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## North Coast Regional Water Quality Control Board

December 15, 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 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 1-08-181 MEN, "Soda Sulphur 08" 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.

Timber Harvest Plan (THP) 1-08-181 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 April 24, 2012. The Order requires landowners to prepare and submit an Erosion Control Plan (ECP) that must include an inventory of all Controllable Sediment Discharge Sources (CSDSs) within the Project area, and a time schedule for implementation of management measures (Order Section III(D)). Project areas must be inspected during the enrollment period to ensure that all required management measures to prevent or minimize sediment discharge have been implemented as proposed, are effective at controlling sediment discharge, and that no new CSDSs have developed (Order section III(F)). Sites identified during the enrollment period must be addressed and ultimately amended into the ECP, pursuant to section III(F)(2)(e).

**November 13, 2014 Site Inspection:**

On June 30, 2014, 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 November 13, 2014, Regional Water Board staff Jim Burke, accompanied by Ken Margiott of the California Department of Forestry and Fire Protection (CAL FIRE), Patrick Brand of the California Geological Survey (CGS), and Russ Shively, Registered Professional Forester (RFP) for Mendocino Redwood Company (MRC), 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.

A project is considered complete when the following conditions have been met:

1. Timber harvest activities are complete.
2. Project site is stabilized (this includes such things as installation of road and skid trail drainage structures, soil stabilization measures in areas with exposed soil that have access to watercourse, etc.).
3. There is no potential for waste discharge from the Project area in violation of the Basin Plan or Order No. R1-2004-0030.
4. All elements of the technical reports have been completed (including compliance with the Erosion Control Plan).
5. Earthen material and waste have been disposed of properly.

Regional Water Board staff evaluated portions of the THP area, including the majority of the road system and 20 CSDS included in the ECP. With the exception the sites described below, corrective action at all CSDS was adequately implemented.

**Violations of Order No. R1-2004-0030:**

Map Point 11 is described in the ECP as Class III watercourse with an existing 18" culvert with a downspout. The outlet of the downspout is approximately 4 feet above the channel. Corrective action specified in the ECP at Map Point 11 is to remove the downspout and armor the outlet of the culvert. That work was not done as proposed nor identified during subsequent inspections required pursuant to section III(F) of the Order.

The Regional Water Board has not received or approved any revised ECP that would reflect and change to the treatment proposed at Map Point 11. Failure to implement corrective action described in the ECP, or failure to identify that the work was not implemented during required inspections, are violations of terms and conditions of sections III(D) and (F) of the Order. 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].)

**Additional Measures Necessary to Prevent or Minimize Sediment Discharge:**

During the November 13, 2014 inspection, we identified the following two additional sites along the seasonal road adjacent to Elk Creek that require additional corrective action but do not constitute violations of the GWDR:

The 18 inch culvert on a Class III watercourse at Map Point 16 is beginning to rust near the outlet and must be replaced.

The ECP specified armoring the Class II watercourse channel below the outlet of the 36 inch culvert at Map Point 8. This work was done by placing large rock (1 to 2 feet in diameter) in the channel. However, the rock was placed loosely with exposed voids so that water discharging from the culvert may be diverted onto and erode the channel banks. The rock should be repositioned and augmented with additional rock as needed to effectively protect the channel banks from erosion.

The additional corrective action for these two sites can be amended into nearby active THP 1-10-136 MEN and should be implemented prior to October 15, 2015.

**Project Completion:**

Corrective action at Map Point 11 must be implemented as described in the ECP following the 2014-2015 winter period, but no later than October 15, 2015. 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 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