
North Coast Regional Water Quality Control Board

April 27, 2023

Mr. Benjamin Hawk
Mendocino Redwood Company, LLC
P.O. Box 996
Ukiah, CA 95482
BHawk@mendoco.com

Dear Mr. Hawk:

Subject: Notice of Violation for Failure to obtain coverage for Timber Harvest Plan 1-18-086 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* or other applicable permit.

File: Timber Harvest Plan 1-18-086 MEN, "Bear Pen"

North Coast Regional Water Quality Control Board (Regional Water Board) staff have sent you this letter to notify you that you have failed to obtain appropriate permit coverage for your recent timber operations in violation of California Water Code (CWC) Section 13260(a). Failure to obtain coverage under *General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (GWDR) (No. R1-2004-0030) 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 one of the following permitting pathways:

- (1) *General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (GWDR) (No. R1-2004-0030);
- (2) *Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region* (Order No. R1-2014-0011);
- (3) An individual waste discharge requirements (WDR) order, or;
- (4) An individual waiver of WDRs.

Unfortunately, you failed to obtain coverage for the subject THP under the Categorical Waiver or Order No. R1-2004-0030 prior to commencement of timber harvest operations.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

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

Please be aware that it is the landowner's responsibility to ensure permit coverage is obtained prior to commencement of timber harvest operations. Receipt of an enrollment letter from the Regional Water Board Executive Officer 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.

We understand that timber operations under THP 1-18-086 MEN have been completed and a final Notice of Completion has been signed by the California Department of Forestry and Fire Protection. No retroactive enrollment of this THP is possible or necessary. This Notice of Violation serves as a reminder to obtain permit coverage for future projects, and the matter is considered resolved.

Please contact me at 707-576-2289 or James.Burke@waterboards.ca.gov if you have any questions or need more information regarding this matter.

Sincerely,

Jim Burke
Senior Engineering Geologist
Southern Nonpoint Source & Forestry Unit

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