Site runoff contributes to

particulate matter and suspended solids providing attachment sites for heavy metals, pesticides, and other toxic contaminants including fecal coliform, allowing them to be mobilized and be deposited downstream and to settle out in reservoirs. Grading at the Site has resulted in the ground surface being stripped of vegetation and the upper soils lying vulnerable to wind and water erosion, increasing the likelihood of discharge of sediment into the Unnamed Tributaries.

- b. The native soils at the Site were classified using the Visual Classification of Soils – Unified Soil Classification System, ASTM Standard D 2488-00, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure) and cross-referenced with the United States Department of Agriculture (USDA) Online Soil Survey. The native soil at the Site is identified as a highly erosive, weakly consolidated clayey sand and is of the Inks-Pentz complex, 30 to 50 percent slopes. The USDA confirms that these soils have high runoff potential, low capacity to transmit water, are in hydrologic soil group “D”, and highly erosive. The unstable condition of the excavation and access road, along with the highly erosive nature of the native soils in the area, have resulted in the discharge of turbid storm water to the Unnamed Tributaries to Little Cow Creek and continue to threaten water quality.
 - c. On 21 October 2014, California Department of Fish and Wildlife (CDFW), Shasta County Sheriff’s Department, and Shasta County Code Enforcement served a warrant at the Site. Officials seized over 3,000 pounds of processed and partially processed cannabis during that operation.
 - d. On 17 December 2014, Central Valley Water Board staff alerted management of a potential threat to water quality resulting from site conditions. Staff observed turbid runoff from the Site during a 17 December 2014 storm while traveling on Deschutes Road and stopped to investigate the cause. Staff made inquiries to Mr. Marc Pelote, Shasta County Building Code Inspector, and Lieutenant Warden DeWayne Little of CDFW. Shasta County Records indicated that grading operations at the Site were conducted without applicable permits and subsequent conditions presented a threat to water quality.
 - e. On 3 February 2015, Central Valley Water Board staff obtained an administrative inspection warrant from the Shasta County Superior Court. The warrant authorized Central Valley Water Board staff to conduct an on-site inspection and collect physical evidence.
 - f. On 5 February 2015, the Central Valley Water Board, CDFW, and Shasta County Code Enforcement staffs conducted an on-site inspection. A discharge to the Unnamed Tributaries was photographed during the on-site inspection and surface waters were sampled for turbidity. The turbidity of the water caused by the Discharger’s grading activities exceeded water quality goals in the *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin, Fourth Edition, revised April 2016* (Basin Plan) by as much as 4,114 percent.
6. **Beneficial Uses and Water Quality Objectives:** The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. Little Cow Creek is a tributary to Cow Creek. Existing and potential beneficial uses for Cow Creek include the following: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Power (POW); Water Contact, Canoeing and Rafting (REC-1) and other Non-Contact Recreation (REC-2); Cold Freshwater Habitat (COLD); Cold Freshwater Migration (MIGR); Water and Cold Spawning for Freshwater Aquatic Organisms (SPWN); and Wildlife Habitat (WILD). Beneficial uses of any specifically identified water body generally apply to all of its tributaries.

- a. The designated beneficial uses of the underlying groundwater include municipal and domestic supply (MUN); agricultural supply (AGR); industrial service supply (IND); and industrial process supply (PRO).
 - b. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include in part, limitations on increased temperature, sediment, settleable and suspended material, and turbidity.
 - c. The State Water Board has adopted Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49) which is included as Appendix 9 of the Basin Plan. 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* (Resolution 68-16). 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 Regional Water Boards 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.
7. **Failure to Obtain Necessary Local Permits:** Central Valley Water Board staff determined that the Discharger performed excavation activities at the Site without obtaining coverage under any of the following regulatory permits:
- A grading Permit issued by Shasta County.

In addition, the Discharger has not submitted a report of waste discharge or a notice of intent to the Central Valley Water Board to obtain coverage under waste discharge requirements prior to discharging waste.

8. **Legal Authority to Require Clean Up and Abatement:** 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 requirements or other order to 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 up 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.

9. **Water Code Violations:** The discharge of sediment-laden storm water is a discharge of waste to waters of the state in violation of the Water Code sections 13260 and 13376, which creates a condition of pollution subject to this Order in accordance with Water Code section 13304.
- a. "Waste" is defined by Water Code section 13050, subdivision (d) as:
- 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 purposes of disposal.
- b. Sediment, when discharged to waters of the state, is deemed a "waste" as defined in Water Code section 13050. The Discharger caused or permitted waste to be discharged or deposited where it will be, or has the potential to be, discharged to surface waters draining to Little Cow Creek, which is tributary to Cow Creek, both being waters of the State.
- c. "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 which unreasonably affects either of the following
- i. The waters for beneficial uses;
- ii. Facilities which serve these beneficial uses.
- d. The excavation activity conducted by the Discharger, including grading of the road surface, on the Site have resulted in unauthorized discharge or threat of discharge of wastes into surface waters and surface water drainage courses and have created, or threaten to create, a condition of pollution by unreasonably affecting the beneficial uses of waters of the state. Runoff from the deposited excavated native soil, the excavated area, and the surface of the road discharges to the Unnamed Tributaries to Little Cow Creek, a tributary to Cow Creek. Accordingly, the beneficial uses of Cow Creek discussed above in paragraph no. 6 also apply to all of its tributaries.
- e. 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 adjacent channel bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten habitat for aquatic species dependent upon native sediment and vegetation characteristics (MIGR, SPWN, and WILD). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (AGR, and MUN). Sediment laden storm water discharges to, and the resulting turbidity within, surface waters can also affect the recreational and aesthetic enjoyment of the surface waters (REC-1, REC-2).
9. **Cleanup and Abatement Action Necessary:** Untreated storm water from the Site has discharged, and threatens to discharge, sediment into the Unnamed Tributaries to Little Cow Creek. The Site has an approximately 10,000 square feet graded and cleared lot, an estimated 341 cubic yards of excavated soil deposited on steep slopes lacking erosion control, and a poorly maintained access road with hydrologic connectivity to the Unnamed Tributaries and the irrigation canal (in hydrologic connectivity with Little Cow Creek). The deposited excavated material, the cleared lot, and the road surface are all comprised of highly erosive native soils. The lack of erosion controls and nature of the soils make the graded and

cleared lot, excavated soil and poorly maintained access road vulnerable to future erosion and make future discharges highly likely during wet weather events. Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that threatened unauthorized discharges to surface waters or surface water drainage courses originating from the Site are prevented, background water quality levels are restored, and that any impacts to beneficial uses are mitigated. The current condition of pollution is a priority violation as outlined in the State Water Resources Control Board Water Quality Enforcement Policy (Enforcement Policy) and the issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board.

10. **Technical Reports Required:** Water Code section 13267(a) provides that the Central Valley 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 Board, in conducting an investigation may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The technical reports required by this Order are necessary to ensure compliance with this Order and to protect the waters of the state. The technical reports are further necessary to demonstrate that appropriate methods will be used to cleanup waste discharged to surface waters and surface water drainage courses and to ensure that cleanup complies with Basin Plan requirements. In accordance with Water Code 13267, subdivision (b) the findings in this Order provide the Discharger with a written explanation with regard to the need for remedial action and reports and identify the evidence that supports the requirement to implement cleanup and abatement activities and submit the reports. The Discharger named in this Order owns and/or operates the Site from which the waste was discharged, and thus is appropriately responsible for providing the reports.
11. **California Environmental Quality Act:** Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provisions of the Basin Plan, and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA)(Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 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.).

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that Mr. Gasper (Discharger) shall cleanup and abate the impacts to water quality associated with the discharge and threatened discharge of earthen materials, soil, and sediment in accordance with the scope and schedule set forth below and shall provide the following information. The Discharger shall obtain all necessary permits for the activities required in this Order.

1. **By 15 July 2016**, the Discharger shall submit an **Interim Erosion and Sediment Control Plan** (Interim Plan) to the Board. The Interim Plan shall be prepared by an appropriately licensed professional for the completion of stabilization and mitigation efforts necessary to minimize erosion and further discharge of sediment to Little Cow Creek and its tributaries during the 2016-2017 wet weather period. The Interim Plan shall include, at a minimum, the following:
 - a. A detailed Site map accurately depicting topography, graded/excavated or otherwise disturbed surfaces, earthen side cast material, and all surface water courses/drainages.
 - b. An identification of all locations where sediment has discharged to surface waters or surface water drainage courses.

- c. An identification of all areas of immediate concern, along with proposed emergency mitigation measures to be implemented at each area of concern necessary to stabilize the Site during the 2016-2017 wet weather period. Recommendations shall include, at a minimum:
 - i. The installation, where necessary, an adequate number of water breaks designed to reduce road surface erosion by diverting storm water runoff from the road surface and directing it to a safe discharge area.
 - ii. Disconnecting road drainage from Little Cow Creek and its tributaries.
 - iii. The installation of sediment control features to prevent erosion and contain sediment transport from turbid storm water.
 - iv. The stabilization of all disturbed areas with erosion control mulches, blankets, mats, tarps, or other accepted erosion control equipment in sufficient quantities to protect the disturbed soil surface from the forces of rain drop impact and overland flow.
- d. A plan for regularly reporting progress on the Discharger's implementation of the Interim Plan to the Board, including, but not limited to, providing the Board with a continuing assessment of site conditions, the status of mitigation measures (which shall include providing photographs of mitigation measures completed and in progress), and recommendations for additional emergency measures/repairs that will be completed to address areas of concern.

Central Valley Water Board staff will review the Interim Plan in consultation with the Discharger or his authorized agent(s) and other responsible agencies immediately upon receipt. Work shall begin immediately once the Central Valley Water Board provides concurrence with the Interim Plan, and proposed emergency measures must be implemented no later than **10 business days** from date of approval.

2. **By 1 August 2016**, the Discharger shall have completed work outlined in the Interim Plan, stabilizing the Site for the winter wet-weather period.
3. **By 1 September 2016** the Discharger shall provide a report of completion to the Central Valley Water Board. This report shall include a summary and photographs of work completed and installed erosion and sediment control measures at the Site.
4. **By 1 October 2016**, the Discharger shall provide a proposed **Restoration Monitoring and Mitigation Plan (RMMP)**. The plan shall include but not be limited to:
 - a. An assessment of impacts to Little Cow Creek and its tributaries from the unauthorized activities, to be completed by an appropriately qualified professional.
 - b. Plans for Site restoration including how long-term impacts from runoff of the excavated areas, cleared and graded lot, and road surface will be abated (i.e. re-grading and reengineering, graveling or paving road surface, re-vegetating the cleared and graded lot, etc.), as well as proposed mitigation to restore beneficial uses and to compensate for and minimize any further impacts to Little Cow Creek and its tributaries. Best management practices shall be applied to all current and planned work associated with construction activities on the Site impacting, or having the potential to impact Little Cow Creek and its tributaries. The RMMP shall contain, at a minimum, design specifications and drawings, an implementation schedule, and a monitoring plan. The RMMP shall incorporate use of appropriate native or endemic species in any re-vegetation efforts.

- c. The implementation schedule in the RMMP shall include detailed project milestones that take into account the time anticipated to obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order. The time for providing that notice and obtaining that agreement should be considered and accounted for when developing a RMMP that complies with the deadlines provided in the Order.
 - d. A plan for regularly reporting progress on the Discharger's implementation of the RMMP to the Board, including, but not limited to, providing the Board with a continuing assessment of site conditions, the status of mitigation measures (which shall include providing photographs of mitigation measures completed and in progress), and recommendations for additional emergency measures/repairs that will be completed to address areas of concern.
5. **By 15 October 2016**, the Discharger shall begin implementing the RMMP.
 6. **By 15 November 2016**, the Discharger shall have completed all approved restoration and mitigation measures described in the proposed RMMP.
 7. **By 15 December 2016**, submit a **Completion Report** for the RMMP. The Completion Report shall accurately depict all construction and/or mitigation measures and document that the above plan, to restore, compensate for, and minimize any further impacts to the Unnamed Tributaries and Little Cow Creek has been fully implemented.
 8. **By October 15 of each year** (starting 15 October 2017) submit an annual monitoring report. The Annual Monitoring Report shall summarize monitoring results of the RMMP and shall continue until at least three years after successful completion of the RMMP, or until a report, acceptable to the Assistant Executive Officer, is submitted showing the discharger has met the requirements of the RMMP.

General Requirements and Notices

9. **Duty to Use Qualified Professionals:** All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic 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.
10. **Signatory Requirements:** All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Discharger shall also state if he 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."

11. **Notice of Onsite Work:** The Discharger or his authorized agent(s) shall notify Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection or has not been fully described in either the Interim Plan or the RMMP.
12. **Notice of Change in Ownership or Occupancy:** The Discharger shall file a written report on any changes in the Site's ownership or occupancy. This report shall be filed with the Central Valley Water Board's Redding Office no later than 30 days prior to a planned change and shall reference the number of this Order.
13. **Submissions:** All monitoring reports, technical reports or notices required under this Order shall be submitted to:

Central Valley Regional Water Quality Control Board
364 Knollcrest Dr. Ste 205
Redding, CA 96002
(530) 224-4845
14. **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. For example, the Fish and Game Code section 1602 requires a person or entity to notify CDFW before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. The failure to notify CDFW constituted a violation of the Fish and Game Code section 1602.
15. **Cost Recovery:** Pursuant to Water Code section 13304, the Central Valley Water Board 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. 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 Regional Board.
16. **Delayed Compliance:** If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive 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 Assistant Executive Officer. The 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.

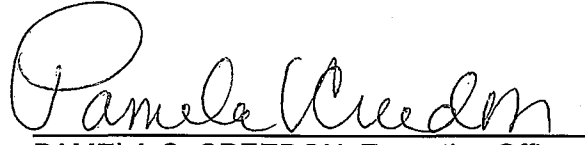
If, in the opinion of the Assistant Executive Officer, the Discharger fails to comply with the provisions of this Order, the Assistant Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley 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 effective upon the date of signature.


PAMELA C. CREEDON, Executive Officer

6/20/16
(Date)

- Appendix A – 6 March 2015 Deschutes Road Inspection Report and
13 March 2015 Water Code section 13267 and NOV Letter
- Appendix B – 13 May 2015 NOV Letter
- Appendix C – 7 July 2015 NOV Letter