California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2002-0100

FOR
CHRISTOPHER STONE
MANCHESTER RIDGE, L.L.C.

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

1. Christopher Stone (hereinafter Discharger), in his capacity as President and Manager of Manchester Ridge L.L.C., is developing a vineyard and/or orchard on property known as Adams Ridge (hereinafter site) located in Mendocino County, Sections 15, 16 and 22, Township 13 North, Range 16 West. The Discharger is also constructing roads and 3 reservoirs at the site. Approximately 60 acres of grass and timberland are being cleared and converted to reservoirs, roads, vineyard and/or orchard.

2. On June 27, 2002, Regional Water Board staff first inspected the site with representatives from the California Department of Forestry and Fire Protection (CDFF) and California Department of Fish and Game. During the inspection, Regional Water Board Staff observed extensive evidence heavy equipment operations including logging, land clearing, grading, grubbing, reservoir, dam and road construction, woodcutting and lumber milling.

3. On June 27, 2002, Regional Water Board staff verbally requested that the Discharger hire an engineer to develop erosion control and drainage plans for the vineyard/orchard development and to certify the design and safety of the reservoirs and a new road stream crossing construction project. The Discharger verbally agreed to this staff request.

4. The Discharger had failed to obtain a Timber Harvest Plan and Timberland Conversion Permit from CDFF. On July 24, 2002, at the request of the CDFF, the Superior Court of the State of California for the County of Mendocino filed a Temporary Restraining Order to prevent the Discharger from conducting further timber harvest operations.

5. On September 6, 2002, staff from the Regional Water Board and CDFF again inspected the site. Staff observed additional evidence of recent dam construction, grading, and tilling operations. These recent operations were not observed during the June 27, 2002 inspection. These new operations lacked proper erosion and drainage control measures. The Discharger failed to submit erosion and drainage control plans and engineering certification for the dam and road projects, as agreed to during the June 27, 2002 inspection.

6. On September 9, 2002, Regional Water Board staff again informed the Discharger that he needed to hire an engineer to develop erosion control and drainage plans and recommended that he not complete construction of an additional reservoir/dam prior to the rainy season. The reason for this recommendation was the lack of proper engineering plans and environmental review and that it was too late to construct the dam prior to the rainy season.

7. The Discharger's construction activities have resulted in large areas of loose unprotected soils that will erode and discharge into waters of the State if proper erosion control measures are not installed. Erosion control measures need to be installed prior to the rainy

season (October 15th) to prevent the discharge of sediment. Additionally, the site is located within two miles of the San Andreas Fault. Seismic activity along the fault could result in dam and reservoir failure if the structures are not constructed to proper engineering/seismic standards. Dam and reservoir failure could result in the discharge of large volumes of sediment into waters of the State. The Discharger's activities threaten to discharge sediment in violation of the Water Quality Control Plan for the North Coast Region (hereinafter Basin Plan).

8. The site is located in the Alder Creek watershed. The beneficial uses of Alder Creek, as designated in the Basin Plan, include:

   a. Municipal and domestic supply
   b. Agricultural supply
   c. Industrial supply
   d. Groundwater recharge
   e. Water recreation
   f. Non-contact water recreation
   g. Commercial and sport fishing
   h. Cold water fish habitat
   i. Migration of aquatic organisms
   j. Spawning, reproduction, and/or early development
   k. Estuarine habitat

9. The Discharger's activities violate one of the prohibitions contained in the Basin Plan, the "Action Plan for logging, Construction and Associated Activities," by threatening to discharge dirt and debris as a result of logging, vineyard development, and road and dam/reservoir construction. The Discharger's activities threaten to cause or permit waste to be discharged or deposited where it is or probably will be discharged to waters of the state, creating a condition of pollution or nuisance.

10. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall:

1. By October 15, 2002, cleanup and abate the effects of earthen materials that threaten to be discharged into tributaries of Alder Creek.

2. By October 15, 2002, submit an acceptable erosion control and drainage plan for the vineyard/orchard developments, roads, and the uncompleted dam and reservoir project, sufficient to prevent the threatened discharges described above.

3. By October 30, 2002, submit engineering certification that all dams and reservoirs constructed by the Discharger are constructed to proper seismic engineering standards and

will withstand future seismic events along the San Andreas and associated earthquake faults.

4. By October 30, 2002, submit engineering certification that the large fill crossing, constructed by the Discharger, will accommodate at least 100-year storm events and withstand future seismic events if the crossing impounds water due to the location of the culvert near the top of the fill.

5. The above required erosion control and drainage plans and engineering certifications shall be prepared by a California licensed civil engineer or engineering geologist experienced in vineyard and road erosion control and seismic safety of dams and earthen fills or embankments. All culverts and reservoir drainage structures or spillways shall be designed to withstand at least 100-year storm events.

   If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and concurred in by the Executive Officer, the Discharger may request, in writing, an extension of time specified. The extension request must be submitted at least five days in advance of the due date and shall include justification for the delay including a description of good faith efforts performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all dependent dates. An extension may be granted for good cause, in which case this Order will be revised accordingly, in writing.

Ordered by _____
Susan A. Warner
Executive Officer

October 4, 2002

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