

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order and Request for Technical Reports
No. R1-2002-0068

To

Mr. Stuart Bewley

On or About
THP 1-99-010 MEN
And Timberland Conversion Permit 446
Section 4,5,9 T21N, R15W
Mount Diablo Base & Meridian

Mendocino County

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

1. Mr. Stuart Bewley, 10 Maybridge Road, Belvedere, Ca, 94920, as the plan submitter and landowner (hereinafter the Discharger), conducted timber operations under timber harvest plan (THP) 1-99-010 MEN and vineyard conversion activities under the timberland conversion, permit number 444. THP 1-99-010 MEN was approved by the California Department of Forestry and Fire Protection on May 18, 1999. The timberland conversion permit was issued on May 7, 1999.
2. The THP and vineyard conversion area is located in northwestern Mendocino County, approximately 3 miles west of Laytonville, California (portions of Section 4, 5, and 9, T21N, R15W, MDB&M). The THP area, vineyard conversion area and associated road system (hereinafter the site) drains into Mud Springs and Little Case Creeks, fish bearing tributaries of Ten Mile Creek, a tributary to the South Fork Eel River. The South Fork Eel River is listed as sediment and temperature impaired under Section 303(d) of the federal Clean Water Act.
3. The beneficial uses of the South Fork Eel River, including its tributaries Mud Springs Creek and Little Case Creek, as designated in the Water Quality Control Plan for the North Coast Region, include:
 - a. municipal and domestic supply
 - b. agricultural supply
 - c. industrial service supply
 - d. groundwater recharge
 - e. navigation
 - f. hydropower generation
 - g. water contact recreation
 - h. non-contact recreation
 - i. commercial and sport fishing
 - j. warm freshwater habitat

- k. cold freshwater habitat
 - l. wildlife habitat
 - m. rare, threatened and endangered species
 - n. migration of aquatic organisms
 - o. spawning, reproduction and/or early development
 - p. estuarine habitat
 - q. aquaculture
4. Regional Water Board staff conducted field inspections of the site on March 6 and April 9, 2002. These inspections revealed several violations of Prohibition 1 of the “Action Plan for Logging, Construction and Associated Activities” (Action Plan) contained in the Water Quality Control Plan for the North Coast Region (Basin Plan). Violations included the discharge of earthen material from a large slide into Mud Springs Creek, road fill failures that discharged earthen materials into tributaries of Mud Springs and Little Case Creeks, and numerous other surface erosion sites that resulted in increased turbidity and the formation of bottom deposits in a number of onsite and adjacent watercourses in quantities deleterious to fish, wildlife, and other beneficial uses.
 5. Conditions exist at numerous locations on the site where earthen material was placed or deposited in a position that threaten to cause discharge into Mud Springs and Little Case Creeks or their tributaries in violation of Prohibition 2 of the Action Plan in quantities that could be deleterious to fish, wildlife, or other beneficial uses. These conditions include, but are not limited to, surface erosion from poorly rocked sections of the road, inadequate or lack of properly designed and constructed road drainage and watercourse crossing structures, surface erosion from broadcast burned areas and unstable hillslopes resulting from improper fill placement and grading operations.
 6. The Discharger has caused and continues to threaten to cause a discharge of earthen material into waters of the state, in violation of the Basin Plan, as described above, and creating or threatening to create a condition of pollution or nuisance, triggering the provisions of Water Code Section 13304.
 7. Regional Water Board staff informed the Discharger of the Basin Plan violations on at least three occasions, including a voice mail message on March 7, 2002 and during two subsequent on-site inspections.
 8. On March 21, 2002, a California Water Code Section 13267(b) Order (the 13267(b) Order) was issued to the Discharger requiring the submittal of technical reports for both short and long term Erosion Control Plans (ECPs), aboveground petroleum storage and a landslide investigation report.
 9. On April 6, 2002, the Discharger submitted a report in response to the 13267(b) Order. Regional Water Board staff reviewed the report and found it not to be in compliance with requirements of the 13267(b) Order.
 10. On April 11, 2002, the Discharger sent a letter to Regional Water Board staff requesting time extensions for submittal of technical reports required under the 13267(b) Order.

11. On May 2, 2002, the Discharger sent a letter to Regional Water Board staff documenting submittal of an aboveground petroleum tank filing fee and notification to the State Water Resources Control Board. This submittal adequately complies with the aboveground petroleum storage requirements and the 13267(b) Order.
12. On May 24, 2002, the Discharger submitted a report, prepared by a civil engineering firm, providing additional information and clarification regarding the requested time extensions. The report proposed development and submittal of the required long-term erosion control plan (ECP) in four parts based on the status of the grading operations. The first ECP would be submitted by mid July with the last portion of the ECP being submitted by the end of August. Extensions were also requested for the submittal of the landslide investigation report and watercourse assessment. The request for an end-of-August time extension for submittal of the final portion of the ECP is not appropriate, as Regional Water Board staff will not have the ability to adequately review the plan on-site prior to the onset of autumn rain events. The majority of the requested time extensions are appropriate and are extended by means of this Order No. R1-2002-0068 (Order).
13. On May 30, the Discharger submitted a letter stating that the major erosion control work would be completed by October 1, 2002. Minor work, such as installation of silt fences, straw mulch, final culverts and drains and irrigation of cover crops will be completed by October 15, 2002.
14. All of the technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled.
15. This is an enforcement action by a regulatory agency, being taken for the protection of the environment, and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with California Code of Regulations, Title 14, Section 15321.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, Mr. Stuart Bewley shall:

1. By August 1, 2002, submit for approval by the Regional Water Board Executive Officer, an adequate long-term erosion control plan (ECP) for the site. The long-term ECP shall be prepared by a certified engineering geologist or civil engineer experienced in erosion control. The ECP shall include a map identifying each sediment delivery site, a description of each sediment delivery site and a description of the mitigation measure proposed to correct each sediment delivery site. The ECP shall provide material specifications, site-specific design and construction standards for each sediment delivery site identified in the ECP.
2. By July 15, 2002, submit an adequate landslide investigation report for approval by the Regional Water Board Executive Officer. The report shall be prepared by a certified engineering geologist or civil engineer experienced in landslide investigation. The

landslide investigation report shall include site-specific design and construction standards, and material specifications, if applicable.

3. By August 1, 2002, submit an inventory and assessment report of all watercourses located downstream of the erosion sites identified in the long term ECP inventory. An inventory of the subject watercourses shall include identification of each stream reach and adjacent areas where earthen material was deposited in the watercourse or in a position to enter a watercourse from management activities. The inventory shall include volume estimates of the amount of material delivered at each site.
4. By August 1, 2002, submit a remediation plan for approval by the Regional Water Board Executive Officer. The remediation plan shall be developed for each site identified in the watercourse inventory and assessment report described in item 3 above. The remediation plan shall be developed by a certified engineering geologist or civil engineer experienced in stream remediation. The remediation plan shall include site-specific design and construction standards, and material specifications, if applicable.
5. By October 1, 2002, complete all activities under the approved long term ECP, landslide investigation, watercourse assessment report, and remediation plan.
6. By October 15, 2002, submit an adequate completion report that clearly documents the full and complete implementation of the approved long term ECP, landslide investigation, watercourse assessment report, and remediation plan.

Ordered by _____
Susan A. Warner
Executive Officer