

**STAFF REPORT  
20**

A     2  
S     2

10/24/19  
Lease 3393.1  
A. Franzoia

**GENERAL LEASE – RIGHT-OF-WAY**

**APPLICANT:**

Simpson Paper Company

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the Pacific Ocean, adjacent to Assessor's Parcel Number 401-121-007 at 3000 New Navy Base Road, near Eureka, Humboldt County.

*AUTHORIZED USE:*

Caretaker status and maintenance of two non-operational effluent outfall pipelines, one 36-inch inside diameter and one 48-inch inside diameter.

*LEASE TERM:*

3 years, beginning June 29, 2020.

*CONSIDERATION:*

\$12,732 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Liability Insurance: In an amount no less than \$1,000,000 per occurrence.

Contractor Liability Insurance: In an amount no less than \$5,000,000 per occurrence.

Bond: \$50,000 bond or other surety

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On June 29, 2015, the Commission authorized termination of Lease No. PRC 3929.1 and Lease No. PRC 3393.1 and issuance of a General Lease – Right-of-Way to the Applicant, combining both leases, beginning June

## STAFF REPORT NO. 20 (CONT'D)

29, 2015, for the continued maintenance of two existing non-operational effluent outfall pipelines ([Item C36, June 29, 2015](#)). That lease will expire on June 28, 2020.

The outfall pipelines are adjacent to each other and are owned by the Applicant but have not been in operation since 1992. The existing outfalls are buried from the former mill site, through the beach and surf zone, until they daylight on the ocean bottom at an approximate depth of 45 feet. Approximately 300 linear feet of both outfalls are exposed above the ocean bottom. The effluent outfall pipelines were formerly used to discharge industrial waste and sewage effluents from an upland pulp mill. The pipelines discharged to the Pacific Ocean within a dedicated easement and public right-of-way. The pulp mill, including the effluent pumping equipment, was largely demolished between 1995 and 2004. The effluent outfall pipelines were subsequently taken out of service and are currently non-operational.

The City of Eureka (City) has been ordered by the authority of the California Regional Water Quality Control Board (RWQCB), North Coast Region (Order No. R1-2016-0012, Exhibit C, attached), to evaluate and make significant upgrades to its municipal wastewater treatment plant and outfall discharge point to attain compliance with state and federal water quality requirements. The RWQCB Order includes specific instructions to upgrade the treatment plant and evaluate alternatives related to its outfall to attain compliance with the RWQCB Enclosed Bays and Estuaries Policy. An alternative for the City includes relocation of their outfall from the existing estuarine location in Humboldt Bay to a more appropriate discharge point in the ocean.

The Applicant is in discussions with the City and has had meetings and a site visit with City Public Works officials to discuss possible alternative(s) which could include use of the outfalls. The Applicant and City have agreed to work together to further assess the alternative reuse of the outfall pipelines. The RWQCB Order contains a regulatory schedule that requires the City's evaluation of the outfall alternatives by July 1, 2020 (Task 2A), with the improvements operational by July 1, 2030 (Task 2F). In the event the Applicant and City decide to pursue using the outfalls on the lease premises as a potential site for City discharge, such use will require additional consideration and approval by the Commission.

The Applicant has submitted an application for a new lease to place the non-operational outfall pipelines in a caretaker status for repurposing including the potential to discharge industrial stormwater and treated

## STAFF REPORT NO. 20 (CONT'D)

municipal/ industrial effluent. The new lease will require the Applicant to maintain the pipelines, including conducting a pipeline inspection, integrity test to be submitted with an application and work plan for the future use or removal of the pipeline no later than 1 year prior to the expiration of the lease.

The pipelines are buried below the beach in the intertidal zone and 45 feet below the ocean floor and do not impede surface use or interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease. The proposed facilities do not significantly alter the land, and the lease does not alienate the State's sovereign interest, or permanently impact public rights.

The lease is limited to a 3-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to maintain a performance bond in the amount of ~~\$5,000,000~~50,000 and to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved

### **Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect open coastal areas in California. The lease premises is located adjacent to New Navy Base Road, near Eureka in Humboldt County, which is a tidally influenced area vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea-level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The North Spit tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

STAFF REPORT NO. **20** (CONT'D)

**Table 1. Projected Sea-Level Rise for North Spit<sup>1</sup>**

Year	Projection (feet)
2030	1.0
2040	1.6
2050	2.3
2100	7.6

Source: Table 4, State of California Sea-Level Rise  
Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal areas. Climate change and sea-level rise will further influence coastal areas by changing erosion and sedimentation rates as beaches and coastal landscapes are exposed to increased wave force.

Because the pipelines are located on the ocean floor at a depth of approximately 45 feet, it is unlikely that these projected conditions would increase the likelihood of damage to the pipelines within the lease premises during the term of the lease. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change, including sea-level rise.

**Conclusion:**

For all the reasons above, staff believes the issuance of the lease will not substantially interfere with the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the existing pipelines and restore the premises to their

## STAFF REPORT NO. 20 (CONT'D)

original condition once the existing lease expires or is terminated. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

### **EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. RWQCB Order No. R1-2016-0012

### **RECOMMENDED ACTION:**

It is recommended that the Commission:

### **CEQA FINDING:**

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the public's right to navigation and fishing or with the Public Trust needs and values, at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning June 29, 2020, for a term of 3 years, for caretaker status of an existing 36-inch inside diameter and a 48-inch inside diameter non-operational effluent outfall pipelines, as described on Exhibit A and

STAFF REPORT NO. **20** (CONT'D)

shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$12,732 with an annual Consumer Price Index adjustment; bond in the amount of \$50,000; liability insurance in an amount no less than \$1,000,000 per occurrence; and contractor liability insurance in the amount no less than \$5,000,000 per occurrence.

## EXHIBIT A

LEASE 3393.1

### LAND DESCRIPTION

Two strips of tide and submerged land, 20 foot wide, in the Pacific Ocean, situated near the City of Eureka, Humboldt County, California lying adjacent to Lot 4, Section 20, Township 5 North, Range 1 West, HM as shown on the Official Township Plat, approved March 15<sup>th</sup> 1855, County of Humboldt, State of California, being 10 feet on each side of the following described centerlines:

#### PARCEL 1

BEGINNING at the point on an existing 36" inside diameter ocean outfall line on the shore of the Pacific Ocean from which the corner common to Sections 20, 21, 28 and 29, Township 5 North, Range 1 West, HM bears approximately South 88°55'12" East 3225.93 feet; thence along the centerline of said outfall line North 45°00'00" West 2758.66 feet more or less to the terminus of said outfall line.

The sidelines of said strip are to be lengthened or shortened as to begin at the ordinary high water mark of the Pacific Ocean and to terminate at a line lying perpendicular to the terminus of said centerline and at any angle point intersections.

#### PARCEL 2

BEGINNING at the point on an existing 48" inside diameter (52 1/2" outside diameter) ocean outfall line on the shore of the Pacific Ocean from which the corner common to Sections 20, 21, 38 and 29, Township 5 North, Range 1 West, HM bears approximately South 88°55'12" East 3225.93 feet; thence along the centerline of said outfall line North 57°00'00" West 3473.29 feet more or less to the terminus of said outfall line.

The sidelines of said strip are to be lengthened or shortened as to begin at the ordinary high water mark of the Pacific Ocean and to terminate at a line lying perpendicular to the terminus of said centerline.

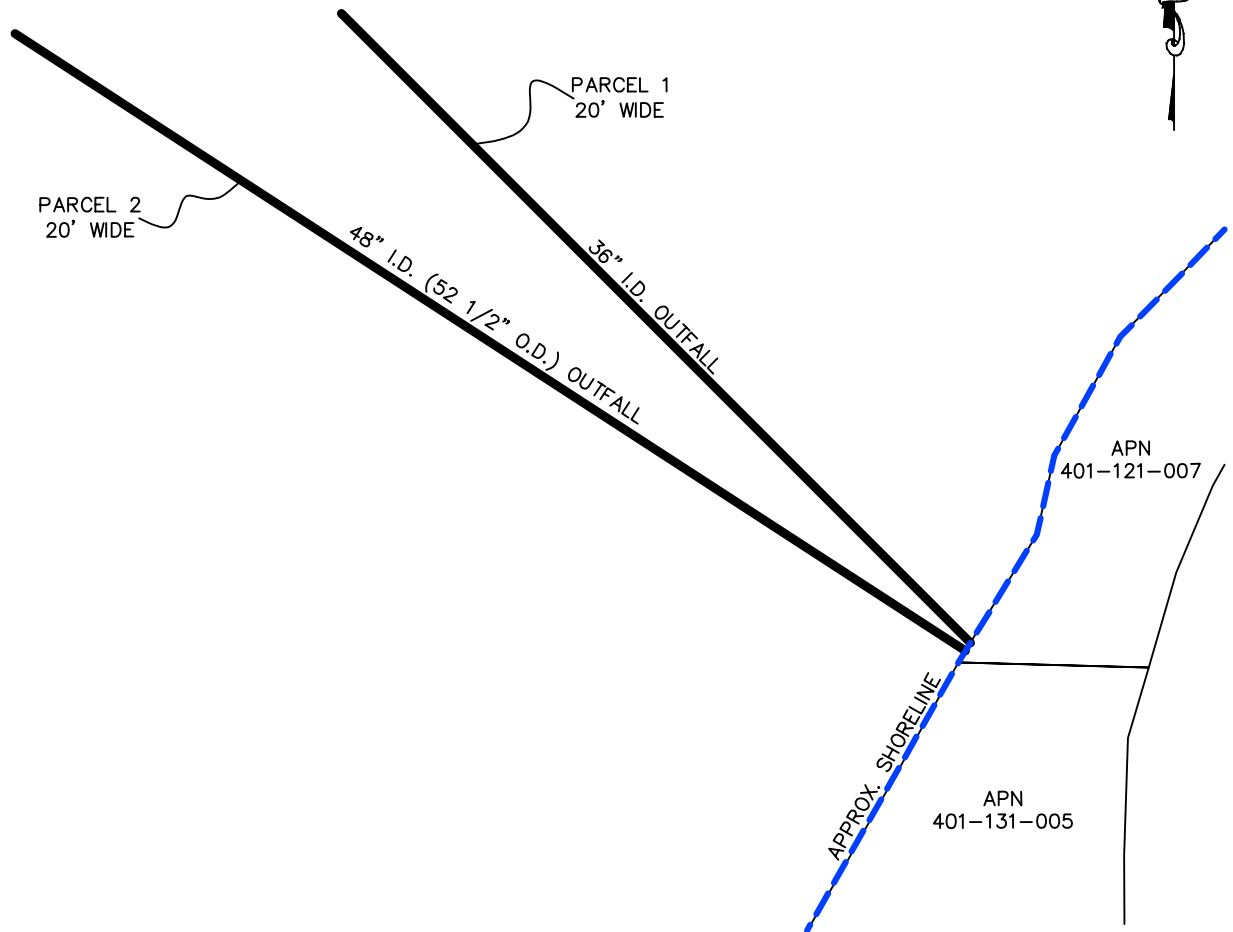
### END OF DESCRIPTION

PREPARED 9/11/19 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

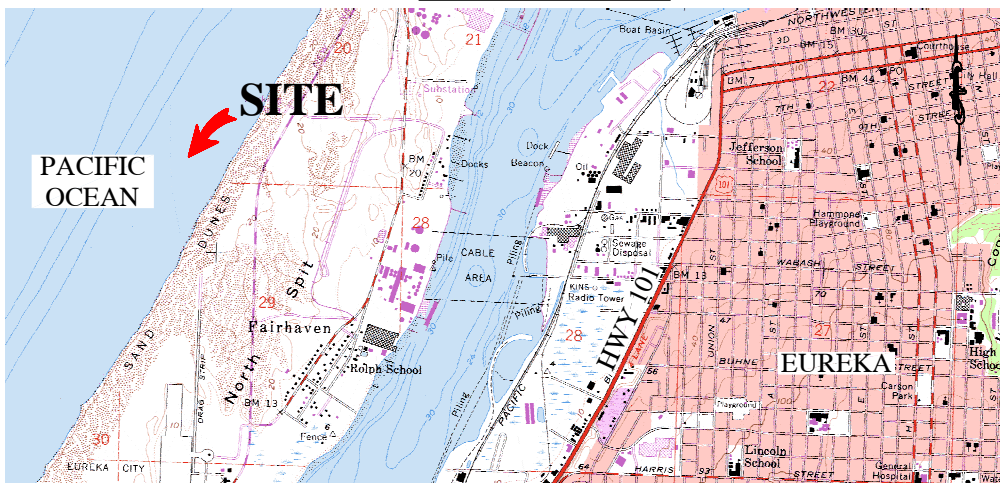
## SITE



Two non-operational outfall pipelines (36" I.D. & 48" I.D.)  
3000 New Navy Base Rd., Eureka - Pacific Ocean

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

LEASE 3393.1  
SIMPSON PAPER CO.  
APN 401-121-007  
GENERAL LEASE -  
RIGHT-OF-WAY USE  
HUMBOLDT COUNTY



MJF 9/11/19

**EXHIBIT C**

**California Regional Water Quality Control Board  
North Coast Region**

**ORDER NO. R1-2016-0012**

**REQUIRING**

**CITY OF EUREKA ELK RIVER WASTEWATER TREATMENT PLANT  
TO CEASE AND DESIST FROM DISCHARGING OR THREATENING  
TO DISCHARGE EFFLUENT IN VIOLATION OF  
WASTE DISCHARGE REQUIREMENTS ORDER NO. R1-2016-0001  
NPDES NO. CA0024449  
WDID NO. 1B821510HUM**

**Humboldt County**

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

1. The City of Eureka (hereinafter Permittee) owns and operates a wastewater treatment plant (Facility) located in Eureka, California. For the purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Permittee herein.
2. The Facility reports an average dry weather treatment capacity of 5.24 million gallons per day (mgd), a peak dry weather treatment capacity of 8.6 mgd, and a peak wet weather secondary treatment capacity of 12 mgd. Wastewater is conveyed to the Facility through an extensive sanitary sewer system consisting of 125 miles of sewer mains, 9,500 service laterals, 17 lift stations, 3 pump stations, interceptor lines, collection lines, and manholes. The system collects and conveys over 1.5 billion gallons of wastewater per year, including infiltration and inflow (I/I). The Facility provides primary treatment with mechanical bar screens, grit removal, and primary clarification and secondary treatment using two trickling filters, followed by secondary clarification, and chlorine disinfection. The chlorinated effluent is stored in a holding pond then dechlorinated and discharged year round at Discharge Point 001 to Humboldt Bay in conjunction with ebb tide cycles.
3. The Facility is regulated by Waste Discharge Requirements Order No. R1-2016-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0024449, adopted by the Regional Water Board on June 16, 2016. Order No. R1-2016-0001 contains discharge prohibitions, effluent and receiving water limitations, as well as other compliance provisions. Order No. R1-2016-0001 prohibits discharges to Humboldt Bay, which do not comply with the Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy) adopted by the State Water Resources Control Board (State Water Board), and prohibits bypass of secondary treatment.
4. The discharge of treated effluent via the outfall in Humboldt Bay was permitted in 1981 based upon mathematical modeling, tidal monitoring, and a dye study completed in 1979, which indicated that discharging at ebb tide was expected to convey all effluent to the Pacific Ocean. Based upon findings from these 1979 studies

- completed by the Permittee, the Regional Water Board concluded in Resolution No. 80-10 that an ebb discharge was a viable alternative to an ocean outfall discharge as a means of complying with the Enclosed Bays and Estuaries Policy adopted in 1974.
5. On January 8, 2014, the Permittee submitted an Effluent Discharge Study for the Elk River Wastewater Treatment Plant (2014 Effluent Discharge Study). The 2014 Effluent Discharge Study modeling analysis shows that under all simulations, Facility effluent is not completely conveyed to the ocean, and under certain conditions, up to 90% of the effluent remains in Humboldt Bay.
  6. Based on the conclusions of the 2014 Effluent Discharge Study, a significant portion of the Facility's effluent remains in Humboldt Bay. Consequently, the Regional Water Board has determined that the discharge does not qualify as an ocean discharge as previously concluded, but rather a bay discharge subject to the Enclosed Bays and Estuaries Policy. The method to comply with the Bays and Estuaries Policy has not yet been determined, but is likely to be complex and requires extended time to achieve.
  7. Regional Water Board waste discharge requirements for the Facility dating back to 1984 have authorized bypass of secondary treatment during peak wet weather flows exceeding 12 mgd. Order No. R1-2016-0001 recognizes that ebb tide currents in Humboldt Bay are not sufficient in strength to carry effluent discharges out of Humboldt Bay and prohibits discharges to Humboldt Bay that do not receive full biological secondary treatment. The method to eliminate bypass of secondary treatment has not yet been determined, but is likely to be complex and requires extended time to achieve.
  8. Order No. R1-2016-0001 is proposed for adoption concurrently with this Cease and Desist Order. Upon adoption of Order No. R1-2016-0001, it will serve as the current NPDES Permit for this Facility effective September 1, 2016. The Permit includes discharge prohibitions, effluent and receiving water limitations, and compliance provisions. This Cease and Desist Order will become effective upon adoption.
  9. Section 13301 of the California Water Code states "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions to (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action."
  10. Terms in Order No. R1-2016-0001 that are being violated or threaten to be violated are:

### ***"III. DISCHARGE PROHIBITIONS***

*A. Discharge Prohibition III.A. The discharge of waste to Humboldt Bay is prohibited unless it is done in a manner which complies with the State Water Board, Water Quality Control Policy for the Enclosed Bays and Estuaries of California (1974, 1995) (Enclosed Bays and Estuaries Policy).*

*E. Discharge Prohibition III E. The discharge of untreated or partially treated waste (receiving a lower level of treatment than secondary treatment as described in section II.A of the Fact Sheet) from anywhere within the collection, treatment, or disposal systems is prohibited, except as provided for in Attachment D, Standard Provisions G (Bypass) and H (Upset)."*

11. The Regional Water Board has determined that it is infeasible to comply with Discharge Prohibitions A and E in a short period of time.
12. The Permittee is unable to consistently comply with Discharge Prohibitions A and E because new or modified control measures are needed to achieve compliance. The new or modified control measures are dependent on the completion of a series of studies, thus these control measures cannot be designed, installed, and put into operation within 30 calendar days.
13. Requirements of this Order establish a time schedule for bringing the Facility into compliance with Discharge Prohibitions. A maximum of 168 months are provided to the Permittee to complete a series of studies, and based upon the findings from those studies, to design, install and implement control measures that will lead to compliance with the Discharge Prohibitions.
14. The compliance schedule established in this Order accounts for the considerable uncertainty in determining effective measures necessary to achieve compliance with Order No. R1-2016-0001. The compliance schedule is based on reasonably expected times needed to evaluate potential compliance measures in a step-wise manner. The Regional Water Board may wish to revisit these assumptions as more information becomes available from the Permittee's evaluations.
15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389 since the adoption or modification of an NPDES permit for an existing source is statutorily exempt and this Order only serves to implement an NPDES permit. Issuance of this Order is also exempt from CEQA pursuant to section 15321 of title 14 of the California Code of Regulations.

16. On June 16, 2016, after due notice to the Permittee and all other interested persons, the Regional Water Board conducted a public hearing and received evidence regarding this Order.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to California Water Code section 13301, the Permittee shall cease and desist from discharging and threatening to discharge waste in violation of the terms of Waste Discharge Requirements Order No. R1-2016-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0024449 by complying with the following requirements:

- 1. Eliminate discharge of untreated or partially treated waste:** Permittee shall complete the following tasks by the associated compliance schedules:

**Task 1A.** By **November 1, 2016**, the Permittee shall prepare and submit a Sanitary Sewer Evaluation Survey (SSES) for Executive Officer approval. At a minimum, the SSES shall:

- a. Characterize the existing collection system using available closed circuit television (CCTV) data and employing a system for ranking the condition of pipelines that meets the National Association of Sewer Service Companies (NASCO) or other industry-accepted standards;
- b. Identify and prioritize collection system deficiencies;
- c. Provide a schedule of needed long-term and short-term repairs to address system deficiencies and reduce exfiltration, infiltration and inflow (I/I);
- d. Include a hydraulic analysis of the collection system under estimated dry weather and peak wet weather flow conditions;
- e. Present findings of the hydraulic analysis on a GIS system map or other database; and
- f. Identify areas where increases in pipeline size, I&I reduction programs, increases and redundancy in pumping capacity are needed to eliminate any identified hydraulic capacity deficiencies.

**Task 1B.** By **March 1, 2017**, the Permittee shall prepare and submit a comprehensive Wet Weather Improvement Plan for Executive Officer approval. At a minimum, the Wet Weather Improvement Plan shall include the following components for the reduction and ultimate elimination of flows that bypass secondary treatment in order to comply with Order No. R1-2016-0001:

- a. Incorporate proposed actions from *Effluent Discharge Study for the Elk River Wastewater Treatment Plant* (2014 Effluent Discharge Study);

- b. Incorporate the priorities and schedule of needed long-term and short-term repairs from the SSES under Task 1A;
- c. Identify a range of alternatives for treatment plant corrective actions, improvements, upgrades, configuration, and private sewer lateral programs;
- d. Specify for each preferred measure, the volume of wastewater to be eliminated from influent and/or bypass, an implementation schedule, cost, and proposed funding mechanism(s); and
- e. Describe the Permittee's strategy to work with satellite agencies to reduce peak wet weather flows (e.g. establishing quantifiable goals in the reduction of inflow and infiltration).

**Task 1C.** By **July 1, 2017**, the Permittee shall begin implementation of the Wet Weather Improvement Plan in accordance with the schedule approved by the Executive Officer.

**Task 1D.** By **July 1, 2018, and annually by July 1 thereafter**, the Permittee shall evaluate and report on the implementation and effectiveness of its Wet Weather Improvement Plan. Elements to be included in the report include, but are not limited to, progress on private sewer lateral programs and status of capital improvement projects. The Permittee shall include information from the satellite agencies to the extent that information is available.

**Task 1E.** Discharges of untreated or partially treated waste shall be eliminated as soon as practicable, but in no case later than **July 1, 2028**.

**2. Comply with the Enclosed Bays and Estuaries Policy:** The Permittee shall complete the following tasks by the associated compliance schedules:

**Task 2A.** By **July 1, 2020**, the Permittee shall submit for Executive Officer review and approval a Feasibility Study that considers the Outfall Inspection Report, Updated Sewer Use Ordinance Evaluation Report, Climate Change Readiness Study Plan, and Biological Survey Report required in accordance with Order No. R1-2016-0001, and evaluates and recommends alternatives to achieve compliance with Prohibition IIIA of Order No. R1-2016-0001. At a minimum, the Enclosed Bays and Estuaries Compliance Feasibility Study shall:

- a. Assess the existing Facility system configuration and performance;
- b. Assess the existing condition and performance of the outfall at Discharge Point 001;

- c. Analyze potential alternatives to ensure compliance with the Enclosed Bays and Estuaries Policy, including, but not limited to, Facility system configuration, effluent quality, and environmental enhancements;
- d. Identify the Permittee's Preferred Alternative(s), including costs, a summary of how the Preferred Alternative(s) specifically considered the Outfall Inspection Report, Updated Sewer Use Ordinance Evaluation Report, Climate Change Readiness Study Plan, and Biological Survey Report; and
- e. Propose a schedule of implementation.

Task 2B. By **July 1 2022**, the Permittee shall submit written verification and an electronic copy of preliminary design plans and specifications for construction of the Executive Officer approved Preferred Alternative(s).

Task 2C. By **July 1, 2023**, the Permittee shall submit an Environmental Impact Report (EIR) or other documentation as necessary to complete the California Environmental Quality Act (CEQA) process for the Preferred Alternative(s) identified in Task 2A.

Task 2D. By **July 1, 2024**, the Permittee shall submit written verification and an electronic copy of complete design plans and specifications for construction of the Preferred Alternative(s).

Task 2E. By **July 1, 2026**, the Permittee shall procure and submit copies of all permits necessary to implement the Preferred Alternative(s) (i.e. Coastal Commission, Army Corps of Engineers, Calif. Dept. of Fish and Wildlife, Regional Water Board, etc.).


Task 2F. By **July 1, 2030**, the Permittee shall complete construction of the Preferred Alternative(s) which complies with the Enclosed Bays and Estuaries Policy and achieve compliance with all Regional Water Board waste discharge requirements.

- 3. In the interim period until the Permittee can achieve full compliance with Order No. R1-2016-0001, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with all prohibitions, effluent limitations and requirements identified in Order No. R1-2016-0001 or any future waste discharge requirements issued for the Facility.
- 4. If the Permittee is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Requirements above, the Permittee may request, in writing, that the Regional Water Board grant an extension of the time. The extension request shall include justification for the delay.

5. If the Executive Officer of the Regional Water Board finds that the Permittee fails to comply with the provisions of this Order, the Executive Officer may take all actions authorized by law, including referring the matter to the Attorney General for judicial enforcement or issuing a complaint for administrative civil liability pursuant to Water Code sections 13350 and 13385. The Regional Water Board reserves the right to take any enforcement actions authorized by law.
6. Any person affected 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 title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, you must comply with the Order while your request for reconsideration and/or petition is being considered.

Certification

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 16, 2016.

  
FOR  
Clayton S.  
Creager  
2016.06.20  
11:54:48 -07'00'  
Water Boards  
Matthias St. John  
Executive Officer