

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2004-0048

RECISION OF CLEANUP AND ABATEMENT ORDER NO. R1-2003-0039

FOR

NAUTICAL HEIGHTS, LLC

Del Norte County

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

1. Nautical Heights, LLC, 997 Krista Lane, Brookings, Oregon (hereinafter Discharger), is subdividing unimproved land and constructing roads and building pads on a parcel of land located north of Smith River, California (AP#101-020-58) in the NW ¼ of Section 4, T18N, R1W, HB&M. The subdivision consists of approximately 23 lots on a hillside east of US Highway 101.
2. Regional Water Board staff received a complaint from Del Norte County Building Department in October 2001 that construction was occurring in the subdivision without the required General Permit to Discharge Storm Water Runoff Associated with Construction Activity (General Permit). Staff requested submission of a Notice of Intent (NOI) for coverage under the General Permit. A NOI was submitted in January 2002.
3. Staff inspected the subdivision site in December 2002 after receiving complaints of erosion problems at the site and staff observed a rocked dissipater filled with sediment that eroded off the subdivision hillside. Staff observed that sediment had spilled over the rocked dissipater structure into the riparian area and runoff was carrying the sediment into Gilbert Creek.
4. Regional Water Board staff had several discussions regarding the erosion and sediment discharge issues with representatives of the California Department of Fish and Game (DFG). A DFG game warden inspected the site in January 2003 and confirmed that erosion problems had resulted in the deposition of sediment into Gilbert Creek.
5. The Executive Officer of the Regional Water Board issued Cleanup and Abatement Order (CAO) No. R1-2003-0039 to Nautical Heights, LLC, on March 13, 2003, requiring cleanup and actions be taken to address the erosion problems and sediment discharges to Gilbert Creek.
6. Regional Water Board staff reviewed the file and determined that in accordance with the requirements of Cleanup and Abatement Order No. R1-2003-0039, Nautical Heights, LLC:
 - submitted a workplan prepared by a California registered professional civil engineer on March 25, 2003, describing cleanup and abatement actions to be undertaken;
 - cleaned the rocked dissipater prior to the 2003-4 rainy season;
 - revised the Storm Water Pollution Prevention Plan and Best Management Practices on August 13 and 14, 2003, to more effectively control erosion;
 - reduced the upslope runoff concentration in accordance with a drainage plan approved by Del Norte County; and,
 - lined the remaining ditch above the Gilbert Creek dissipater to prevent future erosion and deposition of sediment and earthen material.
7. On March 10 and 11, 2004, Regional Water Board staff inspected the site and determined that Nautical Heights, LLC, has adequately completed the required cleanup and abatement activities and the need for Cleanup and Abatement Order No. R1-2003-0039 has ended.

8. Regional Water Board action to rescind Cleanup and Abatement Order No. R1-2003-0039 is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Title 14, California Code of Regulations, Section 15061(b)(3).

THEREFORE, IT IS HEREBY ORDERED that Cleanup and Abatement Order No. R1-2003-0039 for Nautical Heights, LLC is rescinded.

Ordered by _____

Catherine E. Kuhlman
Executive Officer

June 4, 2004