
North Coast Regional Water Quality Control Board

October 31, 2013

Colby Forrester
P.O. Box 489
Fort Bragg, CA 95437

Dear Mr. Forrester:

Subject: Notice of Violation for Failure to Enroll Timber Harvest Plan 1-12-060 MEN 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 1-12-060 MEN (Kimball Gulch THP)

This letter is to notify you that you may have violated California Water Code (CWC) Section 13260(a). This CWC section requires that any person discharging or proposing to discharge waste that could affect the quality of waters of the state shall file a report of waste discharge containing information required by the appropriate regional water board. In the North Coast Region, prior to beginning timber harvest activities, landowners must apply for coverage under either the General Waste Discharge Requirements for Timber Harvest Activities on Non-Federal Lands in the North Coast Region (GWDR), Order No. R1-2004-0030), the Categorical Waiver, Order No. R1-2009-0038, or an individual waiver or WDR. Unfortunately, you failed to obtain coverage for THP 1-12-060 MEN under either the Categorical Waiver or the General WDR prior to commencement of timber harvest operations.

Compliance with the Specific and General Requirements of the GWDR, including an inventory of Controllable Sediment Discharge Sources (CSDS) in an Erosion Control Plan (ECP) and winter period inspections of the Project area, are intended to ensure implementation of water quality requirements as specified in the Water Quality Control Plan for the North Coast Basin (Basin Plan).

On June 20, 2013, we received your request to terminate coverage under the GWDR. The NOT package included the inspection history and a copy of the California Department of Forestry and Fire Protection final completion report, signed and dated February 8, 2013.

On October 15, 2013, Regional Water Board staff inspected the THP area to evaluate whether the THP met the definition of a "Completed Project" as defined under Order No. R1-2004-0030. Corrective actions at CSDSs identified in the ECP were adequately implemented and winter period inspections were conducted according to the schedule specified in the GWDR.

Based on the termination request and subsequent conversations with you, it is evident that failure to obtain coverage under the GWDR was an oversight on your part. Please be aware that it is your responsibility to ensure you have obtained permit coverage prior to commencement of timber harvest operations. Receipt of an enrollment letter from the Regional Water Board Executive Office ensures your plan has been enrolled. Failure to obtain coverage under the GWDR or other Regional Water Board permit, regardless of the reason, may result in civil penalties to landowners for unauthorized discharges of waste.

Because the THP has been completed and project area meets the definition of a completed project, no further action is required by you at this time.

Please contact Jim Burke of my staff at 707-576-2289 if you have any questions or need more information regarding this matter.

Sincerely,

Original Signed By

Matthias St. John
Executive Officer

131031_112060MEN_NOV