

California Regional Water Quality Control Board  
North Coast Region

Notice of Public Hearing and Notice of Issuance of an Order

Administrative Civil Liability Order No. R1-2008-0119  
For  
Violations of Water Code section 13264

In The Matter Of  
Laurence A. Kluck  
THP 1-07-014 HUM

Humboldt County

On November 3, 2008, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Order No. R1-2008-0119 (Order) to Laurence A. Kluck (Discharger). The Order executes the terms of a settlement agreement entered into between the Discharger and the Assistant Executive Officer, which requires payment of a \$10,000.00 civil liability for alleged violations of Water Code section 13264, including conducting timber harvest operations without permits and installing culverts into the stream channel, which may serve as future residential roads for the development of his property. In addition, any additional development, construction, and/or grading that occurs on his property that may affect wetlands, stream banks and channels, and/or riparian areas, requires contact with the U.S. Army Corps of Engineers and the Regional Water Board to determine whether any permitting is required. The terms of the settlement agreement require payment of the full amount of the penalty into the State Water Pollution Cleanup and Abatement Account within 10 days of this Order becoming final, and no longer subject to challenge. A check made payable to the State Water Resources Control Board should be submitted to the North Coast Regional Water Quality Control Board at 5550 Skylane Blvd. Suite A, Santa Rosa CA 95403.

***Opportunity for Settlement Without a Public Hearing***

A thirty-day public comment period on this Order and the settlement agreement has commenced beginning on the date of this notice. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the hearing and agrees to pay the full amount of the proposed civil liability. The Assistant Executive Officer will consider comments received and either finalize the settlement or take other appropriate action, including exercising his authority to declare the Settlement Agreement null and void as the result of receiving significant new information during the public comment period that reasonably affects the propriety of entering into the Settlement Agreement.

***Public Hearing Procedures***

The Regional Water Board will hold a public hearing on this matter on December 11, 2008 at 9:00 a.m. or as announced in the Regional Water Board's summary agenda to be mailed on or about November 26, 2008. The meeting location is the Regional Water Board, North Coast Region, 5550 Skylane Blvd. Santa Rosa, CA. At the hearing, the

Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

As a condition of the Settlement Agreement, the Discharger has agreed that neither he nor his agents will contest or otherwise challenge before the Regional Water Board the terms of this order. If any other interested persons would like the Regional Water Board to consider additional technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be submitted to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403 by 5:00 p.m. on December 1, 2008. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by December 1, 2008. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

### ***Document Review***

The Order and Settlement Agreement are available for review on the Regional Water Board web site at [http://www.waterboards.ca.gov/northcoast/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/). Those document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments may be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Stormer Feiler at (707) 543-7128 or at [sfeiler@waterboards.ca.gov](mailto:sfeiler@waterboards.ca.gov).

Luis G. Rivera  
Assistant Executive Officer

November 3, 2008

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