
North Coast Regional Water Quality Control Board

November 19, 2014

Mr. Russ Shively
Mendocino Redwood Company, LLC
P.O. Box 489
Fort Bragg, CA 95437

Dear Mr. Shively:

Subject: Notice of Violation for Failure to Identify and Treat Controllable Sediment Discharge Source under Order No. R1-2004-0030, General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

File: Timber Harvest Plan 1-07-145 MEN, "Soldier Frank" THP

The purpose of this letter is to notify you that you are in violation of conditions of Order No. R1-2004-0030 and subject to potential enforcement action and penalties under California Water Code section 13350. As discussed in detail below, you must submit a revised ECP including corrective actions for Controllable Sediment Discharge Sources (CSDS) identified at Map Points G and J to be completed by no later than October 15, 2015.

Timber Harvest Plan (THP) 1-07-145 MEN was enrolled under the *General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region*, Order No. R1-2004-0030 (Order) on November 8, 2010. The Order requires the development and implementation of an Erosion Control Plan (ECP) designed to prevent and minimize the discharge or threatened discharge of sediment or other earthen material from controllable sediment discharge sources into waters of the state. (Order Section III(C)(1)(a).) The ECP contains an inventory of all CSDSs within the Project area, and a time schedule for implementation of management measures. (Order Section III(D).) Sites identified during the enrollment period must be addressed and ultimately amended into the ECP, pursuant to Order section III(F).

The Order also requires inspections to assure that management measures are properly installed and maintained and to determine if new CSDSs have developed. (Order Section

III(F)(1.) If any new CSDSs are found, such sites shall be addressed in accordance with the provisions of section III(B)(3). (See also Order Section IV(R)(1)[Required Changes].)

August 26, 2014 Site Inspection:

On June 20, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received a copy of the Notice of Termination (NOT) for the above-referenced THP. On August 26, 2014, Regional Water Board staff Joelle Geppert, accompanied by Mendocino Redwood Company (MRC) representatives Russ Shively and Wesley Hart, inspected portions of the THP area to determine if the THP met the definition of a "Completed Project," as defined under Order No. R1-2004-0030. (See Order Section VI(A).) A project cannot be considered complete unless the entire site is stabilized and there is no potential for waste discharges from the Project in violation of the Basin Plan or the Order. In addition, all elements of the technical reports must be completed.

Regional Water Board staff evaluated portions of the THP area, including the majority of the road system and CSDS included in the ECP. The CSDS identified as Map Points G and J in the ECP were both incorrectly described as "functional" or "stable" and no corrective action was proposed.

The CSDS located at Map Points G and J are culverted Class II watercourse crossings located on an existing rocked road on hill slopes above the North Fork of Cottaneva Creek.

- Map Point G – There is a drop of approximately 2.5 feet from the culvert outlet to the channel bed. Discharge from the culvert can erode the channel below the outlet. In order to prevent channel erosion, a downspout should be installed on the culvert outlet or armor should be placed in the channel below the culvert outlet to dissipate energy. This work must be corrected in order for the plan to be eligible for termination.
- Map Point J – The culvert bottom has rusted to the extent that holes are present in the interior portions of the culvert. During flow events, there is potential that water will flow into and saturate the road fill, increasing the risk of crossing failure and sediment discharge. You must submit a treatment plan for this site and implement appropriate corrective action in order for the plan to be eligible for termination.

Violations of Order No. R1-2004-0030:

As described above, corrective measures are needed to prevent or minimize sediment discharges from Map Points G and J. Failure to properly identify and treat CSDS in the ECP, or during subsequent annual inspections and prior to termination, are violations of terms and conditions the Order, specifically sections III(B), III(F)(1), and III(F)(2)(e). Penalties

may be assessed for each day of violation, and may also be assessed based on the volume of waste discharged. (See Order Section IV(H)[Duty to Comply].)

Project Completion:

During a November 13, 2014 site inspection of other HRC timber harvesting projects, you informed Regional Water Board staff Jim Burke that HRC has completed corrective action at Map Points G and J. Therefore, by December 15, 2015, you must submit to the Regional Water Board, a revised ECP, documenting corrective action implemented at each site. In order to ensure that sites are stable, or to implement additional corrective action as warranted, the Regional Water Board typically requires that CSDS over-winter prior to termination of coverage for a project. Following the 2014-2015 winter period, you must contact Regional Water Board staff to schedule a subsequent inspection so that we may evaluate whether corrective action has been successfully implemented and that the THP meets all of the conditions for a completed project.

Please contact Jim Burke at 707-576-2289 or Joelle Geppert at 707-576-2346 if you have any questions or need more information regarding this matter.

Sincerely,

Fred Blatt
Division Chief
Nonpoint Source and Timber Harvest Division

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Certified Return Receipt Requested