
North Coast Regional Water Quality Control Board

April 5, 2018

Rhys Vineyards
Attn: Kevin Harvey
11715 Skyline Blvd.
Los Gatos, CA 95033

Passalacqua, Mazzoni, Gladden,
Lopez, & Maraviglia, LLP
1201 Vine Street, Suite 200
Healdsburg, CA 95448

Dear Mr. Harvey and Passalacqua Mazzoni Gladden Lopez & Maraviglia LLP:

Subject: Notice of Violation No. 2 and Response to NOV deliverables received on April 11, 2017 and June 30, 2017 and Draft Cleanup and Abatement Order

File: Rhys Vineyard: Kevin Harvey Owner, Mendocino County, 6501 Branscomb Road near Laytonville: Assessor Parcel Numbers (APN) 014-300-18, 015-050-50, 014-300-11, 014-300-19, 015-050-51, 014-420-59, 015-050-52, 014-420-60, 015-050-53, 014-420-61, 014-430-64, 014-420-62, 014-430-65, 015-050-54, 015-060-49, 015-050-48, 015-050-56, 015-050-57, 015-050-58, 015-050-59, 015-050-50, 015-050-60, 015-050-61, 015-050-63, 015-110-46, 015-050-64, 015-110-47, 105-110-48, 015-050-65, 015-110-49, 015-050-66, 015-110-50, 015-110-51, 015-120-37, 015-110-52, and 015-120-38
Mendocino County; WDID No. 1B15139CNME

We have reviewed the information submitted to us in response to NOV No. 1, which we received on April 11, 2017 and June 30, 2017 (these deliverables were initially due on April 10, 2017).

On March 31, 2017, the North Coast Regional Water Quality Control Board (Regional Water Board) received, via email from Randy Jacobszoon, a Registered Professional Forester representing Rhys Vineyards, a request to extend the due date for all deliverables to July 1, 2017.

On April 4, 2017, a partial extension was provided for Directives 2., 3., 4., and 5., to the requested deliverable date of July 1, 2017.

The NOV and section 13267 directives required a variety of reports. Of those reports provided, we find the Directive 4., Hydrology report, and Directive 5., a form 200 request for disclosure of all activities taken and considered on the Clarke Ranch, to be incomplete.

Directive 4. Hydrology report requirement

The Hydrology report requirements specified geologic analysis of vineyard siting and road construction. We find no geologic stability analysis accompanying the hydrology report.

Directive 5, Form 200

The Form 200 provided does not address the scope of work conducted or that is proposed on the Clarke Ranch. We are aware of the Lake and Streambed Alteration 1600 agreements submitted to the Department of Fish and Wildlife to cover work proposed on the Clarke Ranch that covers a wide range of road and stream crossing work on many roads on the Clarke Ranch. The Form 200 application does not address these scopes of work in a manner to allow us to evaluate the project in its entirety. Nor does the Form 200 include an alternatives analysis.

The attached Draft Cleanup and Abatement Order (see Attachment C) addresses these deficiencies. On or around June 4, 2018, the Regional Water Board will likely issue a final Order. The Draft Order provides you an opportunity to comment on the contents and requirements of the Draft Order. The Draft Order is for violations of the Porter Cologne Water Quality Control Act and federal Clean Water Act as identified in attachments.

We are also providing our Regional Water Board staff inspection report from January 13, 2017 (see Attachment A), which should be provided to licensed professionals retained to implement necessary remediation requirements and to a geologist to assist in their developing a comprehensive assessment of geologic conditions upon the Clarke Ranch property.

Thank you for your time and consideration and we look forward to working with you to resolve these violations. If you have any questions or decide to comment on the Draft Order please contact my staff Stormer Feiler by email Stormer.Feiler@waterboards.ca.gov or phone at (707) 543-7128.

Sincerely,

Joshua Curtis
Assistant Executive Officer

180405_SRF_er_Rhys NOV2

Enclosures: Attachment A: Rhys Inspection Report 9-29-15 SRF Final
Attachment B: Rhys 1-13-2017 Inspection Report SRF final
Attachment C: Draft Cleanup and Abatement Order to Rhys Vineyards
Clarke Ranch Properties

Certified - Return Receipt Requested

cc:

California Department of Fish and Wildlife

Wes Stokes, Wesley.Stokes@wildlife.ca.gov
Gordon Leppig, Gordon.Leppig@wildlife.ca.gov
Steve White, Steve.White@wildlife.ca.gov
Brandon Rose, Brandon.Rose@wildlife.ca.gov
Lisa Wolfe, Lisa.Wolfe@wildlife.ca.gov
Angela Liebenberg, Angela.Liebenberg@wildlife.ca.gov

Mendocino County

Lisa Washburn, washburl@mendocinocounty.org

Mendocino County Air Quality Management District

Barbara Moed, moedb@co.mendocino.ca.us

CAL FIRE

Craig Pedersen, Craig.Pedersen@fire.ca.gov

United States Army Corps of Engineers

Holly Costa, holly.n.costa@usace.army.mil

State Water Resources Control Board, Division of Water Rights

Taro Murano, Taro.Murano@waterboards.ca.gov
Skyler Anderson, Skyler.Anderson@waterboards.ca.gov

State Water Resources Control Board, Office of Enforcement

Ken Petruzelli, Ken.Petruzelli@waterboards.ca.gov

North Coast Regional Water Quality Control Board

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Diana Henriouille, Diana.Henriouille@waterboards.ca.gov
Joshua Curtis, Joshua.Curtis@waterboards.ca.gov

Jacobszoon and Associates

Randy Jacobszoon, randy@jeforestry.com