
Lahontan Regional Water Quality Control Board

August 22, 2013

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RESPONSE TO AUGUST 14, 2013 SURFACE WATER DELINEATION WORK PLAN, ARIMOL GROUP, INC. AND MEADOWBROOK CEDAR, INC. PROPERTIES, LAKE ARROWHEAD, SAN BERNARDINO COUNTY, W DID NO. 6B36C363433

Thank you for providing the revised Surface Water Delineation Work Plan, dated August 14, 2013 (Work Plan) for the Lahontan Water Board (Water Board) staff to review. Staff has completed its review and has the following comments.

General Comment

Water Board staff finds the August 14, 2013 Work Plan to be generally responsive to staff's August 7, 2013 comments. Staff has the following additional comments in response to the Work Plan, and anticipates you will be able to begin implementing a Surface Water Delineation Work Plan that addresses staff's comments, below, by August 26, 2013.

Specific Comments

1. The Work Plan includes Figure 1 - Surveyed Topography. Figure 1 is presented as representing pre-project topographic conditions, based upon a topographic survey performed by Chris Ehe in September 2011. Water Board staff understands that Figure 1 is one of the several information sources used in developing the transect/plot layout shown in the Work Plan.

Water Board staff wants you to be aware that staff has been provided several different versions of topographic surveys, including but not limited to,

- Enclosure 1 – October 19, 2012 Water Board letter reference (see Comment No. 1, 2nd paragraph);
- Enclosure 2 – February 15, 2013 Water Board letter reference (see Comment No. 1 under Response to Grading Plans and County Documents); and
- Enclosure 3 – Topographic Survey.

The survey documents referenced or shown in these enclosures all indicate they reflect topographic conditions in September 2011 (pre-project) by including the following Surveyor's Statement signed and stamped by Mr. Paul Christopher Ehe, PLS No. 5280:

"This topographic survey was prepared under my direction in September 2011."

However, the topographic survey documents discussed in Enclosures 1 and 2 and shown in Enclosure 3, show topographic conditions, including surface water locations, differing from those shown in Figure 1. Water Board staff understands that some of the differences include depicting recently constructed structures and proposed restoration activities; however, such additions do not account for all of the differences Water Board staff has observed. Water Board staff has yet to determine which of the topographic survey documents purported to represent September 2011 conditions, accurately does so. Water Board staff wants you to be aware of this situation, since the Work Plan's transect/plot layout is likely based, in part, upon information provided in Figure 1, which may or may not accurately reflect September 2011 conditions.

One example of such differences is the topographic contours depicted in the southeast quadrant of Figure 1 and the topographic survey document provided in Enclosure 3. Another example is that Figure 1 shows the locations of the south and north springs, while the topographic survey document provided in Enclosure 3 does not. There are likely other differences between these and other survey documents purported to represent September 2011 conditions.

Required response

Extend the eastern-most two transects shown in Work Plan Figure 3 to the southern property boundary, adding additional plots to account for the differing topographic contour representations shown for the southeast quadrant of the 1.8-acre parcel. Identify any additional transect/plot modifications you are incorporating into the final Work Plan to account for other inconsistencies between differing topographic survey documents purported to represent September 2011 conditions.

2. Water Board staff wants to minimize or prevent any additional soil compaction from occurring during surface water delineation activities.

Required Response

The backhoe and/or other equipment used to excavate the exploratory test pits on the site must be lightweight/low soil pressure in order to minimize both the compaction of surface soils and the potential for further surface water damages at the site. Additionally, include in the Surface Water Restoration Plan a description of what will be done to remove soil compaction created by development activities, and if necessary, surface water delineation activities, from the restoration and delineation areas.

3. The Work Plan does not discuss how and when exploratory excavations and borings will be backfilled, or other safety measures to prevent an accident in or around the excavations or borings.

Required Response

Identify how and when the excavations and borings will be backfilled and other safety measures that will be implemented to prevent an accident in and around the excavations and borings while they are open.

4. The information sources themselves, as identified on pages 4 and 5, section 3.2, are not provided in the Work Plan. Making such documents available strengthens Water Board staff's and others' understanding of the basis for the delineation you have proposed and described in the Work Plan.

Required Response

Include in the Surface Water Delineation Report copies of the information sources identified on Work Plan pages 4 and 5, section 3.2 (excluding the Water Board letters), in addition to those that are used in preparing the Surface Water Delineation Report.

5. There is very little information, other than general location and purpose, regarding the reference sites discussed on page 10, section 3.6.

Required Response

The Surface Water Delineation Report must include map(s) showing the locations of the reference sites, in addition to a thorough narrative description of the reference sites (e.g., soils, vegetation, surface waters, size, location, topography, aspect, elevation, rainfall, etc.). Additionally, the Report shall provide a description of how those reference sites were investigated in order to determine whether they are appropriate reference sites for the Meadowbrook project.

By August 30, 2013, please provide the above-referenced information and documentation in a Final Surface Water Delineation Work Plan (except for the information to be included in the Surface Water Delineation Report). Water Board staff expects that you will be able to begin implementing the Final Surface Water Delineation Work Plan by August 26, 2013. Please contact Water Board staff person, Jan Zimmerman, and California Department of Fish and Wildlife staff person, Joanna Gibson, a minimum of 72 hours prior to beginning surface water delineation activities.

Please contact Jan Zimmerman at (760) 241-7376 or Scott C. Ferguson at (530) 542-5432, if you have any questions regarding these matters. They will coordinate with other Water Board staff in responding to your questions and comments.



Lauri Kemper
Assistant Executive Officer

Enclosures: 1) Water Board staff letter dated October 19, 2012
 2) Water Board staff letter dated February 15, 2013
 3) Meadowbrook Topographic Map

cc (w/enclosures): Edith Read, PhD/E. Read and Associates, Inc.
 Scott R. Lane, Lane & McGowan, LLP
 Joanna Gibson, California Dept. of Fish and Wildlife
 Shannon L. Pankratz, U.S. Army Corps of Engineers
 Terri Rahhal, San Bernardino County, Land Use Services Department
 Anna Kathryn Benedict, SWRCB, Office of Enforcement
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 Lisa Scorable, Lahontan Regional Water Quality Control Board
 Paul Christopher Ehe, PLS, Environmental Hightech Engineering
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Lahontan Regional Water Quality Control Board

October 19, 2012

WDID 6B36C363433

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COMMENTS ON REVISED GRADING PLAN SUBMITTAL AND NOTICE OF CONTINUED VIOLATION OF CLEANUP AND ABATEMENT ORDER R6V-2012-0008, ARIMOL GROUP, INC., LAKE ARROWHEAD, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received revised Grading Plans from Arimol Group, Inc. (Arimol) on September 28, 2012, as related to the development site located at the northeast corner of Meadowbrook Road and Cedar Court in Lake Arrowhead (Site). The revised Grading Plans were submitted in response to Cleanup and Abatement Order R6V-2012-0008 (CAO) and our letter dated August 29, 2012, which authorized partial implementation of the Surface Water Restoration Plan. Water Board staff has reviewed the revised Grading Plan submittal and has determined the plan sheets are inconsistent with respect to existing and proposed development on the Site and with our prior comments on the Surface Water Restoration Plan. It is imperative that you address our comments and concerns outlined below. This letter also serves as notice that the requirements of the CAO continue to be violated until such time that Arimol provides sufficient information to fully comply with the outstanding requirements of Orders D.5 and D.6 of the CAO.

COMMENTS ON REVISED GRADING PLAN SUBMITTAL

Arimol submitted four revised Grading Plan sheets to Water Board staff for review on September 28, 2012: Site Plan, sheet C-1; Streambed Grading Plan, sheet C-2; Flood Control Grading Plan, sheet C-3; and Grading Plan, sheet C-4. Water Board staff has determined the plan sheets are inconsistent with respect to prior plans submitted, inconsistent with existing and proposed development on the Site, and inconsistent with our prior comments on the Surface Water Restoration Plan. Our comments and concerns are outlined below.

1. Proposed structures are shown on sheet C-4, Grading Plan. Water Board staff in no way is authorizing any future building locations, grading, or development on the Site, other than restoring the culverted stream channel as previously authorized in our letter dated August 29, 2012. Future development of the Site may require Arimol to comply with additional requirements of the California Environmental Quality Act, the Porter-Cologne Water Quality Control Act, and the Federal Clean Water Act.

The topography shown on sheet C-1, Site Plan, is significantly different from the topography shown on all previous plans and drawings submitted to the Water Board. The Surveyor's Statement, listed in the lower right hand corner of sheet C-1, states that the topography shown was accurate as of September 2011, and represents the historic topographic contour of the Site prior to commencing ground disturbance activities in October 2011. Please explain the inconsistency in plan topography between this sheet and other plan sheets previously submitted to the Water Board, and verify whether or not the topographic survey as shown on this plan sheet accurately depicts the historical topography of the site in September 2011.

2. A comparison between sheet C-2, Streambed Grading Plan, and sheet C-1, Site Plan, indicates that significant grading has occurred in the eastern portion of the Site since September 2011. This is inconsistent with what Arimol reported to Water Board staff in prior submittals dated October 2011 and in December 2011. Please provide a detailed account of the grading activities that have occurred on the Site since Arimol acquired the property. Please provide the correct date of the topographic survey as shown on sheets C-2, C-3, and C-4.
3. The plan sheets are inconsistent with respect to proposed and existing development. Proposed structures are shown on the Grading Plan (sheet C-4), yet several existing structures (i.e. 977 and 995 Meadowbrook Road) are not shown on any of the other plan sheets. The plan sheets must clearly identify historical, existing, and proposed structures and grades. The plan sheets need to be consistent with each other and consistent with the existing and proposed development on the Site.
4. The plan sheets fail to identify all walking paths, access roads, parking areas, concrete patios, driveways, to and throughout the Site, and other impervious or disturbed areas as a result of existing or planned Site development. The plan sheets must account for all proposed and existing development on the Site.

REQUIRED INFORMATION

The information provided to date does not fully comply with the requirements of CAO Orders D.5 and D.6. Until Arimol provides sufficient information to fully comply with the requirements of Orders D.5 and D.6 of the CAO, no additional restoration activities, other than those specified in our letter dated August 29, 2012, are authorized.

Order D.5 – CAO Order D.5 requires Arimol to fully identify all pre-development (historical) surface water features on the Site and to quantify impacts to those features from both existing and planned development of the Site. Arimol must submit the following information to fully comply with the requirements of Order D.5.

1. The Site includes five contiguous parcels: Assessor's Parcel Number (APN) 0336-134-02, -03, and -05 and APN 0336-131-08 and -09. The development of these parcels constitutes "a plan of common development," as defined in the CAO. All maps, plan sheets, figures, drawings, and discussions, as relevant to the Site, must include the inclusive area that constitutes the entire Site with the Site boundary clearly labeled.
2. In order to accurately define the location, type and extent of all historical surface water features on the Site, Arimol must perform a surface water delineation based on a **combination** of file review and on-site field surveys. A scaled site plan illustrating the location and extent of all surface waters on the Site, including the extent and types of vegetation associated with those surface waters, must be included.
 - a. Surface water features include streams and drainage channels (natural and man-made), springs, seeps, wetlands, etc. The historical extent of all surface waters on the Site must be delineated.
 - b. The spring drainages are known to have historically been characterized by dense willow shrub, which may be classified as part of the shrub wetland habitat identified in the eastern portion of the site. The spring drainages and extent of riparian buffer need to be further defined.
 - c. All historical surface water features must be quantified in terms of area, with linear features (i.e. channels and drainages) further characterized by length of channel, width of channel bed, and depth of channel.
 - d. Historical topographic contours, as shown on the, sheet C-1, Site Plan, must be used as a base for determining historic extent of surface water features on the Site. For example, based on topographic contours as shown on sheet C-1, it appears that the wet meadow area in the eastern portion of the Site likely extended much farther to the south than what is currently shown on sheet C-2, Streambed Grading Plan.

Order D.6 – Once Arimol identifies the historic surface water features on the Site and quantifies the Site development impacts to those resources (CAO Order D.5), CAO Order D. 6 requires Arimol to develop a Surface Water Restoration Plan that will restore the impacted surface water features to pre-development (historical) conditions. In order to fully comply with CAO Order D.6, Arimol must provide a Surface Water Restoration Plan that **mirrors** an accurate depiction of the historical surface water conditions identified for the Site. Any deviation thereof would constitute a project, not restoration, and would require Arimol to comply with additional requirements of the California Environmental Quality Act, the Porter-Cologne Water Quality Control Act, and the Federal Clean Water Act. The Surface Water Restoration Plan must include a **narrative discussion** of said plans as well as engineered drawings.

NEXT STEPS

I strongly encourage Arimol Group, Inc. to take the actions described below, as soon as possible. Continued violations of the CAO are subject to additional enforcement action with liabilities of up to \$10,000 per violation for each day of violation.

1. Begin restoration activities by removing the 30-inch corrugated metal pipe culvert and concrete headwall and restoring the streambed to its historical flow path as authorized in our letter dated August 29, 2012. No other restoration activities or development are authorized.
2. Submit to the Water Board's Victorville office a response to our comments on the revised Grading Plan submittal of September 28, 2012, as outlined above, and provide updated Grading Plans, as appropriate.
3. Concurrently with restoration and until permanent measures are in place, an effective combination of temporary sediment and erosion control best management practices (BMPs) must be implemented to stabilize all disturbed soils on the Site, in accordance with the site-specific Stormwater Pollution Prevention Plan (SWPPP). The BMPs must be correctly installed and maintained so that they remain effective in preventing prevent sediment-laden storm water discharges off the Site or into surface waters.
4. Submit to the Water Board's Victorville office a technical report that fully satisfies the minimum content requirements as described in detail by CAO Order D.5. The technical report must be signed by Arimol or authorized representative.
5. Submit to the Water Board's Victorville office a technical report for the Executive Officer's approval that provides a Surface Water Restoration Plan that fully satisfies the plan requirements as described in detail by CAO Order D.6.

If you have questions, please contact me at (760) 241-6583 (mplaziak@waterboards.ca.gov). You may also contact my staff, Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov), or Jan Zimmerman, Engineering Geologist, at (760) 241-7376 (jzimmerman@waterboards.ca.gov).



Mike Plaziak, PG
Supervising Engineering Geologist

Enclosures: 1. CAO R6V-2012-0008
2. Water Board letter dated August 29, 2012

cc w/enc: Mail List

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

CLEANUP AND ABATEMENT ORDER NO. R6V-2012-0008

SMARTS NF NO. 6B36CN601729

**REQUIRING ARIMOL GROUP, INC. TO CLEAN UP AND ABATE THE DISCHARGE
AND THREATENED DISCHARGE OF WASTE EARTHEN MATERIALS TO
SURFACE WATERS OF THE MOJAVE HYDROLOGIC UNIT**

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (herein after Water Board) finds that:

A. FINDINGS

1. Arimol Group, Inc. owns a 1.8-acre parcel located at the northeast corner of Meadowbrook Road and Cedar Court within the Crest Park neighborhood of Lake Arrowhead, San Bernardino County, California. For the purpose of this Order, Arimol Group, Inc. is hereafter referred to as the "Discharger," and the property located at the northeast corner of Meadowbrook Road and Cedar Court is hereafter referred to as the "Site."
2. The unnamed creeks and springs on the Site are surface waters that are tributary to Lake Arrowhead and eventually Deep Creek, and are waters of the state. These surface waters and Lake Arrowhead are located within the Deep Creek watershed of the Mojave Hydrologic Unit. The Site's elevation is approximately 5,600 feet above mean sea level. Lake Arrowhead and its tributaries are waters of the state and United States.
3. The Discharger has graded and disturbed soils at the site, filling in a natural creek by culverting it, thereby causing and threatening to cause unauthorized discharges to waters of the state and United States.
4. On October 17, 2011, Water Board staff received a complaint that the Discharger had filled a natural creek channel on the Site by placing a metal pipe culvert in the creek bed and burying the pipe with soil. See Attachment A (map of site).
5. On October 18, 2011, Water Board staff contacted the Discharger's representative, President of Arimol Group, Inc., Bill Moller, and informed him that the disturbed soils at the Site posed a threat to water quality. Staff instructed Mr. Moller to provide immediate protection for the culvert inlets and outlets to prevent sediment or debris from blocking the flow and/or being discharged from the Site.
6. Water Board staff inspected the site on October 21, 2011. Staff observed a corrugated metal pipe culvert buried below grade along the southern portion of the Site (consistent with the complaint received), a new concrete headwall at the culvert inlet, and what appeared to be recently placed rock rip-rap at the culvert outlet. Staff

also observed the unauthorized discharge of waste earthen materials to and disturbance of a natural drainage channel along the eastern perimeter of the Site. Water Board staff discerned that the majority of the 1.8-acre site appeared to be rough-graded and all vegetation was recently removed except for several large trees remaining around the perimeter of the Site. No sediment or erosion control best management practices (BMPs) to prevent sediment from discharging into the waterways were observed for the disturbed soils or at the inlet and outlet of the culvert at the time of the inspection.

7. Pursuant to California Water Code sections 13261 and 13399.33, Water Board staff issued a written Notice of Non-Compliance to the Discharger on November 21, 2011. The Notice of Non-Compliance cited violations for the discharge of waste to waters of the state as well as failure to obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity, Order No. 2009-009-DWQ (Construction General Permit) for land disturbance activities over an area greater than one acre. The Notice of Non-Compliance directed the Discharger to take the following actions by December 9, 2011: 1) file a Notice of Intent for coverage under the Construction General Permit; 2) submit a signed copy of a site-specific Stormwater Pollution Prevention Plan (SWPPP) to Water Board staff; 3) provide proof that an effective combination of erosion and sediment control BMPs are implemented at the site; and 4) submit to Water Board staff a complete Application for Clean Water Act Section 401 Water Quality Certification.
8. On December 6, 2011, the Discharger submitted to Water Board staff a response to the Notice of Non-Compliance. The response contested claims in the Notice of Non-Compliance and did not include an Application for Clean Water Act section 401 Water Quality Certification. The response also included a Plot Plan which showed the proposed development of the Site with a single multi-story residential structure and associated infrastructure. The Plot Plan also showed a 30-inch pipe culvert in the same general alignment as the existing culvert.
9. On January 20, 2012, Water Board staff met on-site with the Discharger's representative, Mr. Moller, the Discharger's Engineer of Record, Mr. Bryant Bergeson, and staff from the California Department of Fish and Game, to inspect and document the current condition of the Site and to discuss the project development plans for the Site.
 - a. Mr. Moller explained that the project Site and the nearby Serenity Lodge were both recently acquired by the Discharger and that the intent of the project is to expand the existing Serenity Lodge facility. Mr. Moller further explained that the Site is comprised of multiple parcels (five total) and that each will be developed separately under grading permits to be issued by San Bernardino County for single-family residential use. According to Mr. Moller, San Bernardino County had already issued one grading permit for a structure that was under construction at the time of the inspection.

would effectively stabilize the soils and/or prevent an unauthorized discharge of waste earthen materials to surface waters and from the Site. Staff again directed the Discharger to implement an effective combination of erosion and sediment control BMPs to stabilize the entire site by February 3, 2012, or within 24 hours prior to a forecasted rain event, whichever comes first.

B. REGULATORY AUTHORITY

12. Water Code section 13304, subdivision (a) states:

“Any person who has discharged or discharges waste into the 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, 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....”

Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

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.”

14. The *Water Quality Control Plan for the Lahontan Region* (“Basin Plan”).

a. The Basin Plan contains the following waste discharge prohibitions for the Mojave Hydrologic Unit:

- (1) “The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave River or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited.”
- (2) “The discharge of waste to land or water within the Deep Creek watershed above elevation 3,200 feet is prohibited.”

- b. "Waste" is defined in the Basin Plan to include any waste or deleterious material including, but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material).
 - c. The surface waters on the Site are tributary to Lake Arrowhead, and by the Tributary Rule, have the same beneficial uses as those specified by the Basin Plan for Lake Arrowhead. The beneficial uses of the on-site surface waters in part include: municipal and domestic supply (MUN), groundwater recharge (GWR), water contact recreation (REC-1), non-contact water recreation (REC-2), commercial and sportfishing (COMM), warm freshwater habitat (WARM), cold fresh water habitat (COLD), and wildlife habitat (WILD).
15. California Water Code section 13376 requires a person who discharges to navigable waters of the United States to first file a report of waste discharge in compliance with Water Code section 13260. Obtaining coverage under the Construction General Permit complies with Water Code section 13260.
 16. The federal Water Pollution Control Act ("Clean Water Act") (33 U.S.C. § 1311 et seq.) requires a discharger to have section 401 certification by the Water Board for filling in any waters of the United States.
 17. Findings 6, 9 and 10 identify site conditions that are the result of discharging waste (earthen materials), or threatening to discharge waste, to surface waters within the Deep Creek watershed of the Mojave Hydrologic Unit above an elevation of 3,200 feet. The affected surface waters are waters of the state and tributary to waters of the United States. These waste discharges and threatened waste discharges to waters of the state and United States violate the above-referenced Basin Plan prohibitions, California Water Code section 13376, and the Clean Water Act. The Water Board is therefore authorized to issue a Cleanup and Abatement Order pursuant to Water Code section 13304 requiring cleanup of the waste discharges and abatement of the impacts of the waste discharges.
 18. Water Code section 13267, subdivision (b) states:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring these reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to

provide the reports." The Water Board is therefore authorized to require monitoring and reporting to identify measures to protect water quality and restore beneficial uses.

19. The technical reports required by this Order are necessary to identify the corrective actions necessary to prevent additional waste discharges to surface waters and additional loss of beneficial uses. Additionally, the technical reports are necessary to identify measures necessary to clean up the waste discharges cited above and restore the beneficial uses of the on-site surface waters that have been adversely affected by unauthorized grading, filling, and diversion activities.
20. California Environmental Quality Act (CEQA) Compliance. Issuance of this Order is an enforcement action taken by a regulatory agency and, in part, requires stream habitat restoration. The Order requires earth disturbing and revegetation activities not to exceed five acres in size and to assure restoration of stream habitat and the prevention of erosion. This Order and the activities required by this Order are exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 et seq.) pursuant to California Code of Regulations, Chapter 3, title 14, section 15333, subdivision (a)(2).

C. Violations

21. **Basin Plan:** The disturbed soil conditions described in Findings 6, 9 and 10 have, and continue to have, the ability under runoff conditions to create sediment-laden discharges to the on-site surface waters and surface waters downstream. Such discharges constitute waste discharges to surface waters that have the ability to alter the water quality of those and other downstream surface waters to a degree that unreasonably affects the waters for both beneficial uses as specified in the *Water Quality Control Plan for the Lahontan Region* ("Basin Plan"). Further, these waste discharges to surface waters violate Basin Plan waste discharge prohibitions described in Finding No. 14. Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream users (MUN) such as Lake Arrowhead Community Services District (District), who withdraws and treats water from Lake Arrowhead to provide drinking water to the local area. Sediment-laden storm water discharges to and the resulting turbidity within surface waters can also affect the aesthetic enjoyment (REC-2) of the surface waters. Additionally, the increase in sedimentation associated with fill materials and sediment-laden storm water discharges can adversely impact stream invertebrate habitat through the deposition of silts (COLD), and adversely affect food sources and feeding habitats for fish and other organisms (WILD). The current site conditions constitute a threatened discharge of waste to waters and a threatened condition of pollution. Therefore, the Water Board is authorized to issue a Cleanup and Abatement Order pursuant to Water Code section 13304 requiring the Discharger to take remedial actions intended to abate the conditions that present a threat to discharge wastes to waters of the state and create a condition of pollution.

22. Water Code Section 13376: The Discharger violated Water Code section 13376 because it failed to have coverage under the Construction General Permit for its discharges of waste to surface waters tributary to navigable waters of the United States. The Discharger failed to file any report of waste discharge consistent with Water Code section 13260.

23. Clean Water Act: The Discharger violated the Clean Water Act by failing to have a section 401 certification before filling in the creek on the Site.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, the Discharger shall clean up and abate discharges and threatened discharges in violation of the Basin Plan prohibitions for the Mojave Hydrologic Unit, and shall comply with the other reporting provisions of this Order:

D. ORDERS

1. Forthwith, the Discharger shall submit a Notice of Intent for coverage under the Construction General Permit with the State Water Resources Control Board through the online Stormwater Multi-Application, Reporting and Tracking System (SMARTS) for existing and future land disturbance activities subject to the Construction General Permit. The SMARTS system can be accessed at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>.
2. By **April 13, 2012**, the Discharger shall prepare and submit to the Water Board's Victorville office a signed copy of a site-specific SWPPP developed for the Serenity Lodge Expansion Project. The SWPPP shall be prepared in accordance with the guidelines contained in the Construction General Permit. In part, the SWPPP shall include detailed descriptions and illustrations of the BMPs necessary to stabilize all disturbed soils on the Site and to prevent sediment-laden storm water discharges off the Site or into surface waters.
3. By **April 13, 2012**, the Discharger shall implement the SWPPP. The SWPPP shall be continually updated, as necessary, so that it remains an effective tool to prevent sediment-laden discharges and must remain in effect until coverage under the Construction General Permit has been terminated by the Water Board.
4. By **April 20, 2012**, the Discharger shall provide a technical report identifying the SWPPP elements that have been implemented. The technical report shall also include photographs showing all SWPPP elements that have been implemented on the Site, including correct installation of sediment and erosion control BMPs that will effectively prevent sediment-laden discharges to surface waters and from the Site.
5. By **April 20, 2012**, the Discharger shall submit a technical report that describes the development plan for the Site and that describes, illustrates, and quantifies all land disturbance activities that have occurred since the Discharger acquired the Site in 2011, including those disturbances to drainages, springs, and other

surface waters, as well as those proposed in the overall, larger, development plan for the Serenity Lodge Expansion Project. The report shall include, but not be limited to, the following:

- a. A scaled site plan illustrating the location and extent of all waters of the state (surface waters) on the Site, both prior to installation of the pipe culvert and after installation of the pipe culvert. The scaled site plan shall also identify the extent and types of vegetation associated with those surface waters prior to and following installation of the pipe culvert.
 - b. A full, technically accurate description of the development plan for the Site and associated environmental impacts to date, both temporary and permanent, including impacts to areas outside of the surface waters. The description shall include, but not be limited to, the following:
 - i. Locations and dimensions of existing and proposed structures or fill within waters of the State such as culverts, gabions, rock-slope protection/rip-rap, wing walls, dikes, cofferdams, and excavations.
 - ii. Direct or indirect changes in streambed slope, cross-sectional dimension or area, vegetation, and/or surfacing.
 - iii. Changes in drainage patterns and potential impacts to on-site and downstream surface waters.
 - iv. The location and dimension of all associated access roads, work staging areas, and related infrastructure.
 - v. Temporary or permanent dewatering or water diversions.
 - vi. Pre- and post-construction storm water management and pollution control measures; and construction methods, schedule, and phasing plan. Maps, figures, and engineered drawings should be included, as appropriate.
6. By **April 26, 2012**, the Discharger shall submit a technical report for the Executive Officer's approval (or his/her delegate's approval) that provides a Surface Water Restoration Plan to remove the pipe culvert and headwall and restore the section of the creek that has been placed within the new 30-inch culvert to its natural hydrologic conditions. The plan must also include restoration of the natural drainage channel located on the Site's eastern perimeter and for the two diverted springs located on the western portion of the Site. The technical report shall provide, at a minimum, the following information.
- a. A detailed description and illustration (scaled design plans) of the measures proposed to restore the characteristics (e.g., channel width, length, depth, and sinuosity/alignment; channel slope/hydraulic grade line, channel substrate, vegetation within and adjacent to the surface waters) of the above-referenced surface waters to preconstruction conditions. Aerial or other photographs of pre-construction conditions (date-stamped or other date-verification methodology) shall also be included with this plan element.

- b. A detailed description and illustration (scaled design plans) of the method(s) proposed to divert any flows within the surface waters during soil-disturbing restoration activities and until the restoration sites have been stabilized and can accept flow without discharging sediment-laden water off the Site.
 - c. A detailed description and illustration (scaled design plans) of the measures proposed to temporarily stabilize the restoration areas until permanent stabilization measures (e.g., vegetation, rock-slope protection/rip rap) effectively stabilize the restoration areas.
 - d. A detailed description and illustration (scaled design plans) of the measures proposed to reestablish the vegetation that has been removed from within and adjacent to the above-referenced surface waters. This plan element will include, but not be limited to, the following:
 - i. For each of the above-referenced surface waters, a list of native plant species to reestablish the vegetation species that has been removed. The list will include relative percentages for each species.
 - ii. A detailed description of soil preparation activities (e.g., removing compacted soils; adding soil amendments such as compost, top soil, etc.).
 - iii. Seeding rates and plant spacing for each of the above-referenced surface waters.
 - iv. Interim and final success criteria for each of the above-referenced surface waters. The criteria shall include, but not be limited to, percent live vegetative cover, total cover, vegetative species diversity, and vegetative species composition. Satisfying the final success criteria shall be based upon no augmentation or artificial irrigation activities occurring for the previous year. Success criteria may be based upon proposed reference sites accepted in writing by Water Board staff. If reference sites are proposed as the basis for the success criteria, then the proposed reference sites must be identified and fully characterized with respect to the proposed criteria. Any other method of developing success criteria must also be fully described and its applicability to the restoration activities justified.
 - v. A detailed description of assessment methodologies and schedule for implementing them in order to evaluate progress towards satisfying interim and final success criteria. Each surface water restoration site will be assessed, at a minimum, annually for a minimum of five years, unless a reduction in the monitoring period is authorized in writing by the Water Board.
7. By **June 29, 2012**, commence implementation of the Surface Water Restoration Plan, as accepted by the Water Board.

8. By **November 30, 2012**, submit a technical report certifying that the Surface Water Restoration Plan has been implemented as accepted by the Water Board. Any deviations from the accepted Surface Water Restoration Plan shall be identified and the reason(s) for such deviations shall be provided. Scaled as-built plans shall also be provided with this report.
9. Beginning **November 30, 2013**, and annually thereafter, submit a technical report that provides the results of restoration site assessment discussed in Requirement No. 6.d.v, above. Corrective actions shall be proposed and included in these technical reports when restoration activities fail to satisfy any interim or final success criteria.

E. REPORTING REQUIREMENTS

1. **Signatory Requirements.** All reports required under this Cleanup and Abatement Order shall be signed and certified by the Discharger or by a duly authorized representative of the Discharger and submitted to Water Board staff. A person is a duly authorized representative of the discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
2. **Certification.** Include the following signed certification with all reports submitted pursuant to this Order:

"I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. **Report Submittals.** All technical reports required under this Order shall be submitted to:

California Regional Water Quality Control Board – Lahontan Region
14440 Civic Drive, Suite 200
Victorville, CA 92392

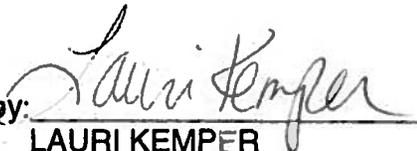
F. NOTIFICATIONS

1. **Cost Recovery.** Pursuant to Water Code section 13304, the Water Board is entitled to, and may seek, reimbursement for all reasonable costs actually

incurred by the Water Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial actions required by this Order.

2. **Requesting Administrative Review by the State Water Board.** Any person aggrieved by an action of the Water board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken fall on a Saturday, Sunday, or state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml or will be provided upon request.
3. **Modifications.** Any modification to this Order shall be in writing and approved by the Executive Officer, including any potential extensions. Any written extension request by the Discharger shall include justification for the delay.
4. **Enforcement Notification.** Failure to comply with the requirements of this Cleanup and Abatement Order may result in additional enforcement action, which may include pursuing administrative civil liability pursuant to Water Code sections 13268, 13350, and/or 13385, or referral to the Attorney General of the State of California for such legal action as she may deem appropriate.
5. **No Limitation of Water Board Authority.** This Order in no way limits the authority of this Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the site consistent with the Water Code. This Order may be revised as additional information becomes available.

Ordered by:



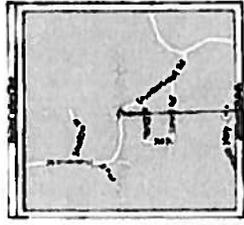
LAURI KEMPER
ASSISTANT EXECUTIVE OFFICER

Dated: March 14, 2012

- Attachments A: Map of Site
B: Water Code section 13267 Fact Sheet

ATTACHMENT A

TOPOGRAPHIC SURVEY



DATE	1958
PROJECT	MEADOWBROOK ROAD
SCALE	1" = 100'
PROJECTED AREA	1.5 AC.
OWNER	MR. & MRS. J. W. BROWN
ENGINEER	W. H. BROWN

SURVEYING NOTES
 1. This survey was made in accordance with the provisions of the Surveying Act of 1907.
 2. The survey was made by the method of angles and distances.
 3. The bearings were measured with a transit and the distances with a steel tape.
 4. The survey was made on the 15th day of June, 1958.
 5. The survey was made by W. H. Brown, a Licensed Professional Surveyor in the State of California.

LOCAL DESCRIPTION
 The survey was made on the 15th day of June, 1958, at the location of Meadowbrook Road, in the City of Los Angeles, California.

OWNER'S STATEMENT
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described survey was made by a Licensed Professional Surveyor in the State of California, and that the same is a true and correct copy of the original survey made by said surveyor.

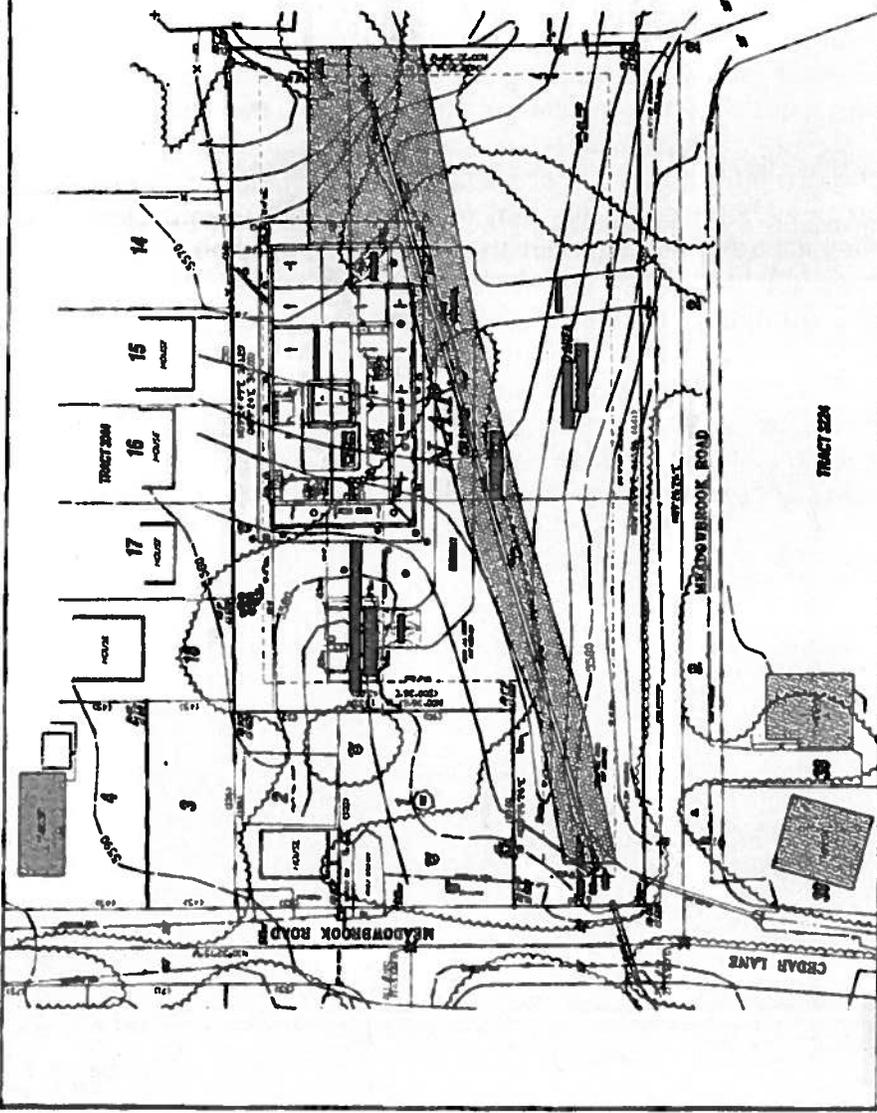


LEGEND

1	Proposed Right of Way
2	Proposed Easement
3	Proposed Lot
4	Proposed Street
5	Proposed Building Footprint
6	Proposed Driveway
7	Proposed Fencing
8	Proposed Utility Lines
9	Proposed Survey Lines
10	Proposed Survey Points

PROS ON CONTROL PLAN
 1. The survey was made on the 15th day of June, 1958, at the location of Meadowbrook Road, in the City of Los Angeles, California.
 2. The survey was made by the method of angles and distances.
 3. The bearings were measured with a transit and the distances with a steel tape.
 4. The survey was made on the 15th day of June, 1958.
 5. The survey was made by W. H. Brown, a Licensed Professional Surveyor in the State of California.

OWNER'S STATEMENT
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described survey was made by a Licensed Professional Surveyor in the State of California, and that the same is a true and correct copy of the original survey made by said surveyor.



DATE	1958
PROJECT	MEADOWBROOK ROAD
SCALE	1" = 100'
PROJECTED AREA	1.5 AC.
OWNER	MR. & MRS. J. W. BROWN
ENGINEER	W. H. BROWN

California Environmental Protection Agency – Regional Water Quality Control Board, Lahontan Region

Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

¹ All code sections referenced herein can be found by going to www.lcginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

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, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of the 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.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.





EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

August 29, 2012

WDID 6B36C363433

Arimol Group, Inc.
P.O. Box 44
Torrance, CA 90507

Bill Moller, President
Arimol Group, Inc.
4173 Maritime Road
Rancho Palos Verdes, CA 90275

AUTHORIZATION TO IMPLEMENT PORTIONS OF THE SURFACE WATER RESTORATION PLAN AND NOTICE OF CONTINUED VIOLATION OF CLEANUP AND ABATEMENT ORDER R6V-2012-0008, ARIMOL GROUP, INC., LAKE ARROWHEAD, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) issued a Notice of Violation (NOV) to Arimol Group, Inc. (Discharger) on June 20, 2012, for failure to comply with the requirements of Cleanup and Abatement Order (CAO) R6V-2012-0008, as related to the development site located at the northeast corner of Meadowbrook Road and Cedar Court in Lake Arrowhead (Site). The NOV identified the CAO requirements the Discharger had violated and outlined the additional information needed in order to comply the CAO requirements. To address the violations associated with CAO Order D.5 and D.6, the Discharger submitted supplemental information on July 20, 2012. Water Board staff has reviewed this supplemental information and has determined that it fails to fully comply with the requirements of the CAO. This letter authorizes partial implementation of the Surface Water Restoration Plan (dated July 20, 2012) and serves as notice to the Discharger that the requirements of CAO Order D.5 and Order D.6 continue to be violated, as described below and as discussed with the Discharger during a meeting at the Water Board's Victorville office on August 22, 2012.

CONDITIONAL AUTHORIZATION OF SURFACE WATER RESTORATION PLAN

Water Board staff agree in part with the proposed Surface Water Restoration Plan, dated July 20, 2012, which was submitted as part of the above-referenced supplemental information. While additional information is needed to fully define the historical extent of surface water features on the Site, we recognize that it is imperative that restoration activities at the Site begin **forthwith** to minimize any further temporal loss of water

DON JARDINE, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

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resource or beneficial use. Therefore, I am authorizing the Discharger to initiate specific restoration activities of the Surface Water Restoration Plan based on the following conditions.

1. The Discharger must remove the 30-inch corrugated metal pipe culvert and concrete headwall, as proposed in the Surface Water Restoration Plan, and restore the two creek beds to their historical flow paths as depicted on Figure 2, "Historical Jurisdictional Features." Prior to restoration, the channel alignments, widths, and grades must be surveyed by a licensed professional.
2. Drain rock must be placed around the perimeter of the concrete slab recently constructed on 995 Meadowbrook Road, which is located adjacent to the creek restoration area. The drain rock is necessary to dissipate sheet flows and prevent concentrated flows from eroding the top of the restored stream bank.
3. Concurrently with restoration and until permanent measures are in place, an effective combination of temporary sediment and erosion control best management practices (BMPs) must be implemented to stabilize all disturbed soils on the Site, in accordance with the site-specific Stormwater Pollution Prevention Plan (SWPPP). The BMPs must be correctly installed and maintained so that they remain effective in preventing prevent sediment-laden storm water discharges off the Site or into surface waters.

No other restoration activities are authorized. Restoration of other historical surface water features will be authorized once the Discharger provides sufficient information to fully comply with the outstanding requirements of Order D.5 and D.6 of the CAO.

REQUIRED INFORMATION

Order D.5 – CAO Order D.5 requires the Discharger to fully identify all pre-development (historical) surface water features on the Site and to quantify impacts to those features from both existing and planned development of the Site. The supplemental information provided is incomplete and therefore does not fully comply with the requirements of Order D.5, as outlined below.

1. The Site includes five contiguous parcels: Assessor's Parcel Number (APN) 0336-134-02, -03, and -05 and APN 0336-131-08 and -09. The development of these parcels constitutes "a plan of common development," as defined in the CAO. All maps, figures, drawings, and discussions, as relevant to the Site, must include the inclusive area that constitutes the entire Site.
2. Figure 2, "Historical Jurisdictional Features," shows the spatial location of historical surface water features on the Site, as interpreted by the Discharger based on review of historical aerial photographs. In order to accurately define the location, type and extent of all historical surface water features on the Site, the delineation must be based on a combination of file review and field surveys.

A scaled site plan illustrating the location and extent of all surface waters on the Site, including the extent and types of vegetation associated with those surface waters, must be included.

- a. There are two natural drainage channels that are not identified on Figure 2: one along the eastern perimeter of the Site (labeled "existing gully" on the Grading Plan sheet), and one along the southern perimeter of the Site that was identified as "existing gully" in the Discharger's previous submittal dated April 26, 2012.
 - b. The spring drainages are known to have historically been characterized by dense willow shrub, which may be classified as part of the shrub wetland habitat identified in the eastern portion of the site. The spring drainages and extent of riparian buffer need to be further defined.
 - c. All historical surface water features must be quantified in terms of area, with linear features (i.e. channels and drainages) further characterized by length of channel, width of channel bed, and depth of channel.
3. The plan sheets provided are inconsistent with respect to proposed and existing development. Proposed structures are shown on the Existing Site Plan Conditions, yet these structures are absent on the proposed Grading Plan. Conversely, several existing structures (i.e. 995 Meadowbrook Road) are shown on the Existing Site Plan Conditions, yet are absent on the proposed Grading Plan. These discrepancies need to be addressed and the plan sheets revised accordingly.
 4. The plan sheets fail to identify any walking paths, access roads, parking areas, drive ways, concrete patios, to and throughout the Site, and other impervious or disturbed areas as a result of existing or planned Site development. The plan sheets must account for all proposed and existing development on the Site.
 5. The plan sheets submitted July 20, 2012, are stamped by Paul Christopher, Professional Land Surveyor, State of California, with a stamp expiry date of December 31, 2011. All plan sheets must be signed and stamped by professionals currently licensed in the State of California to perform such work.

Order D.6 – CAO Order D.6 requires the Discharger to develop a Surface Water Restoration Plan that will restore the impacted surface water features to pre-development (historical) conditions. The supplemental information provided is incomplete and, therefore, does not fully comply with the requirements of Order D.6, as outlined below.

1. The Surface Water Restoration Plan must mirror an accurate depiction of the historical surface water conditions identified for the Site. Any deviation thereof would constitute a project, not restoration, and would require the Discharger to

comply with the California Environmental Quality Act, the Porter-Cologne Water Quality Control Act, and the Federal Clean Water Act.

2. Figure 3, "Restored Jurisdictional Features," shows the approximate location of the surface water features to be restored and/or reestablished by the Discharger. Details regarding the restoration are included on the Grading Plan. However, there are distinct differences between Figure 3, "Restored Jurisdictional Features" and Figure 2, "Historical Jurisdictional Features." The Surface Water Restoration Plan **must** mirror an accurate depiction of the historical surface water conditions identified for the Site.
 - a. On Figure 3, the restored stream channel is shown along the eastern perimeter of the Site, yet this feature is not identified as a historical feature on Figure 2.
 - b. The restored area of shrub wetland as depicted on Figure 3 does not mirror the identified historical extent as depicted on Figure 2. The restored alignment of the northern spring drainage, as shown on Figure 3, does not coincide with the interpreted historical alignment on Figure 2.

NEXT STEPS

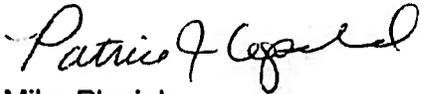
The information provided to date does not fully comply with the requirements of CAO Order D.5 and Order D.6. These continued violations of the CAO are subject to additional enforcement action, including the Water Board assessing administrative civil liability pursuant to California Water Code (CWC) sections 13268, 13350, or 13385, and/or referral to the Attorney General of the State of California for such legal action as she may deem appropriate. These violations are subject to liabilities of up to \$1,000, \$5,000, and \$10,000 per violation for each day of violation, depending upon the CAO Order, permit requirement, or state and/or federal law/regulation being violated.

I strongly encourage Arimol Group, Inc. to take the actions described below, as soon as possible.

1. **Forthwith** remove the 30-inch corrugated metal pipe culvert and concrete headwall and restore the two creek beds to their historical flow paths as depicted on Figure 2, "Historical Jurisdictional Features." Prior to restoration, the channel alignments, widths, and grades must be surveyed by a licensed professional. The survey information must be accurately shown on a restoration plan/figure for the site and submitted to the Water Board staff for acceptance as well as included in the final Restoration Report required by CAO Orders D.5 and D.8.
2. Place drain rock around the perimeter of the concrete slab recently constructed on 995 Meadowbrook Road to dissipate sheet flows and prevent concentrated flows from eroding the top of the restored stream bank.

3. Concurrently with restoration and until permanent measures are in place, implement an effective combination of temporary sediment and erosion control BMPs.
4. Submit to the Water Board's Victorville office a technical report that fully satisfies the minimum content requirements as described in detail by CAO Order D.5. The technical report must be signed by the Discharger or authorized representative.
5. Submit to the Water Board's Victorville office a technical report for the Executive Officer's approval that provides a Surface Water Restoration Plan that fully satisfies the plan requirements as described in detail by CAO Order D.6.

If you have questions, please contact me at (760) 241-6583 (mplaziak@waterboards.ca.gov). You may also contact my staff, Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov), or Jan Zimmerman, Engineering Geologist, at (760) 241-7376 (zimmerman@waterboards.ca.gov).



For: Mike Plaziak
Supervising Engineering Geologist

Enclosure: CAO R6V-2012-0008

cc: Mail List

JZ/rp Arimol(Serenity)\Arimol_RestPlan_7202012

Mail List for Arimol Group

Bryant Bergeson, Civil Engineer
(via email, bryant@kadtec.com)

Shannon Pankratz, United States Army Corps of Engineers
(via email, Shannon.L.Pankratz@usace.army.mil)

Jeff Brandt, California Department of Fish and Game
(via email, jbrandt@dfg.ca.gov)

Lt. Brady Hill, California Department of Fish and Game
(via email, bhill@dfg.ca.gov)

Douglas Poston, Deputy District Attorney
San Bernardino County District Attorney's Office
316 N. Mt View Ave
San Bernardino, CA 92415-0004

Janice Rutherford, Second District Supervisor
San Bernardino County
(via email, SupervisorRutherford@sbcounty.gov)

Lewis Murray, Assistant to Supervisor Rutherford
(via email, lewis.murray@bos.sbcounty.gov)

Christine Kelly, Director
Land Use Services
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415

Don Baker, Land Use Services
County of San Bernardino
(via email, Donald.Baker@lus.sbcounty.gov)

Laura Drabandt
State Water Resources Control Board
Office of Enforcement
(via email, ldrabandt@waterboards.ca.gov)

Joyce Hunting
PMC
(via email, jhunting@pmcworld.com)

Gerald Montgomery
Montgomery & Associates, Inc.
(via email, Gerald@montgomery-assoc.com)

Lahontan Regional Water Quality Control Board

February 15, 2013

Arimol Group, Inc.
P.O. Box 44
Torrance, CA 90507

CERTIFIED MAIL: 7009 0820 0001 6630 3539

Bill Moller, President
Arimol Group, Inc.
4173 Maritime Road
Rancho Palos Verdes, CA 90275

RESCISSION OF LAHONTAN WATER BOARD APPROVAL TO PROCEED WITH PARTIAL CULVERT REMOVAL/SURFACE WATER RESTORATION PROJECT AND RESPONSE TO ARIMOL GRADING PLAN SUBMITTAL, ARIMOL GROUP, INC., LAKE ARROWHEAD, SAN BERNARDINO COUNTY, WDID NO. 6B36C363433

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) received a set of grading plan sheets from Arimol Group, Inc. (Arimol) on December 6, 2012. The plan sheets depict proposed surface water restoration and proposed development activities on a site located at the northeast corner of Meadowbrook Road and Cedar Court in the Crest Park Community of Lake Arrowhead. The Lahontan Water Board also received with the grading plan sheets copies of San Bernardino County Land Use Services Department (LUSD) plan review documents and related correspondence. Finally, on February 8, 2013, staff received an e-mail from Bill Moller indicating Arimol was preparing to move forward with partially removing the culvert and restoring the associated section of creek channel, as previously authorized by Lahontan Water Board staff on August 29, 2012.

Rescission of Lahontan Water Board Authorization to Proceed with Surface Water Restoration Activities

During October 2011, Arimol installed a 30-inch diameter corrugated metal pipe (CMP) across the majority of the above-referenced development site, directed creek flow into the CMP, and filled the creek that traversed the development site, without obtaining Lahontan Water Board permits required for such activities. On August 29, 2012, Lahontan Water Board staff authorized Arimol to (1) remove the upper portion of the 30-inch diameter CMP, (2) plug the lower portion of the CMP for the time being, and (3) restore the upper portion of the creek channel, from which the CMP was to be removed. Staff expected these activities to be completed during the fall of 2012, prior to the onset of wet-weather/wet-site conditions. Arimol has yet to begin these activities and wet-weather/wet-site conditions are now present.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | www.waterboards.ca.gov/lahontan

Beginning the activities now that were authorized on August 29, 2012 will likely result in waste discharges in violation of the federal Clean Water Act, the California Water Code, and waste discharge prohibitions specified by the *Water Quality Control Plan for the Lahontan Region*. Therefore, Lahontan Water Board staff's August 29, 2012 authorization to remove a portion of the 30-inch diameter CMP and to restore the upper portion of the creek is hereby rescinded. Arimol is no longer authorized to implement any of the culvert and restoration-related activities identified in staff's August 29, 2012 letter to Arimol.

Response to Grading Plans and County Documents

Lahontan Water Board staff has reviewed the grading plans and related LUSD documents submitted by Arimol. Staff has the following comments:

1. Plan Sheets No. C-1 through No. C-4 all have the same Surveyor's Statement that states,

"This topographic survey was prepared under my direction in September 2011."

Lahontan Water Board staff has observed that the topographic contour lines shown on Plan Sheet No. C-1 (Site Plan) are noticeably different from those shown on Plan Sheets No. C-2 through No. C-4, which runs contrary to the Surveyor's Statement repeated on all four plan sheets. The discrepancies cannot be accounted for by changes in scale, as the scale is consistently noted to be 1 inch = 20 feet on all four plan sheets.

Required Action: Future submittals will need to clearly and accurately identify the source of/basis of information shown on all plans.

2. Plan Sheet No. C-2 (Grading Plan) and Plan Sheet No. C-3 (Grading Plan) appear on first glance to be identical. However, upon closer review, Lahontan Water Board staff observed that Plan Sheet No. C-2 shows the entire 30-inch diameter CMP being removed, while Plan Sheet No. C-3 shows only the upper portion of the 30-inch diameter CMP being removed, and the lower portion of the CMP being plugged and left in place. Both plan sheets show the upper portion of the creek being restored. This difference creates uncertainty regarding what Arimol is proposing to do, and what LUSD staff has accepted.

Required Action: Future submittals must clearly, accurately, and consistently describe and illustrate Arimol's activities, whether they are related to past, current, or proposed surface water restoration or development.

3. Plan Sheet No. 4 (Grading Plan) shows two proposed structures, in addition to removing a portion of the 30-inch diameter CMP and surface water restoration activities. Lahontan Water Board staff will not be able to make any decisions

regarding the locations of any proposed structures until all pre-Arimol development surface water locations and extents of the surface waters have been fully and accurately identified.

Required Action: Accurately and fully identify the pre-Arimol development locations and extents of all surface waters (i.e. south spring, north spring, open water channels associated with both springs, the creek that traversed the length of the property that is currently flowing through the 30-inch diameter CMP, the eastern creek, the wetland habitat associated with both creeks and spring-supported open water channels (referred to as "wet meadow habitat" in previous submissions), and the shrub wetland areas) based upon on-site field surveys and research conducted by qualified professionals, whose experience includes evaluating "atypical situations," as defined by the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual. Additional detail regarding these processes will be provided in the revised Cleanup and Abatement Order staff is preparing for release.

4. The County documents include a September 30, 2012 LUSD Permit Conditions/Comment document. This document references a "Drainage Study" identified as being "required."

Required Action: Submit complete copies of the above-referenced *Drainage Study* to both Lahontan Water Board offices (South Lake Tahoe and Victorville) **by February 28, 2013.**

5. The County documents include an October 26, 2012 letter from LUSD staff to Arimol that refers to an "Engineering Geologic Evaluation" report, prepared by Independent Geo-Environmental Consultants.

Required Action: Submit complete copies of the above-referenced *Engineering Geologic Evaluation* to both Lahontan Water Board offices (South Lake Tahoe and Victorville) by **February 28, 2013.**

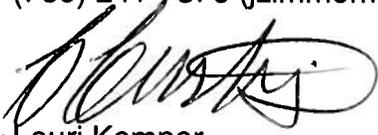
We strongly recommend you also forward, concurrently, copies of the two documents listed in items 4 and 5 above to Ms. Gibson at the CA Department of Fish and Wildlife, and Ms. Pankratz at the U.S. Army Corps of Engineers, Los Angeles District, for their review and files.

Lahontan Water Board staff reserves the right to provide further comment or request additional action on the above-referenced grading plans and related LUSD documents submitted by Arimol.

Lahontan Water Board plans to issue a revised Cleanup and Abatement Order within the next 30 days. The revised Cleanup and Abatement Order will likely:

- a. Further define the contents of the Development Plan currently required by Cleanup and Abatement Order No. R6V-2012-0008.
- b. Further define the contents of the Surface Water Restoration Plan currently required by Cleanup and Abatement Order No. R6V-2012-0008.
- c. Establish compliance dates for beginning and completing surface water restoration activities.

Lahontan Water Board staff expects Arimol to follow the direction regarding plan and information submission, provided above, when responding to the revised Cleanup and Abatement Order and in all future correspondence to all agencies involved with Arimol's development and restoration activities at the above-referenced site. If you have any questions regarding the direction provided above, please contact Jan Zimmerman at (760) 241-7376 (jzimmerman@waterboards.ca.gov).



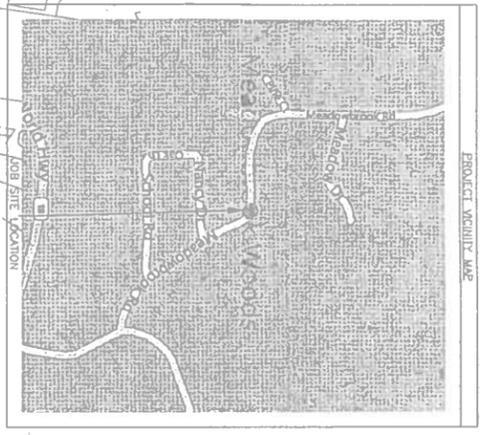
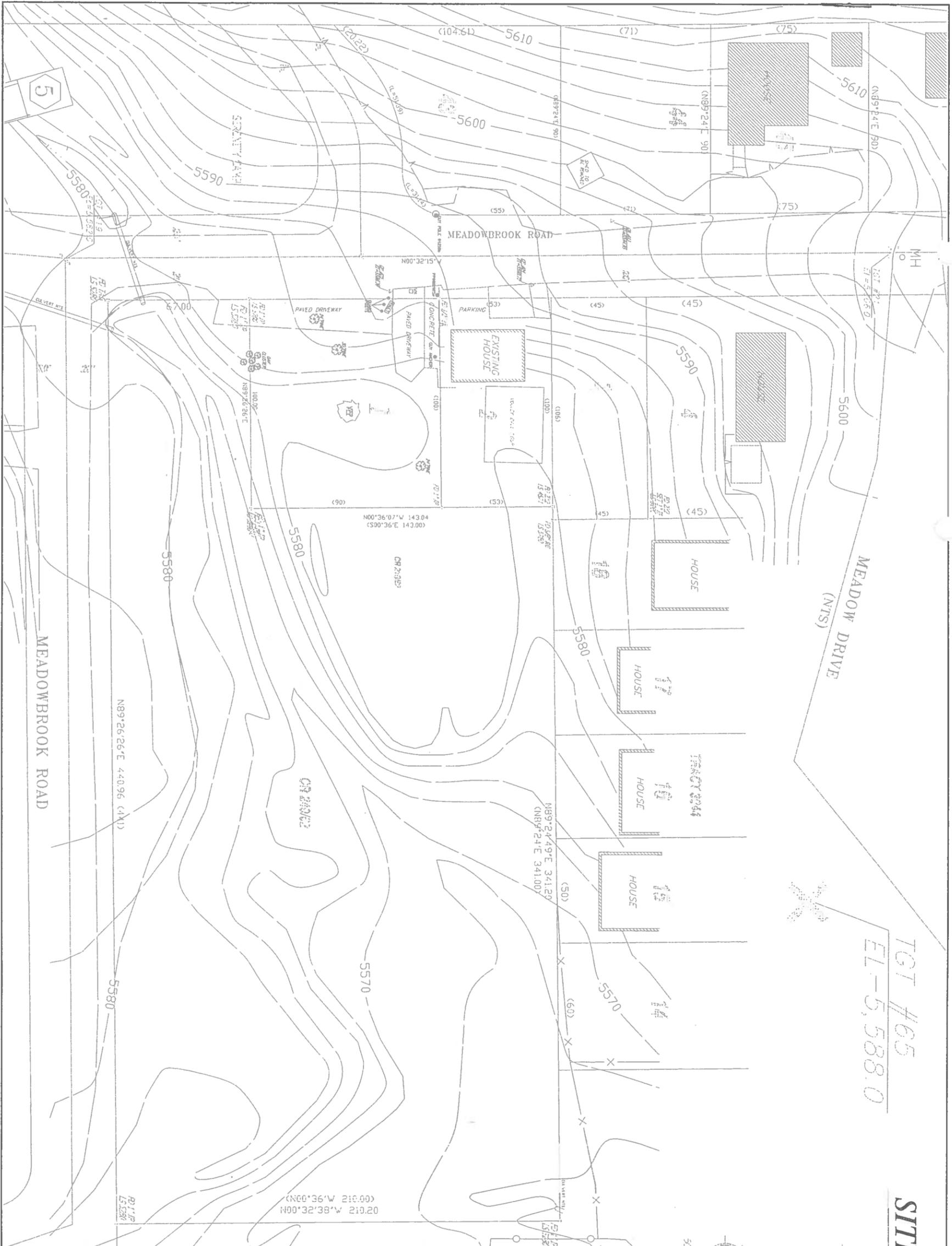
for: Lauri Kemper
Assistant Executive Officer

cc: Arimol Group, Inc. Mailing List

SCF/ke/T:Arimol-December 2012 Grading Plans-WB Response.docx
[File: SLT-Enforcement-Arimol/Serenity; VVL-6B36C363433]

TGT #65
 EL-5, 588.0

SITE PLAN



SURVEYORS NOTES

1. - denotes tower monument & notes
2. - denotes set 4" x 6" metal pipe 1/2" dia. (NO DIMENSIONS SET)
3. - denotes set 4" x 6" metal pipe 1/2" dia. (NO DIMENSIONS SET)
4. - (1) - denotes set 4" x 6" metal pipe 1/2" dia. (NO DIMENSIONS SET)
5. - denotes set 4" x 6" metal pipe 1/2" dia. (NO DIMENSIONS SET)
6. - denotes set 4" x 6" metal pipe 1/2" dia. (NO DIMENSIONS SET)
7. - denotes the corner point.

LEGAL DESCRIPTION

SECTION 14, TOWNSHIP 24N, RANGE 24E, S44E, ARIMOL TRACT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA. MORE OR LESS AS SHOWN ON THE SURVEY MAP DATED 08/27/11.

OWNER

ARIMOL GROUP INC.
 P.O. BOX 2895
 LAKE ARROWHEAD, CA 92352
 (909) 831-2331

SURVEYOR'S STATEMENT

THIS INSTRUMENT WAS PREPARED UNDER MY DIRECT SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF CALIFORNIA.

[Signature]
 PROFESSIONAL SEAL
 STATE OF CALIFORNIA
 SURVEYOR
 13 3300
 16 8300
 17 11000

**ENVIRONMENTAL
 HIGHTECH
 ENGINEERING**
 4000 GARDEN
 DRIVE
 SUITE 100
 LAKE ARROWHEAD, CA 92353
 (909) 831-2331
 FAX: (909) 831-2331

REVISION STR. 08/27/11 SCH. - DATE 11/23/11 CORR. 02/09/08 CORR. 02/09/08	OWNER: Name: ARIMOL GROUP INC. Address: P.O. BOX 2895 City: LAKE ARROWHEAD, CA 92352 PHONE: (424) 634-2331 E-MAIL: rmolcorp@aol.com	KADTEC DRAFTING & DESIGN SUITE 'B' 26748 HIGHWAY 189 BLUE JAY, CA. 92317 (909) 336-6970 (VOICE) (909) 337-2211 (FAX)	Bryant R. Bergeson CONSULTING ENGINEER (RCE 48805) P.O. BOX 6685 CRESTLINE , CA. 92325	PROJECT: Name: NEW RESIDENCE Address: 1031-A MEADOWBROOK ROAD City: CREST PARK, CA 92326 CONTRACTOR: - CONTR. PHONE: -	OWNER: Name: NEW RESIDENCE Address: 1031-A MEADOWBROOK ROAD City: CREST PARK, CA 92326 CONTRACTOR: - CONTR. PHONE: -	PROJECT: Name: NEW RESIDENCE Address: 1031-A MEADOWBROOK ROAD City: CREST PARK, CA 92326 CONTRACTOR: - CONTR. PHONE: -	OWNER: Name: ARIMOL GROUP INC. Address: P.O. BOX 2895 City: LAKE ARROWHEAD, CA 92352 PHONE: (424) 634-2331 E-MAIL: rmolcorp@aol.com	KADTEC DRAFTING & DESIGN SUITE 'B' 26748 HIGHWAY 189 BLUE JAY, CA. 92317 (909) 336-6970 (VOICE) (909) 337-2211 (FAX)	Bryant R. Bergeson CONSULTING ENGINEER (RCE 48805) P.O. BOX 6685 CRESTLINE , CA. 92325	PROJECT: Name: NEW RESIDENCE Address: 1031-A MEADOWBROOK ROAD City: CREST PARK, CA 92326 CONTRACTOR: - CONTR. PHONE: -	OWNER: Name: ARIMOL GROUP INC. Address: P.O. BOX 2895 City: LAKE ARROWHEAD, CA 92352 PHONE: (424) 634-2331 E-MAIL: rmolcorp@aol.com
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