

---

## North Coast Regional Water Quality Control Board

March 28, 2016

Mr. Rob Hayes-St Clair  
Mr. James Free  
JH Ranch  
8525 Homestead Lane  
Etna, CA 96027

Subject: **Second Notice of Noncompliance** for Failure to Obtain Coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009 as Amended by 2010-0014-DWQ & 2012-0006-DWQ, NPDES NO. CAS000002 (Construction General Permit)

File: JH Ranch Parcel Nos. 023-740-110, 023-740-120, 023-740-130, 023-740-140, and 023-740-150 (Site), City of Etna, Siskiyou County, Non-filer Identification No. 1 47CN603022

Dear Messrs. Hayes-St Clair and Free:

On February 1, 2016, North Coast Regional Water Quality Control Board (Regional Water Board) staff received a complaint regarding a discharge of sediment to a watercourse in the French Creek Watershed. The complainant alleged observing sediment discharge and an increase in observed turbidity in the watercourse related to recent timber harvest activities and construction activities at the above referenced Site owned by JH Ranch. On February 9, 2016, Regional Water Board staff inspected the Site and determined that the construction activities associated with the Site disturbed an area greater than one acre.

The construction activities associated with the Site are required to be covered under the Construction General Permit. The Construction General Permit applies to any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, and if the construction activity results in land surface disturbance of less than one acre if the construction is part of larger plan of development or sale of one or more acres of disturbed land surface (Section I.B.18 & 19).

Accordingly, we have determined that you must apply for coverage under the Construction General Permit. Please file a Notice of Intent (NOI) electronically through the Stormwater Multiple Application and Report Tracking System (SMARTS) by **April 23, 2016**. SMARTS is accessible from the following website address:

<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>. If you need

assistance with SMARTS or completing the NOI, please contact the SMARTS Help Desk at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov).

The Construction General Permit requires a permittee to pay appropriate fees and to upload the permit registration documents (PRDs). PRDs shall consist of a Notice of Intent (NOI), a Risk Assessment, a Site Map, a Storm Water Pollution Prevention Plan (SWPPP), an Annual Fee, and a Signed Certification Statement. Notify Devon Jorgenson at [Devon.Jorgenson@waterboards.ca.gov](mailto:Devon.Jorgenson@waterboards.ca.gov) when a Waste Discharge Identification (WDID) number is issued by the State Water Resources Control Board (State Board).

Failure to obtain coverage under the Construction General Permit is a violation of the Clean Water Act (CWA) and the California Water Code (CWC). If you fail to respond, you will be in violation of Section 13399.30 of the CWC. This section requires any person that discharges, proposes to discharge, or is suspected by a regional or the state board of discharging storm water associated with construction activity that has not obtained coverage under an appropriate storm water NPDES permit, to submit to the State Board, an NOI to obtain coverage. Failure to submit a required NOI may subject you to an enforcement action by the Regional Board and the assessment of civil liability that is not less than \$5,000 per year of noncompliance or fraction thereof.

Compliance with this requirement to file for enrollment in the Construction General Permit does not preclude enforcement for other violations of the CWC.

Please note that this is the second notice of noncompliance; the first was issued on February 24, 2016.

Regional Water Board staff will prepare and transmit to JH Ranch an inspection report discussing in detail violations of the *Water Quality Control Plan for the North Coast Region* and the *Clean Water Act* observed during the February 9, 2016, inspection.

If you have any questions regarding this matter, please contact Devon Jorgenson at [Devon.Jorgenson@waterboards.ca.gov](mailto:Devon.Jorgenson@waterboards.ca.gov) or (707) 576-2701.

Sincerely,

Mona Dougherty  
Senior Water Resources Control Engineer

160328\_DCJ\_ef\_NNC2\_JH\_Ranch

Certified-Return Receipt Requested

cc: Friends of French Creek