



Enforcement News

North Coast Regional Water Board Reaches \$30,000 Settlement over Illegal Reservoir in Mendocino County

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The North Coast Regional Water Quality Control Board, represented by the State Water Resources Control Board's Office of Enforcement, working with the State Water Resources Control Board's Division of Water Rights and the Department of Fish and Wildlife, reached a settlement with a pair of Mendocino County property owners over the construction of an illegal reservoir.

The water quality violation settlement requires the payment of \$30,000 in penalties, environmental damages, and agency staff costs resulting from the unauthorized reservoir construction; and that the property owners come into compliance with applicable state and federal regulations.

As the result of an agency complaint, the Environmental Crimes Task Force of Mendocino County investigated property at 25820 Comptche Ukiah Road owned by Steve Rector and Ann Carol Frocteau and discovered an illegally constructed reservoir on a tributary to the Navarro River. The investigation, conducted as a multi-agency enforcement effort, concluded that the illegal reservoir construction was in violation of the California Water Code, federal Clean Water Act, and California Fish and Game Code.

The negotiated \$30,000 civil liability settlement of the alleged violations includes recovery of estimated natural resource damages caused by the construction of the reservoir; penalties; and staff costs for the agencies involved in the investigation. The settlement will promote watershed and in stream restoration through payment of environmental damage costs to the National Fish and Wildlife Foundation.

The North Coast Regional Water Board posted proposed Order No. R1-2013-0045 on July 8, 2013. The proposed order is available for public comment at the following link:

http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/

Following a 20-day public comment period, the proposed order, settlement agreement and any public comments received will be considered by the Regional Water Board. If the proposed order is adopted, the settlement agreement will become effective immediately.

The settlement distributes the funds as follows:

Regional Water Quality Control Board for the North Coast Region - \$17,200 in liability and costs.

California Department of Fish and Wildlife - \$10,800 for environmental damage and staff costs;

State Water Resources Control Board Division of Water Rights - \$2,000 in liability for water rights violations and staff cost.



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In addition to the costs described above, the discharger's are also required to secure all necessary federal, state, and local agency permits, approvals, and authorizations including payment of all associated fees, implementation of mitigation, and any necessary technical reports to receive approvals for the illegally constructed reservoir. County permits will also likely be required.

The respective agencies also retain the right to pursue future enforcement if merited.

For more information about the North Coast Regional Water Quality Control Board's enforcement efforts, visit: http://www.waterboards.ca.gov/northcoast/water_issues/programs/enforcement/

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