

June 24, 2019

California Regional Water Quality Control Board
North Coast Region

Notice of Proposed Settlement With
Rhys Vineyards LLC

Proposed Settlement Agreement and Stipulation for Entry of Orders

Administrative Civil Liability Order No. R1-2019-0034
State Water Resource Control Board Order WR 2019-__-EXEC

Written Comments Are Due No Later Than
5:00 p.m., on July 24, 2019

The California Regional Water Quality Control Board, North Coast Region (Regional Board) Executive Officer will consider approval of proposed Order No. R1-2019-0034 which would approve a Settlement Agreement and Stipulation for Entry of Orders (Settlement Agreement) with Rhys Vineyards LLC (Discharger).

Concurrent with Regional Water Board consideration of proposed Order R1-2019-0034, the State Water Resources Control Board will consider adoption of proposed Order WR 2019-__-EXEC, also approving the Settlement Agreement.

The Settlement Agreement resolves violations of section 301 of the Clean Water Act, California Water Code section 13376, and the Water Quality Control Plan for the North Coast Region (Basin Plan) waste discharge prohibitions 1 and 2 (Basin Plan section 4.2.1 Action Plan for Logging, Construction, and Associated Activities) which the Discharger caused by discharging sediment and other wastes to surface waters while developing a property located at 6501 Branscomb Road (Property) in Mendocino County. Site development included and/or resulted in filling and grading a stream and wetland, both waters of the United States, in order to construct a vineyard; discharging earthen and woody debris into watercourses at numerous road crossings; creating unstable hillslope conditions; filling wetlands while constructing, or as a result of constructing and using, roads and other developed features on the Property; and failing to deploy adequate erosion and sediment controls.

Further, the Settlement Agreement resolves violations of Water Code section 1052 for unauthorized diversion of water associated with construction and operation of one reservoir, the operation of two reservoirs, and violations of Fish and Game Code sections 5650 and 1602 associated with site development activities in streams and wetlands.

The Settlement Agreement proposes imposition of administrative civil liability totaling \$3,763,391. Of this amount, the Discharger will pay \$1,674,515 to the State Water Resources Control Board's Cleanup and Abatement Account, \$37,500 to the State Water Board Water Rights Fund, \$183,378.55 to the Department of Fish and Wildlife,

\$118,824 to The Nature Conservancy, and \$87,797.45 to the National Fish and Wildlife Foundation. The remaining \$1,651,376 in administrative civil liability will be suspended upon completion of a supplemental environmental project (SEP), to be implemented by The Nature Conservancy, constructing habitat enhancement features on the South Fork of Ten Mile River.

In addition to the payment of penalties, the Discharger will implement remediation/restoration activities, as necessary, to clean up and abate discharges of waste into waters of the State and the United States associated with roads on the Property.

The proposed Orders and related documents are available at the Regional Water Board's website – Notice of Proposed Settlement page:

https://www.waterboards.ca.gov/northcoast/public_notices/notice_of_proposed_settlement/

Persons may comment on the Settlement Agreement, and the associated proposed Orders, by submitting written comments no later than 5:00 p.m. on **July 24, 2019**. Written comments should include "Settlement Agreement and Stipulation for Entry of Orders in the matter of Rhys Vineyards LLC" in the subject line, and should be submitted to the attention of Diana Henriouille by mail at 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 or, by email, to: Diana.Henriouille@waterboards.ca.gov.

Joshua Curtis
Assistant Executive Officer
June 24, 2019

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