

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

**Cleanup and Abatement and
Investigative Order No. R1-2024-0047**

**for
Aaron Lieberman, Paradise Valley, LLC, Northland Management Group LLC and
Northcoast Investment Group LLC**

**Humboldt County
Assessor's Parcel Numbers 220-292-015, 220-292-017 and 220-292-018**

This Order is issued to Aaron Lieberman, Paradise Valley LLC, Northland Management Group LLC and Northcoast Investment Group LLC (hereafter collectively referred to as the Dischargers). This Order is issued based on provisions of Water Code section 13304, which authorizes the North Coast Regional Water Quality Control Board (Regional Water Board) to issue a cleanup and abatement order, and Water Code section 13267, which authorizes the Regional Water Board to issue investigative orders requiring the preparation and submittal of technical and monitoring reports (collectively, the Order).

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

- 1. Site Conditions:** Site conditions on Humboldt County Assessor's Parcel Numbers (APNs) 220-292-015, 220-292-017 and 220-292-018 (collectively the Property) have impacted and continue to pose threats to water quality and beneficial uses of water. The Dischargers caused or permitted the discharge and threatened discharge of waste to receiving waters through the development and use of the Property for commercial cannabis cultivation. Threats to water quality on the Property include: unpermitted development in 2016 and 2017, clearing and converting forest and constructing three overly steep cut-and-fill graded flats and a road with two unpermitted Class III stream crossings and overly steep segments; lack of upgrade and maintenance of an extensive legacy dirt road and stream crossing network; lack of remediation of legacy earthworks in riparian areas associated with pre-2016 cannabis cultivation activities; and inadequate installation and maintenance of erosion and sediment control measures since at least 2017. The Dischargers failed to adequately plan or stabilize the Property, resulting in erosion, sediment transport and delivery to receiving waters. Site conditions remain a threat to water quality.
- 2. Purpose of the Order:** This Order requires the Dischargers to clean up and abate the effects of construction and inadequate maintenance of cultivation pads, roads, stream crossings and reservoirs and the resulting discharges and threatened discharges of sediment from the Property, and to eliminate the threat

of future discharges to unnamed tributaries of Blue Slide Creek and Miller Creek. Investigation and cleanup actions required under this Order shall be conducted to comply with the following laws and regulations:

- a. Porter-Cologne Water Quality Control Act (Wat. Code § 13000 *et seq.*);
 - b. *Water Quality Control Plan for the North Coast Region* (Basin Plan);
 - c. State Water Resources Control Board (State Water Board) *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* (Resolution 92-49); and
 - d. All other applicable State and Regional Water Board plans, policies, and regulations.
3. **Responsible Parties:** This Order finds that the Dischargers are responsible parties based on the following:
- a. Parcel information available from the Humboldt County Assessor's Office, as accessed via Digital Map Products' LandVision online service, indicates that Northland Management Group LLC purchased APN 220-292-015 on December 6, 2013, and Northcoast Investment Group LLC purchased APNs 220-292-017 and 220-292-018 on June 7, 2012.
 - b. According to the California Secretary of State website:
 - i. Northland Management Group LLC registered in California on June 5, 2013, with Aaron Lieberman as Agent for Service of Process;
 - ii. Northcoast Investment Group LLC registered in California on August 19, 2016, with Maureen McCready as the Agent for Service of Process; and
 - iii. According to the Statements of Information filed on June 3, 2022, for Northland Management Group LLC and June 28, 2022, for Northcoast Investment Group LLC, Aaron Lieberman and Bryan Wheelless are Managers or Members and Maureen McCready is Agent for Service of Process. As of May 28, 2024, both are active businesses.
 - c. Effective March 3, 2016, Aaron Lieberman enrolled APN 220-292-015 under Order No. R1-2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operation with Similar Environmental Effects in the North Coast Region (Regional Cannabis Order).
 - d. On November 30, 2018, Aaron Lieberman submitted information through the State Water Resources Control Board's (State Water Board) online

portal for discharges of waste associated with cannabis cultivation related activities on the Property. The information submitted constituted an application to transition coverage from the Regional Cannabis Order to the State Water Board Order WQ 2019-0000-DWQ *General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order). In the application, Mr. Lieberman identified himself as the operator; contrary to LandVision records described in item 3a, above, the application identified Paradise Valley LLC as the landowner for the Property. The enrollment in the Cannabis General Order became effective on July 1, 2019, with WDID 1_12CC40717. On December 15, 2023, the State Water Board terminated Aaron Lieberman's Tier 2 High Risk enrollment under the Cannabis General Order due to multiple unpaid annual invoices.

- e. According to the Department of Cannabis Control (DCC) website, DCC issued Paradise Valley, LLC a provisional outdoor cultivation license for the Property, No. CCL18-0003423 on July 25, 2019. DCC issued Paradise Mountain, LLC, provisional outdoor cultivation licenses CCL18-0003422 and CCL18-0003421 on August 23, 2019. On September 12, 2023, DCC revoked all three outdoor cultivation licenses on the Property.
- f. According to the California Secretary of State website:
 - i. Both Paradise Valley, LLC and Paradise Mountain, LLC registered as of August 23, 2016; as of May 28, 2024, both are active businesses;
 - ii. According to the most recent Statement of Information, filed on April 18, 2024, Aaron Lieberman and Bryan Wheelless are Managers or Members of Paradise Valley, LLC and Maureen McCready is Agent for Service of Process; and
 - iii. According to the most recent Statement of Information, filed on June 28, 2022, Aaron Lieberman and Bryan Wheelless are Managers or Members of Paradise Mountain, LLC and Maureen McCready is Agent for Service of Process.
- g. For the purpose of this Order, the Regional Water Board finds the following as responsible parties under this Order, as they had or should have had knowledge of the activities that resulted in discharges and threatened discharges and had the legal ability to prevent those discharges from occurring. Additionally, these parties have the ability and legal responsibility to remediate the conditions on the Property that have discharges or threaten to discharge waste to waters of the state:

- i. Northcoast Management Group and Northland Investment Group as they are the Property owners.
 - ii. Aaron Lieberman is named for his role as the facility operator who directed work on the Property from at least 2016-2023 while self-identified as the enrollee under the Regional Cannabis Order then the General Cannabis Order, and as the permittee under the CDFW Lake and Streambed Alteration Agreement for the pending instream and riparian remediation work and remains the Property representative with Staff.
 - iii. Paradise Valley, LLC, as the Discharger identified in the Notice of Applicability for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy Cannabis General Water Quality Certification, and Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements.
 - h. 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.
4. **Property Location and Description:** The Property consists of three parcels totaling approximately 146 acres and is located at 3939 Blue Slide Creek Road, Redway, in southwestern Humboldt County (Latitude 40.137989, Longitude - 123.931044) (See Attachment 1 – Property maps). The Property straddles a ridge, with numerous unnamed ephemeral Class III and Class II watercourses tributary to Blue Slide Creek and Miller Creek. Blue Slide Creek is tributary to the Mattole River; Miller Creek is tributary to Redwood Creek, which is tributary to the South Fork Eel River. The Mattole River and the South Fork Eel River are both Clean Water Act section 303(d)-listed as impaired due to elevated water temperature and excess sedimentation. The U.S. Environmental Protection Agency established Total Maximum Daily Loads (TMDL) for temperature and sediment for the South Fork Eel River in 1999 and in 2002 for the Mattole River. Blue Slide Creek and Miller Creek, and their unnamed tributaries, are waters of the state.
5. **Property History:**
- a. Aerial photo review: On May 25, 2022, Staff reviewed aerial imagery available via Land Vision and Google Earth, and found the following (See Attachment 1 - Property Map for location references):
 - b. Legacy earthworks: The Dischargers have not yet remediated earthworks that were created prior to 2016 that continue to cause impacts and threatened impacts to water quality. Aaron Lieberman’s enrollments under

the Regional Cannabis Order and the Cannabis General Order required that measures to address discharges and threatened discharges of sediment from legacy activities property-wide be described in technical reports and implemented. Legacy earthworks on the Property that are still in need of remediation include nine former cultivation-related disturbed areas located in riparian areas (Bladder Flat and Cultivation Flats B, C, D, F, H and I) and ten eroding and undersized stream crossings (Stream Crossings 1, 2, 3, 4, 7, 9, 11, 13, 14, 15, 16 and 18).

- c. 2016/2017 unpermitted development: In the August 31, 2017 inspection report, Staff documented that in 2016 and 2017, Aaron Lieberman and Bryan Wheelless hired a contractor who had cleared and converted previously forest land. They constructed Flats A, B, and G, and expanded Flat E, resulting in a total disturbance of at least 3.5 acres, with substantial cut and fill, for use in cannabis cultivation activities. To Access Flat G, Aaron Lieberman and Bryan Wheelless also had the contractor construct approximately one-thousand feet of new road and two stream crossings (Crossings 13 and 14).

Despite regulatory requirements, the Dischargers did the 2016 and 2017 development work without first obtaining requisite permits, including timber conversion permit from California Department of Forestry and Fire Protection CalFire; a grading permit from Humboldt County; a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW); a Clean Water Act (CWA) section 404 permit from the US Army Corps of Engineers; or water quality certification and waste discharge requirements for work in streams or wetlands and ground disturbance from the Regional Water Board.

- d. Waste discharges: The Dischargers failed to adequately drain or stabilize the 2016/2017-constructed flats, road, and stream crossings prior to the onset of multiple winter periods¹. As a result, and as documented by Staff inspection reports and monitoring reports from the Discharger, winter rains in 2018/2019 and 2019/2020 triggered fill failures at Flats A, E, F, and G, cutbank failures at Flat G and resulted in road surface and rill erosion, with sediment discharge to four Class III watercourses and one Class II watercourse on the Property.

Additionally, Staff documented in inspection reports that the cannabis cultivation activities and site conditions caused discharge and threatened discharge of waste, with threat to water quality associated with sediment, nutrients, and petroleum. The legacy earthwork features are not remediated and continue to pose threat of discharge. The road network is

¹ Defined in the Cannabis General Order as November 15- April 1.

in a condition that causes sediment discharges with stormwater runoff to watercourses at stream crossings.

- e. Compliance Assistance and Progressive Enforcement: Staff conducted inspections on August 31, 2017, May 24, 2018, July 24, 2018, March 7, 2019, October 17, 2019, and May 19, 2022 (as documented in Attachment 1) and met with the Dischargers and their consultants, as well as other agency partners, on numerous occasions. While enrolled in the Regional Cannabis Order and then the Cannabis General Order, the Dischargers failed to fulfill the requirements of their enrollments, including to develop and implement adequate technical reports and to appropriately implement and/or adequately maintain measures necessary to control erosion and discharge of sediment or otherwise protect water quality. Staff communicated issues of non-compliance and provided guidance to achieve compliance with their enrollments. The Dischargers failed to comply with the regulatory requirements and failed to implement adequate water quality protection measures to prevent discharges of waste to waters of the state.

On June 17, 2022, the Regional Water Board sent the Dischargers a letter transmitting the May 19, 2022, inspection report and issuing a Notice of Violation (NOV) of the Cannabis General Order, the Basin Plan, Water Code Section 13264, and CWA Section 301 (Attachment 1 – June 17, 2022 Regional Water Board Notice of Violation).

In response to the NOV, on July 20, 2022, consultants for Paradise Valley, LLC and Aaron Lieberman initiated the State Water Quality Certification application for instream work, as described in item f.iii. below. On July 22, 2022, Staff provided an email outlining additional information needed for a complete application, and provided ongoing compliance assistance until a complete application was submitted on May 31, 2023.

Also in response to the NOV, on July 15, 2022, consultants for Mr. Lieberman submitted a revised compliance schedule including 1) instream treatments by October 15, 2022, 2) a contract with an engineer for photos of cleanup of materials from riparian areas, limited BMPs, and removal of unauthorized water diversion structures.

On July 25, 2022, Staff reiterated the need to submit geologic assessments unstable areas associated with failures and consistent engineering and drainage plans for Flats E, G and A.

On August 22, 2022, consultants resubmitted incomplete and inconsistent documents related to the graded flats, as described in item f.ii below.

On May 11, 20223, Staff met with the Mr. Lieberman and his consultant, and discussed that, in addition to addressing the older stream crossings and older flats located within riparian setbacks, Mr. Lieberman needed remediation plans for the newer flats constructed with unpermitted grading that had failed, including Flats E, G, and A. The remediation plans need to include geologic evaluation, grading plans (natural, as-builts, proposed), and that there needs to be consistency amongst those plans.

On February 6, 2024, Staff contacted Mr. Lieberman as to the status of the remediation efforts on the Property, who replied that he had been doing winterization and that he planned to conduct the instream remediation work. On February 21, 2024, Mr. Lieberman submitted photos documenting numerous locations of hand dug waterbars and conditions at the graded flats and the shop.

- f. Technical Reports: Despite Aaron Lieberman being enrolled in the Regional Cannabis Order then the State Cannabis General Order, and Staff and partner agencies having provided extensive compliance assistance the Dischargers have failed to submit adequate technical reports for features on the Property as described below.
 - i. Winterization – Winterization of the Property is needed to prevent discharges during winter storms. On October 17, 2018, on behalf of Aaron Lieberman, Green Road Consulting submitted to the Regional Water Board winterization plans that described immediate actions that should be taken to minimize threats to water quality during 2018-2019 winter period, including the installation of water bars along access roads, application of straw to flats and straw wattles to potential sediment delivery points, as well as the removal of trash, fuel storage, and a water bladder. The measures identified were insufficient to handle the stormwater runoff conditions, were improperly installed, and were not maintained. Sediment discharges occurred in subsequent winters, as documented in Staff’s inspection reports and monitoring reports submitted on behalf of Aaron Lieberman. Until the Property is remediated, effective winterization measures are needed to prevent and minimize impacts to water quality associated with the site conditions.
 - ii. Graded flats – On August 26, 2022, the Discharger submitted documents: Geologic Assessment by Gary Simpson of SHN Engineers & Geologists, Inc. (SHN), dated May 15, 2019; Engineering Geology and Soils Report by Baird Engineering, dated December 31, 2020; and Grading and Erosion Control Plan by Baird Engineering, dated December 20, 2020. The Geologic

Assessment evaluates Flats A, E and G and identifies issues with the construction including overly steep cuts, inadequate drainage and inadequate compaction. The Soils Report and the Grading and Erosion Control Plan only include Flat E, with inadequate design basis and detail to ensure successful remediation. To date, the Dischargers have not submitted adequate technical reports to guide the remediation of unstable areas associated the unpermitted construction of newer upland Cultivation Flats E, G, and A.

- iii. Instream work –On June 20, 2022, the Regional Water Board received an application for Discharges of Dredged or Fill Material to Waters of the State for Paradise Valley, LLC, prepared by Green Roads Consulting. On December 31, 2023, Green Roads Consulting went out of business. Timberland Resource Consultants took over the application process and submitted final application documents to the Regional Water Board on May 31, 2023. On June 7, 2023, the Regional Water Board issued Paradise Valley, LLC and Aaron Lieberman a Notice of Applicability for coverage under the Cannabis General Water Quality Certification, and Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements (Water Quality Certification), certifying conditional coverage for the instream work, including replacement of eight stream crossings, decommissioning three stream crossings, upgrading two stream crossings, and restoring two watercourses. The Dischargers are permitted to conduct the instream work between May 15 and October 15. Additional authorization is required for the decommissioning of Crossings 13 and 14, in coordination with the remediation plan for Flat E.
- iv. Legacy riparian earthworks – On February 2, 2022, Green Road Consulting submitted a Disturbed Area Stabilization Plan (DASP) for the Property, dated April 30, 2019. The DASP does not provide sufficient information to fulfill the requirements specified in the Cannabis General Order. The DASP generally describes actions to remove infrastructure from within the setbacks of Class III tributaries to Blue Slide and Miller Creeks. The DASP does not include necessary plans to recontour topography, restore hydrology, or revegetate the disturbed riparian areas. To date, the Dischargers have not provided an adequate plan for cleanup, restoration and monitoring of the disturbed riparian areas.
- v. Road storm-proofing – The Cannabis Policy requires that roads meet the standards in the Rural Roads handbook. However, during enrollment under the Cannabis General Order an adequate roads treatment plan has not been submitted for reshaping, draining, and

surfacing the road network to prevent sediment discharges to streams and the roads were not upgraded to a standard that is protective of water quality. To prevent and minimize chronic sediment inputs to watercourses associated with stormwater runoff, the roads need to be treated.

- g. CDFW: On November 22, 2017, CDFW issued a Notice of Violation to Aaron Lieberman for impacts on the Property associated with unpermitted grading that altered and delivered sediment to Class III watercourses.

On September 7, 2018, CDFW issued Aaron Lieberman Notices of Violation for the Property for undersized and unpermitted culverts and sediment impacts to watercourses at the existing features. On November 26, 2018, Timberland Resource Consultants submitted to CDFW a Notification of Lake or Streambed Alteration (LSA), identifying three points of diversion and twelve watercourse crossings upgrades/maintenance. The proposed work included instream treatments on ten older crossings and two stream crossings built in 2017, located on APN 220-292-018.

On June 3, 2022, CDFW sent to Aaron Lieberman, Paradise Valley, Northland Management, and North Coast Investment Group LLC a letter, Notice of Violation of Fish and Game Code Sections 1602 in Conjunction with Cannabis Cultivation, and Notice of Intent to Suspend Streambed Alteration Agreement #1600-2018-0740-R1. The letter described the history of violations and ongoing violations. On November 29, 2022, CDFW issued a Notice of Suspension of the LSAA for failure to cure the violations described in their June 3, 2022, Notice of Violation letter. On March 22, 2023, CDFW revoked LSAA No. 1600-2018-0740-R1 for failure to comply with the required conditions and failure to respond to the Notice of Suspension Letter.

On December 4, 2023, CDFW and Aaron Lieberman entered into a new LSAA for 18 locations, including the 13 stream crossing treatments to upgrade or decommission crossings and to remediate streams impacted by constructed riparian flats.

DCC: Citing failure to resolve the Regional Water Board and CDFW violations, on September 12, 2023, DCC revoked the cultivation license for Paradise Valley, LLC, (No. CCL18-0003423) and the cultivation licenses for Paradise Mountain, LLC (CCL18-0003422 and CCL18-0003421). The Dischargers no longer hold local or state authorization to cultivate commercial cannabis on the Property.

- h. DCC: Citing failure to resolve the Regional Water Board and CDFW violations, on September 12, 2023, DCC revoked the cultivation license for

Paradise Valley, LLC, (No. CCL18-0003423) and the cultivation licenses for Paradise Mountain, LLC (CCL18-0003422 and CCL18-0003421). The Dischargers no longer hold local or state authorization to cultivate commercial cannabis on the Property.

6. **Factual Basis of Order:** Staff observed and documented conditions on the Property during inspections on August 31, 2017, May 24, 2018, July 24, 2018, March 7, 2019, October 17, 2019, and most recently on May 19, 2022.

On June 22, 2022, the Regional Water Board issued an NOV to the Dischargers accompanied by Staff's inspection reports (Attachment 2). The NOV provides evidence that the Dischargers caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and create or threaten to create a condition of pollution, associated with the developed features, including:

- a. Unstable areas associated with fill failures at the 2016/2017-constructed Cultivation Flats E, G, and A pose threat of sediment delivery to watercourses;
- b. Bladder Flat and Cultivation Flats B, C, D, F, H and I are located within riparian setbacks and pose threats of sediment delivery to watercourses;
- c. Threatened and actual sediment discharge to watercourses from Flat G and Stream Crossings 1, 2, 3, 4, 7, 9, 11, 13, 14, 15, 16 and 18;
- d. Unauthorized discharge of waste associated with inadequate drainage and stabilization of Flat G and road segments hydrologically connected to the watercourses at Stream Crossings 13 and 14;
- e. Unauthorized discharge of earthen fill in the construction of Stream Crossings 13 and 14;
- f. Unauthorized discharge and threatened discharge of waste from inadequately designed and maintained roads, with hydrologic connectivity to streams, and an overall lack of maintenance of erosion and sediment control measures; and
- g. The failure to adequately plan the development and implement sufficient erosion and sediment control measures has resulted in the unauthorized threatened and actual discharge of waste to waters of the state, in violation of the former enrollment under the Cannabis General Order, as well as the California Water Code and Water Quality Control Plan for the North Coast Region (Basin Plan).

7. **Beneficial Uses, Basin Plan Prohibitions, and Water Quality Objectives:** The Basin Plan² 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 Douglas City Hydrologic Subarea include the following: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Service Supply (IND); Industrial Process Supply (PRO); Groundwater Recharge (GWR); Freshwater Replenishment (FRSH); Navigation (NAV); Hydropower Generation (POW); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Commercial Sport Fishing (COMM); 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); and Aquaculture (AQUA).
- b. **Basin Plan Prohibitions:** The Basin Plan contains specific standards and provisions for maintaining high-quality waters of the state that provide protection to the beneficial uses identified. The Basin Plan's *Action Plan for Logging, Construction, and Associated Activities* includes the following waste discharge prohibitions (See section 4.2.1 of the 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 watercourse³ 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.”

² (https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)

³ 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 Regional 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.”

- c. Basin Plan Water Quality Objectives: Chapter 3 of the Basin Plan contains water quality objectives not to be exceeded as a result of waste discharges. The water quality objectives that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to waste discharges from land development activities include the following:
- i. 3.3.11 Sediment: “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.”
 - ii. 3.3.12 Settleable Material: “Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.”
 - iii. 3.3.13 Suspended Material: “Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”
 - iv. 3.3.17 Turbidity: “Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.”
8. **Regional Water Board TMDL Implementation**: As part of Regional Water Board’s efforts to control sediment discharges and restore sediment-impaired water bodies, the Regional Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region* (also known as the Sediment TMDL Implementation Policy), on November 29, 2004. This Policy was adopted through Resolution R1- 2004-0087. The Sediment TMDL Implementation Policy directs the Executive Officer to use “all available authorities, including existing regulatory standards and permitting and enforcement tools, to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.” The goals of the policy are to control sediment 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 Mattole River and South Fork Eel River temperature TMDLs assigned temperature load allocations corresponding to solar radiation loads that occur when riparian vegetation is at full potential growth conditions. To address sources of elevated water temperature to reduce impairments, the Regional Water Board included in the Basin Plan, the *Action Plan to Address Elevated Water Temperatures in the Mattole River Watershed* and *Action Plan to Address Elevated Water Temperatures in the Eel River Watershed*. On nonfederal lands,

parties conducting activities associated with agriculture that discharge waste or have the potential to discharge waste shall implement riparian management measures that meet the riparian shade load allocations (shade consistent with full potential vegetation conditions) and water quality standards.

9. **Statewide Resolutions and Policies:** State Water Board 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, *Statement of Policy with Respect to Maintaining High Quality Waters in California* ("Resolution 68-16"). Resolution 92-49 requires waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations and cleanup and abatement proceed in a progressive sequence. To the extent practical, it directs the Regional Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup. Additionally, Executive Order W59-93, also referred to as the "No Net Loss Policy," which has been incorporated into the Basin Plan, acknowledges the environmental and economic benefits of wetlands to the people of this state and identifies three primary objectives, including protection against net loss and an aim for long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California.
10. **Legal Authority to Require Clean and Abatement:** Water Code section 13304, subdivision (a) states, in relevant part: "A person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts..."
11. **Waste:** "Waste" is defined by Water Code section 13050, subdivision (d) to include, 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 to receiving waters in violation of Prohibition 2 of the Action Plan for Logging, Construction, and Associated Activities contained within the Basin Plan. These wastes could become deleterious to fish, wildlife, or other beneficial uses.

The Dischargers’ activities on the Property, including expansion of graded flats for cannabis cultivation, modification of watercourses for road stream crossings, and inadequate housekeeping, have caused or threaten to cause or permit waste to be discharged, or deposited where it may be discharged, 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 to a degree that unreasonably affects the waters for beneficial uses.

12. **Pollution:** “Pollution” is defined by Water Code section 13050, subdivision (I)(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. Sediment from construction of the stream crossings and land clearing and grading activities that occurred within or adjacent to the unnamed tributaries can alter the quality of those waters and unreasonably affect beneficial uses.
 - i. 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).

- ii. The discharge of sediment is especially problematic in this watershed since the Middle Main 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.
- iii. 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.
- iv. 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.

- v. 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).

- b. Petroleum products used for lubricants and fuels including oil, diesel, and gasoline can enter waters through spills, leakage from storage containers, and improper storage and disposal and can result in contamination of freshwater sources. Spilled oil in freshwater habitats can affect mammals, aquatic birds, insects, fish, microorganisms and sensitive vegetation. Heavier petroleum products can sink and can become trapped in gravels, contributing to long-term exposures, while lighter petroleum products can accumulate on the surface of water and spread downstream where it can collect on stream beds, log jams, and at the water's edge. Petroleum products can also dissolve into the water column where it can be ingested by fish and other freshwater organisms. The actual behaviors of the product in water will depend on the characteristics of the petroleum product and that of the water body. Amphibian exposure to petroleum products can be particularly detrimental as they breathe through their skin, and coating can be lethal. Oil and fuel exposure to fish can cause impaired functions, physical deformities, and compromised reproduction. In addition, human exposure to petroleum products from ingestion and exposure can impact the central nervous system, eyes, and respiratory tract. (Beneficial Uses that are potentially impacted include: REC 1, REC-2, COLD, SPWN, RARE, MIGR, COMM, MUN, and WILD).
 - c. Discharges of excess nutrients, especially nitrates and phosphorus, can lead to eutrophication and algal blooms. Algal blooms can block light, clog fish gills, and cause an increase in biological oxygen demand as they die, severely lowering dissolved oxygen levels available to sustain aquatic ecosystems. Lowered dissolved oxygen concentrations can also provide favorable conditions for proliferation of pathogenic bacteria. In addition, excess nutrients can contribute to toxic algal blooms which create bioaccumulative toxins that can be deleterious to aquatic ecosystems and wildlife that may consume aquatic fauna (Beneficial Uses impacted: RARE, MIGR, WILD, COLD, COMM, and SPWN). Eutrophication and algal blooms can also affect the recreational and aesthetic enjoyment of surface waters. Direct exposure to toxic algae can lead to rashes, respiratory problems, and neurological effects in humans, and can raise costs for water treatment plants and contribute to harmful byproducts when treated (Beneficial Uses that are potentially impacted include: REC-1, REC-2, and MUN).
13. **Cleanup and Abatement Action Necessary:** Cleanup and abatement is necessary to ensure that any discharge of waste or existing condition of pollution is cleaned up, that the threat of unauthorized discharges to waters of the state from the Property that may create a condition of pollution are prevented, that the background water quality or the best water quality that is feasible is restored, and that any impacts to beneficial uses are mitigated. The issuance of a cleanup and

abatement order pursuant to Water Code section 13304 is appropriate and consistent with the policies of the Regional Water Board and State Water Board.

14. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Regional Water Board, “in establishing or reviewing any water quality plan or waste discharge requirements, or in connection with any action relating to may investigate the quality of any water of the state within its region.” Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. This Order requires four types of technical and monitoring reports. Staff estimates the total cost of technical reports required by this Order to be approximately \$22,260 to \$66,720. 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:

- a. The Cleanup, Restoration and Monitoring Plan (CRMP) is a technical report that is necessary to: (1) assess impacts to waters of the state resulting from the development and use of the Property, including cut and fill and grading of cultivation-related areas, resulting in hydrologic and geomorphic impacts to watercourses, the discharge and threatened discharge of sediment and stormwater runoff; alteration of the bed and bank of watercourses at road stream crossings, and the discharge and threatened discharge of sediment and stormwater runoff (2) determine the appropriate restoration and abatement work to correct those impacts; and (3) create a plan along with an implementation schedule that will guide the scope of work to clean up and abate the discharges and threat of discharges of waste on or from the Property. By requiring the Dischargers to submit a CRMP, the Regional Water Board or its delegated officer will have the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm that the proposed work will adequately remediate site conditions and prevent the discharges of sediment and other wastes from further impacting the beneficial uses of sensitive water bodies. As previously mentioned, the South Fork Eel River and the Mattole River are both Clean Water Act section 303(d)-listed as impaired due to elevated water temperature and excess sedimentation, thereby heightening the need for this technical report to reduce further impairment to waters of the state. The CRMP requirements (i.e., field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan and Site Erosion and Sediment Control Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$3,660 and \$11,720.

- b. The Monthly Progress Reports are periodic reports that the Dischargers must prepare to demonstrate and communicate progress on implementation of the CRMP. Monthly Progress Reports are necessary to ensure that the restoration and corrective actions are being performed consistent with the approved CRMP and that implementation of the CRMP will be completed by the deadline contained in this Order. Timely implementation is crucial to ensure the Property is restored and erosion control measures are in place prior to the next winter season to prevent discharges of sediment into waters of the state. The cost of preparing a Monthly Progress Report is based on the cost estimated in the 2017 Direct Cost Analysis for report production of a Site Closure Report which is estimated to cost \$120 an hour. Staff has estimated that it will take 4-8 hours to prepare a Monthly Progress Report, resulting in a cost between \$480 and \$960 per report, for a total cost between \$7,680 and \$15,360 to prepare sixteen monthly reports during the period of July 2024 through October 2025 while on-site remediation activities are required under the Order.
- c. Completion Reports are necessary to demonstrate that the Dischargers have successfully completed implementation of the CRMP in a timely manner in accordance with this Order. The benefit derived from Completion Reports is the Regional Water Board's, or its delegated officer's, ability to verify that remedial activities and best management practices were adequately implemented to ensure that cleanup and abatement activities remedy all water quality threats and impacts. The cost of Completion Reports (i.e., field inspection and report preparation) is comparable to the report preparation component of a combined Site Management Plan and Site Erosion and Sediment Control Plan as described in the 2017 Direct Cost Analysis described above, which are estimated to cost between \$2,760 and \$7,920 each. Therefore, the estimated cost to prepare two Completion Reports is between \$5,520 and \$15,840.
- d. Annual Monitoring Reports are necessary to allow the Regional Water Board, or its delegated officer, to confirm 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 Property as a result of the Dischargers' activities, observation and maintenance of the completed project for a period of five years is needed to ensure that the anticipated water quality benefits are achieved in the long-term and that CRMP components continue to function and remain effective. The cost to prepare an Annual Monitoring Report (i.e., field inspection and report preparation) are comparable to that of a Site Closure Report as presented in the 2017 Direct Cost Analysis,

which is estimated to cost between \$1,080-\$4,760. Therefore, the cost to prepare five Annual Monitoring Reports is estimated to be between \$5,400 and \$23,800.

The Dischargers named in this Order currently own and/or operate the Property and/or owned the Property at the time of staff's inspections during which the discharges and threatened discharges were observed, and thus are appropriately responsible for providing the reports.

15. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and, as such, is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15307, 15308, and 15321. To the extent that the Order requires minor alterations to land and/or 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, sections 15304 and 15333. This Order generally requires the Dischargers to submit plans for approval prior to implementation of cleanup, abatement, and restoration activities at the Property. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to implementation of the applicable plan. Should additional environmental review be required in connection with the requirements of this Order, the Regional Water Board may recover costs associated with preparing and submitting any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.

REQUIRED ACTIONS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267 and 13304, that the Dischargers shall clean up the wastes and abate the impacts to water quality in accordance with the scope and schedule set forth below and provide the following information:

Submit a Cleanup, Restoration, and Monitoring Plan: By **November 8, 2024**, the Dischargers shall submit to the Regional Water Board a proposed Cleanup Restoration and Monitoring Plan (CRMP), subject to review and concurrence by the Regional Water Board or its delegated officer.

The CRMP shall include evaluation and proposed remedial actions to ensure site stabilization and the control of all potential pollutant sources related to the development and remedial actions necessary on the Property to protect water quality. The CRMP must address all developed features on the Property, including, but not limited to the constructed flats, including those with unstable areas (Cultivation Flats E, G, and A) and those located within riparian areas (Bladder Flat and Cultivation Flats B, C, D, F, H and I), stream crossings (Crossings 13 and 14 and those that are already authorized under the Water Quality Certification), reservoirs (Pond A and Pond B), the road system and hydrologic connections and actual and potential impacts to downstream surface waters. The CRMP shall include, but not be limited to, the following:

- a. **An impact assessment** of all direct and indirect potential impacts to any waters of the state from the Property, including, but not limited to, rivers, streams, seeps, springs, bogs, and wetlands, caused by the site development and disturbed areas, including all associated earthwork and drainage. Impact assessment findings shall serve as the basis for the CRMP.

The impact assessment shall be completed by an appropriately qualified professional, and must at a minimum address surface water hydrology, bed and bank stability, riparian and aquatic habitat and loss thereof, channel slope stability, encroaching reservoirs, active or potential erosion and sedimentation sites, stability of graded and developed features, culverts, and other stream crossings, as well as roads and all disturbed areas on the Property.

The impact assessment must, at a minimum, include the following:

- i. Characterization of the topography, hydrology, soil, and vegetation of the Property under natural conditions and under current conditions.
- ii. A facility map and description that includes characterization of areas disturbed by development and maintenance activities including site clearing, grading, sloping, armoring, and include as-built drawings of the graded flats, driveway, access roads and drainage systems.
- iii. A forensic evaluation of waters of the state that could be impacted by the water discharges from the Property, including

ground water wells and surface waters on the Property, including streams, seeps, springs, bogs, and wetlands, and the pre-versus post-project surface water features (including channel dimensions and length), drainage structures, stream crossings, instream structures, and the functional status of these features.

- iv. Site stormwater drainage, including the routing of stormwater and adequate sizing of all drainage features.
 - v. A stability assessment and sediment source inventory of all slopes and graded features including an evaluation of their potential for erosion, transport and delivery of sediment, and other waste, from the Property to waters of the state. The assessment shall include a description of current erosion and sediment control efforts and their effectiveness at preventing discharges of waste and ensuring protection of water quality. Topographic maps, aerial photographs and/or satellite images, LIDAR, site photographs and schematics, and technical reports (e.g., receiving waters assessment, geotechnical reports, grading plans).
- b. **A proposed plan for Property cleanup and restoration** including a description of how long-term impacts from erosion and sedimentation sources will be abated (e.g., immediate implementation of erosion and sediment controls and re-grading and reengineering, removal of accumulated sediment, graveling or paving road surfaces, etc.), as well as a proposal to restore beneficial uses of any waters of the state that were adversely impacted or threatened by the site development/disturbance activities, including the tributaries to Miller Creek and Blue Slide Creek.

The CRMP shall contain, at a minimum, design specifications for roads, slope stabilization, graded areas, spoils disposal areas, drainage systems, in-stream structures, riparian and aquatic habitat restoration, surface drainage controls, and erosion and sediment controls and shall include a proposal to accomplish the following:

- i. Decommissioning and restoration or regrading and slope stabilization to ensure the long-term stability of the developed features, including cut banks, fill slope embankments, sidecast spoil materials, roadways, inboard ditches, and inboard embankments;
- ii. Provide for free-draining, dispersed runoff from all disturbed surfaces, such that hydrologic modification is eliminated, gullyng and rilling is prevented, and water is directed to stable slope areas;

- iii. Roadway surfacing and regrading to prevent sediment discharge associated with road surface erosion and ensure long-term integrity for year-round uses;
 - iv. Restore the vegetative and hydrological functions of the damaged streams, wetlands, and drainages to ensure the long-term recovery of the affected surface waters;
 - v. Replant slopes and streamside areas with native vegetation to increase shading, prevent erosion and provide streamside protection; and
 - vi. Control erosion and sediment delivery prior to, during and following all sitework, including site restoration efforts, until vegetation is established. BMPs shall be applied to all current and planned work associated with construction activities on the Property impacting, or having the potential to impact, Blue Slide and Miller Creeks and their unnamed tributaries. The proposed CRMP shall provide details and specifications, both in the narrative plan and as applicable in design drawings, for site winterization, as needed, to minimize and control erosion and sediment delivery over winter periods while construction is underway.
- c. **An implementation schedule** for review and concurrence by the Regional Water Board or its delegated officer; a time schedule for securing the required permit applications to all applicable local, state, and federal agencies; detailed project milestones to fulfill the requirements of this Order; and the deadline for having fully implemented and completed the CRMP. If the permitting requires mitigation to compensate for any temporal and/or permanent impacts to waters of the state that have resulted from the development activities on the Property, the implementation schedule shall include the proposed implementation schedule for mitigation requirements.
- d. **Proposed success criteria** that will be utilized to determine the effectiveness of specified cleanup actions in the proposal, including the implementation and effectiveness of management measures and success criteria, according to the schedule approved in the plan.
2. **Implement the CRMP:** Within 15 days after concurrence with the CRMP by the Regional Water Board, and no later than December 2, 2024, the Dischargers shall commence implementation of the CRMP.

3. **Submit monthly Progress Reports:** Submit monthly progress reports beginning the first day of the month following implementation start date of the CRMP, through completion of cleanup, stabilization, restoration, and mitigation work. Include photographs at each photo monitoring point, as depicted on site maps/figures.
4. **Complete the Cleanup and Restoration:** By September 15, 2025, the Dischargers shall complete all work to clean up and abate the Property contained in the CRMP as approved by the Regional Water Board or its delegated officer.
5. **Completion Report for the CRMP:** Within 60 days after fully completing implementation of the CRMP, **but no later than December 1, 2025**, the Dischargers shall submit a Completion Report for the CRMP for approval by the Regional 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 CRMP to demonstrate the CRMP 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.
6. **Submit Annual Monitoring Reports:** Upon completion of the restoration and mitigation under the approved CRMP, submit annual monitoring reports by January 31 of each year for at least five years or until the Regional 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 CRMP are met with supporting documentation. Each annual monitoring report shall include, at a minimum, a completed inspection checklist, photos 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

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

- 2. 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 I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*

- 3. Notice of Onsite Work:** The Dischargers, or a duly authorized agent, shall notify State Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection. The Dischargers shall contact Adona White at 707-576-2672 or by email Adona.White@waterboards.ca.gov.
- 4. Notice of Change in Ownership or Occupancy:** The Dischargers shall file a written report on any changes in the Property’s ownership or occupancy. This report shall be submitted to State Water Board staff no later than 30 days prior to a planned change and shall reference the number of this Order.
- 5. Reasonable Access:** The Dischargers shall allow the State Water Board and Regional Water Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times to inspect the Property and any records that must be kept under the conditions of this Order for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code.
- 6. Submissions:** The CRMP and all monitoring reports, technical reports, or notices required under this Order shall be submitted to Regional Water Board staff at the addresses provided below. Regional Water Board staff will coordinate to obtain approval of the required submittals.

By email (preferred) to: Adona White, Water Resource Control Engineer,
Adona.White@waterboards.ca.gov

Or by mail to:

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

7. **Other Regulatory Requirements:** The Dischargers shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning the work. For example, proposed dredge or fill within waters of the United States requires a Clean Water Act section 404 permit from the US Army Corps of Engineers. Proposed work within waters of the United States or waters of the State requires a water quality certification or other waste discharge requirements from the Regional Water Board. Fish and Game Code (FGC) 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; 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.
8. **Cost Recovery:** Pursuant to Water code section 13304, the State or Regional Water Board is entitled to all reasonable costs it actually incurs to investigate and abate the effects of unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other restoration action, required by this Order. If requested by the Regional Water Board or State Water Board, the Dischargers 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 State Water Board and Regional Water Board.
9. **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 Regional Water Board or its delegated officer, 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 and prior to the compliance date. An extension may only be granted by modification of this Order or by a letter from the Executive Officer. The Regional Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Dischargers and will take all the available relevant facts into consideration when considering whether or not to exercise its enforcement authority.
10. **Modifications:** Any modification to this Order shall be in writing and approved by the Regional Water Board or its delegated officer including any potential extension requests.

11. **Enforcement Authority:** 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 Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and/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 Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and conditions of this Order.
12. **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 Regional Water Board. Failure to comply with this Order may result in the assessment of an administrative civil liability of up to \$10,000 per violation per day and \$10 per gallon when the violation results in the discharge of waste, pursuant to California Water Code sections 13268, 13350, and/or 13385. The Regional Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, violation of the terms and condition of this Order.
13. **No Limitation of Water Board Authority:** This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the Property consistent with the Water Code. This Order may be revised as additional information becomes available.
14. **Requesting Review by the State Water Board:** Any person aggrieved by this action of the Regional 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:
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Aaron Lieberman, Paradise Valley LLC, - 27 -
Northland Management Group LLC and
Northcoast Investment Group LLC Property
ORDER NO. R1-2024-0047

This Order is effective upon the date of signature.

Valerie Quinto
Executive Officer

List of Attachments:

Attachment 1: Property Maps

Attachment 2: June 17, 2022 Regional Water Board Notice of Violation and Transmittal
of Report of May 19, 2022 Inspection Report