
North Coast Regional Water Quality Control Board

November 4, 2016

Dennis A. Nilsen, Cary Bertolone, Todd Bertolone, Larry Bertolone, Roy and Sandra Nelson, Jerry and Carolyn Allred, Charles Zana, George Gundersen
3493 Pennsylvania Avenue
Eureka, CA, 95501

Dear Dennis A. Nilsen, Cary Bertolone, Todd Bertolone, Larry Bertolone, Roy and Sandra Nelson, Jerry and Carolyn Allred, Charles Zana, George Gundersen:

Subject: Notice of Violation for Failure to Enroll Non-Industrial Timber Management Plan (NTMP) 1-12NTMP-001 HUM Notice of Timber Operations (NTO) No. 3 under Order No. R1-2013-0005, General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

File: Non-Industrial Timber Management Plan 1-12NTMP-001 HUM NTO No. 3 (Bear Creek Ranch NTMP)

This letter is to notify you that failure to obtain coverage under General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMP) in the North Coast Region (NTMP GWDR) (No. R1-2013-0005) is a violation of 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 the NTMP GWDR. Unfortunately, you failed to obtain coverage for NTMP 1-12NTMP-001 HUM NTO#3 under Order No. R1-2013-0005 prior to commencement of timber harvest operations.

Compliance with the Specific and General Requirements of the NTMP 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 compliance with water quality requirements as specified in the Water Quality Control Plan for the North Coast Basin (Basin Plan).

On October 17, 2016, we contacted you to discuss whether you had documentation to verify whether you ever requested coverage under the NTMP GWDR. Based on our conversation, 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 Officer or an email reply from the Regional Water Board 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 administrative civil penalties of up to \$5,000 per day to landowners for unauthorized discharges of waste.

Our records show that we received an enrollment form for the previous NTO, No. 2, and in response to notifying Mr. Nick Robinson of the failure to obtain coverage under the NTMP GWDR we received an enrollment form for NTO No. 3 on October 17, 2016. NTO No. 3 is now enrolled and Under Tier A of the NTMP WDR. It is evident that failure to obtain coverage for NTO No. 3 was an oversight. Therefore no further action is required by you at this time to resolve this matter.

Please contact Dean Prat of my staff at 707-576-2801 if you have any questions or need more information regarding this matter.

Sincerely,

Matthias St. John
Executive Officer

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cc: Mr. Chris Carroll, forestrycarroll@gmail.com
Mr. Nick Robinson, swissforestryrobinson@yahoo.com
Mr. Lucas Titus (CAL FIRE), Lucas.Titus@fire.ca.gov