
San Diego Regional Water Quality Control Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

CLEANUP AND ABATEMENT AND WATER CODE SECTION 13267 INVESTIGATIVE
ORDER NO. R9-2021-0165

FOR
OLIVIA YUTANG LIU
ASSESSOR PARCEL NUMBER 197-100-02-00
SAN DIEGO COUNTY

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

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

Purpose of the Order

1. This Order requires the Discharger to cleanup cannabis cultivation related waste and sediment that is discharging or threatening to discharge to a tributary of Buena Vista Creek. These discharges and threatened discharges of waste are the result of unauthorized grading and land disturbance activities on San Diego County Assessor Parcel Number (APN) 197-100-02-00 (Site) that were conducted within and adjacent to an ephemeral stream channel for the purpose of cannabis cultivation activities, including the construction of earthen berms, excavated areas to bury discarded waste, and trench and channel excavations for the purpose of diverting cannabis irrigation runoff into the stream channel. These activities have discharged wastes or threaten future discharges of waste to waters of the State of California (State) without authorization from applicable federal, state, or local agencies, including the San Diego Water Board. This Order requires investigation and cleanup in compliance with the Water Code, the Water Quality Control Plan for the San Diego Basin (Basin Plan), State Water Resources Control Board (State Water Board) Resolution No. 92-49, and other applicable State and Regional Water Board plans, policies, and regulations.

Site Location and Description

2. The Site is located at 3001 Chimney Rock Road, Ranchita, California 92066 (33.22164, -116.50130). The Site is located within the San Luis Rey Hydrologic Unit, Warner Valley Hydrologic Area, Warner Hydrologic Subarea (CalWater Hydrologic Unit Basin Number [HU] 4903.31) – Buena Vista Creek. An ephemeral stream, a water of the State, crosses the Site from the east-northeast through the southwestern parcel boundary (National Hydrography Dataset, 2019). The stream is a tributary to Buena Vista Creek.

Responsible Parties

3. This Order finds that Olivia Yutang Liu is a responsible party for purposes of complying with this Order based on the following:
 - a. Olivia Yutang Liu is the current owner of the Site and was the landowner during all of the inspections conducted by South Coast Regional Cannabis Unit (Cannabis Unit) staff, working on behalf of the San Diego Water Board. Based on LandVision™ records, which access San Diego County Assessor Records, Olivia Yutang Liu purchased the Site on August 28, 2019, which is prior to the first inspection by Cannabis Unit staff.
4. Olivia Yutang Liu was notified by Cannabis Unit staff of violations of the Water Code and Basin Plan via a Notice of Violation dated February 26, 2021, which was signed and received by “O. Liu” on March 1, 2021.

5. The San Diego Water Board reserves the right to amend this Order to add additional responsible parties when/if those parties are identified.

Factual Basis of the Order

6. On November 4, 2019, July 16, 2020, December 10, 2020, and May 19, 2021, Cannabis Unit staff inspected the Site as part of criminal search warrants served by the San Diego County Sheriff's Department.
7. Observations made by Cannabis Unit staff during the four inspections and review of photographs included the following:
 - a. Active cannabis cultivation occurring outdoors on November 4, 2019, active cannabis cultivation in 11 greenhouses on July 16, 2020 and December 10, 2020, and active cannabis cultivation in five greenhouses on May 19, 2021. The approximate number of live cannabis plants seized by law enforcement officials during each warrant is as follows: 3,034 on November 4, 2019; 4,700 on July 16, 2020; 6,067 on December 10, 2020; 5,771 on May 19, 2021. In addition, law enforcement officials estimated 5,729 cannabis plants were seized during a search conducted pursuant to a May 12, 2020 criminal search warrant. Cannabis Unit staff were not present for the May 12, 2020 inspection. In total, approximately 25,301 cannabis plants were seized by law enforcement officials during the execution of the five warrants between November 2019 and May 2021.
 - b. Unauthorized grading and land disturbance within the course of the ephemeral stream, a water of the State, for cannabis cultivation activities (cultivation area). The land disturbances included construction of earthen berms, excavated areas to bury discarded waste, and trench and channel excavations for the purpose of diverting cannabis irrigation runoff. The combined disturbed areas measured greater than 65,000 square feet. Earthen berms surrounded the perimeter of the cannabis cultivation area as early as April 2020, as seen in photographs provided by the San Diego County Sheriff's Department. The bermed cannabis cultivation area was constructed within the stream's natural course and threatens to substantially alter and obstruct natural flow.
 - c. A barrier made of wood and other miscellaneous debris was built to impound cannabis irrigation runoff that is diverted via a series of trenches surrounding the cultivation area, and trash disposed of in the trenches at the south-western corner of the cannabis cultivation area. The barrier was approximately 10-feet high off the ground surface. Evidence of the irrigation runoff moving through the barrier was observed during the July 16, 2020, December 10, 2020, and May 19, 2021 inspections and included sediment erosion rills and channels downstream of the barrier that continued toward the south and off the Site.

- d. Two areas excavated to bury trash, chemical containers, and other miscellaneous debris were observed during the July 16, 2020, December 10, 2020, and May 19, 2021 inspections adjacent to the cannabis cultivation area and stream. One excavated area was located in the northeast corner of the cultivation area adjacent to the stream; the second excavated area was located in the southeast corner of the cultivation area.
- e. Large quantities of various nutrients, fertilizers, and soil amendments in solid and liquid form were observed outdoors without containment throughout the Site, including in the cannabis cultivation area within the course of the ephemeral stream, during the inspections on November 4, 2019, July 16, 2020, December 10, 2020, and May 19, 2021. These materials were also found inside the greenhouses during the July 16, 2020, December 10, 2020, and May 19, 2021 inspections. Chemical containers were observed discarded in both excavated areas in the northeast and southeast corners of the cultivation area and in the excavated trenches surrounding the cultivation area. Chemical containers were also observed south of the barrier and cultivation area.

Beneficial Uses and Water Quality Objectives

- 8. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by references, plans and policies adopted by the State Water Board.
- 9. The Site is located within the San Luis Rey Hydrologic Unit, Warner Valley Hydrologic Area, Warner Hydrologic Subarea. The unnamed ephemeral stream at the Site is tributary to Buena Vista Creek (HU 3.31), a water of the State. The designated beneficial uses of inland surface water for Buena Vista Creek water body are municipal and domestic supply, agricultural supply, industrial process supply, freshwater replenishment, hydropower generation, contact water recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat. Beneficial uses of any specifically identified water body generally apply to all of its tributaries.
- 10. The designated beneficial uses of the underlying ground waters for the Warner Hydrologic Subarea (HSA 3.31) include municipal and domestic supply, agricultural supply, industrial process supply, and freshwater replenishment.
- 11. Water Quality Objectives applicable to the Warner Valley Hydrologic Area (HA 3.30) include total dissolved solids, chlorides, sulfate, percent sodium, nitrogen and phosphorus, iron, manganese, methylene blue activated substances (MBAS), boron, turbidity, color, and fluoride.

Legal Basis of the Order

- 12. "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 purpose of, disposal.”

- a. Sediment, when discharged to waters of the State, is considered a “waste” as defined herein. As a result of the unauthorized grading and land disturbance activities, sediment was discharged or deposited where it will be, or has the potential to be, mobilized and discharged into waters of the State. Additionally, the trash, chemical containers, other miscellaneous debris, nutrients, fertilizers, and soil amendments that were observed within and adjacent to the stream are “waste” as defined in Water Code section 13050, subdivision (d).

13. “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: (A) the waters for beneficial uses, (B) facilities which serve these beneficial uses.”

- a. Sediment from the unauthorized grading and land disturbance activities, irrigation runoff, trash, chemical containers, and other miscellaneous debris has discharged, and has the potential to discharge, into the ephemeral stream, creating or threatening to create a condition of pollution by unreasonably affecting the beneficial uses of waters of the State.
- b. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species impacting the following Beneficial Uses: warm freshwater habitat, cold freshwater habitat, and wildlife habitat. Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users impacting the following Beneficial Uses: municipal and domestic supply, agricultural supply, industrial process supply, freshwater replenishment. Sediment laden storm water discharges to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters impacting the following Beneficial Uses: contact water recreation, non-contact water recreation.
- c. Sediment and soils that have been impacted by nutrients, fertilizers, and other soil amendments throughout the cultivation areas, including within the ephemeral stream, have the potential to alter the chemistry and water quality of surface and ground waters. Such changes may lead to increased treatment

and/or maintenance costs for users of the surface and ground waters impacting the following Beneficial Uses: municipal and domestic supply, agricultural supply, industrial process supply, and freshwater replenishment.

- d. Irrigation runoff containing nutrients, fertilizers, and other amendments also has the potential to alter the chemistry and water quality of surface and ground waters. Such changes may lead to increased treatment and/or maintenance costs for users of the surface and ground waters impacting the following Beneficial Uses: municipal and domestic supply, agricultural supply, industrial process supply, and freshwater replenishment.
- e. The dumping and discard of trash, chemical containers, and other miscellaneous debris has the potential to alter the hydrologic regimes of surface waters, threaten wildlife habitat and aquatic species, and impact sediments and soils which may affect surface and ground water quality. As such, the Beneficial Uses impacted by the observed dumping and discard of trash are as follows: municipal and domestic supply, agricultural supply, industrial process supply, freshwater replenishment, contact water recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat.

14. Water Code section 13304, subdivision (a) states, in relevant part, “any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit, any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts... Upon failure of any person to comply with the cleanup and abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

- a. As a result of the unauthorized grading and land disturbance activities that were conducted at the Site for the purpose of cannabis cultivation activities, including the construction of earthen berms, excavated areas to bury discarded waste, and trench and channel excavations to divert cannabis irrigation runoff, the Discharger has caused or permitted waste, as described above, to be discharged or deposited where it will be, or has the potential to be, discharged to an ephemeral stream on the Site, a tributary to Buena Vista Creek and water of the State. These discharges and/or threatened discharges of waste occurred without authorization under the Water Code. This

unauthorized discharge and/or threatened discharge of waste also creates or threatens to create a condition of pollution.

- b. Cleanup and abatement is necessary to ensure that the existing condition of pollution is cleaned up, that threatened unauthorized discharges to waters of the State from the Site are prevented, and that any impacts to beneficial uses are mitigated.
- c. The unauthorized discharges of waste, threatened discharges of waste, and conditions of pollution are considered priority violations as outlined in the State Water Board's Water Quality 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 San Diego Water Board and State Water Board.

15. 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 No. 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California (Antidegradation Policy). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the San Diego Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

Technical Reports Required

16. Water Code section 13267, subdivision (a) provides that the San Diego 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 San Diego Water Board, in conducting an investigation, may require dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Staff estimate the total cost of technical reports required by this Order to be approximately \$8,580 - \$29,160.¹ 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 Restoration and Monitoring Plan (RMP) is a technical report that is necessary to assess impacts to waters of the State resulting from the unauthorized grading and land disturbance activities and to determine the appropriate restoration and abatement work to correct those impacts. By requiring the Discharger to submit an RMP, the San Diego Water Board or its delegated officer has the opportunity to review and approve the scope of the proposed restoration and corrective actions to confirm the proposed work will adequately remediate site conditions and prevent unauthorized discharges from further impacting beneficial uses. The plan requirements and associated costs to prepare an RMP (i.e. field inspection and report preparation) are comparable to that of preparing a combined Site Management Plan and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$3,660 and \$11,720. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMP bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

¹ The State Water Board considered the estimated costs associated with various technical reports regarding site characterization, stabilization, and restoration during the adoption and amendment of the Cannabis Cultivation Policy and General Order. Estimated costs for technical reports were presented in the State Water Board's 2017 Direct Cost Analysis For the Proposed Cannabis Cultivation Policy (2017 Direct Cost Analysis) (waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/20171017_cannabis_cultivation_policy_cost_analysis.pdf).

The costs to develop the technical reports required in this Order are anticipated to be comparable to the preparation of reports presented in the 2017 Direct Cost Analysis, as detailed in Paragraph 16, subparagraphs a-c.

- b. The RMP Completion Report is a report that demonstrates to the San Diego Water Board or its delegated officer that the restoration and corrective actions contained in the approved RMP have been fully implemented. By requiring the Discharger to submit documentation of the corrective actions, including pre- and post-construction photographs and relevant maps and schematic diagrams, staff can confirm the RMP has been fully implemented and that the erosion control measures are adequate to prevent future discharges of sediment and other wastes into waters of the State. The cost to prepare an RMP Completion Report is comparable to the report preparation component of a combined Site Management Plan and Disturbed Area Stabilization Plan as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$2,760 and \$7,920. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMP Completion Report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
- c. Annual Monitoring Reports are necessary to document the long-term stability of restored areas, to identify any areas where restoration is failing or needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing sediment discharges to waters of the State. Given the condition of the Site as a result of the unauthorized grading and land disturbance activities, including alteration of the stream channel and riparian area, a yearly report for a minimum of two years will enable staff to confirm that the completed restoration and corrective actions documented in the RMP Completion Report continue to be effective over the wet and dry seasons. The cost to prepare an Annual Monitoring Report is comparable to producing a Site Closure Report as presented in the 2017 Direct Cost Analysis, which is estimated to cost between \$1,080 and \$4,760 per report, for a total of \$2,160 to \$9,520 for two annual reports. After consideration of these factors, staff has determined that the burden, including costs, of submitting the Annual Monitoring Reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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

California Environmental Quality Act

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

Required Actions

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

- A. **Within 60-days of the effective date of this Order**, the Discharger shall submit a proposed Restoration and Monitoring Plan (RMP) for approval by the San Diego Water Board or its delegated officer. The RMP shall detail the actions proposed to clean up the observed discharges of waste to waters of the State, restore the impacted stream channel and riparian zone, and prevent future discharges at the Site. The RMP should include, at a minimum, the following items:
 - I. A plan to restore the stream channel and riparian environment that has been altered by the grading and land disturbance associated with the cannabis cultivation activities. Restoration should include, at a minimum, the following:
 - i. Recontouring of the stream channel and riparian zone with native material, as possible. Any fill material should be sampled, tested, and confirmed clean before reuse (see Item A.II.);
 - ii. Reestablish the stream channel to match and connect the upstream and downstream sections;

- iii. Install and maintain sediment erosion controls to maintain the restored stream channel and prevent excess sediment discharge into the stream system;
 - iv. Revegetate the riparian area (100-foot buffer adjacent to the stream channel) with regional native vegetation of similar native species;
 - v. Best management practices to be applied during implementation of all planned work associated with Site restoration and maintenance.
 - II. A soil/sediment assessment phase to determine the feasibility for soil/sediment reuse, to the extent that existing soil/sediment at the Site will be used for recontouring and/or reestablishment of the stream channel, or, if necessary, for disposal;
 - III. Removal of all infrastructure related to the cannabis cultivation, including the greenhouses, any cannabis green waste, potting soils, and miscellaneous debris from within the stream channel, riparian area, or other areas of the Site where it may be transported into the stream;
 - IV. Removal of all waste and litter from the Site that has the potential to be transported into the stream, including transport due to restoration activities, earthmoving, precipitation runoff or stormwater, and natural stream flow; and
 - V. An implementation schedule that includes a time schedule for submitting permit applications to all applicable local, state, and federal agencies, and detailed project milestones to fulfill the requirements of this Order.
- B. **No later than 30-days after approval of the RMP** by the San Diego Water Board or its delegated officer, the Discharger shall begin implementation of the RMP in accordance with the implementation schedule.
- C. By **October 1, 2022**, the Discharger shall complete implementation of the RMP.
- D. **No more than 60-days after full completion of the RMP**, the Discharger shall submit an RMP Completion Report for approval by the San Diego Water Board or its delegated officer. The Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved RMP to demonstrate the RMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, as depicted on site maps/figures.

- E. Upon completion of the restoration and mitigation measures contained in the RMP, the Discharger shall submit Annual Monitoring Reports by **January 31** of each year for at least two years or until the San Diego Water Board or its delegated officer approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the RMP are met with supporting documentation. Each Annual Monitoring Report shall include, at a minimum, a completed inspection checklist, photographs of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to achieve the success criteria.

General Requirements and Notices

Use of Qualified Professionals

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

Signatory Requirements

2. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Discharger shall also state if it agrees with any recommendations/proposals and whether it approves implementation of said proposals. Any person signing a document submitted under this Order shall make the following certification:

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

Notice of Change in Ownership or Occupancy

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

Compliance with Other Regulatory Requirements

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

Cost Recovery

5. Pursuant to Water code section 13304, the Water Board staff is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs investigating and abating the effects of the unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. 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 San Diego Water Board.

Submissions

6. All reports, plans, and documents required by this Order shall be submitted electronically as a Portable Document File (PDF) file to: sandiego.cannabis@waterboards.ca.gov, with the following in the subject heading "**CAO:R9-2021-0165:BCovellone**" unless otherwise stated. If the report cannot be sent by email, it shall be submitted electronically on a Universal Serial Bus (USB) flash drive or Compact Disc (CD) to the following address:

Dr. Brian Covellone
Attn: CAO:R9-2021-0165:BCovellone
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108

Delayed Compliance

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

Modification of Order

8. Any modification to this Order shall be in writing and approved by the San Diego Water Board or its delegated officer, including any potential extension requests.

Enforcement Authority

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

Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is issued under authority delegated to the Executive Officer by the Regional Water Board pursuant to R9-2005-0271 and is effective upon signature.

David W. Gibson

Executive Officer

Attachments:

November 4, 2019 Site Inspection Report

May 12, 2020 Memorandum of Inspection

July 16, 2020 and December 10, 2020 Combined Site Inspection Report

May 19, 2021 Site Inspection Report and Notice of Violation