

## 4. IMPLEMENTATION PLANS

This section presents the actions intended to meet water quality objectives and protect beneficial uses of the Klamath River Basin and North Coastal Basin. The following measures shall be taken with respect to actual and potential point and nonpoint sources of water quality degradation.

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### **ACTION PLAN FOR LOGGING, CONSTRUCTION, AND ASSOCIATED ACTIVITIES**

The following waste discharge prohibitions pertain to logging, construction, and associated activities in the North Coast Region.

1. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
2. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.

Similarly, the guidelines for implementation of the prohibitions have proven most helpful to the Regional Water Board and its staff as well as to potential waste dischargers.<sup>5</sup> They reflect state regulations, objectives, and procedures, and are as follows:

### **GUIDELINES FOR IMPLEMENTATION AND ENFORCEMENT OF DISCHARGE PROHIBITIONS RELATING TO LOGGING, CONSTRUCTION, OR ASSOCIATED ACTIVITIES**

These guidelines, which are hereby incorporated into the Water Quality Control Plan for the North Coast Region (Basin Plan), have been developed with the objective of (1) defining the criteria by which the Regional Water Board will consider that violations of the prohibitions have occurred or threaten to occur; (2) instructing the Regional Water Board staff of procedures and actions they will take in implementing the prohibitions; (3) advising all potential dischargers of the scope and intent of the prohibitions; and (4) advising all interested parties that it is the intent of this Regional Water Board to carry out its responsibilities in this matter in a reasonable and effective manner.

#### **Criteria**

- A. Section 3 of the Basin Plan contains water quality objectives, which specify limitations on certain water quality parameters that are not to be exceeded as a result of waste discharges. Accordingly, the Executive Officer of the Regional Water Board is directed to investigate and report to the Regional Water Board evidence of violations of the water quality objectives contained in the Basin Plan which result or threaten to result in unreasonable effects on the beneficial uses of the waters of the Region. When such investigation reveals that such violations are occurring or are threatened due to the discharge or threatened discharge of waste, the Executive Officer shall take all appropriate actions as directed by the Enforcement section of these guidelines.

<sup>5</sup> Since 1984 these guidelines have been applied to watershed disruptions which might be caused by small hydropower development projects, and the prohibitions are recognized by project sponsors as the water quality protection standard for these activities.

The following water quality objectives, from Section 3 of the Basin Plan, are considered of particular importance in protecting beneficial uses from unreasonable effect due to discharges from logging, construction, or associated activities:

1. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
2. Turbidity shall not be increased more than 20 percent above naturally occurring background levels.
3. Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance or adversely affect the beneficial uses.
4. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.
6. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
7. All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
8. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

#### B. Definitions

1. Definitions for the following terms in these guidelines, are provided in Section 13050 of the Porter-Cologne Act:

- a. **"Waste"** includes sewage and any and all other substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- b. **"Beneficial uses"** of the waters of the State that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation, aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources of preserves.
- c. **"Water quality objectives"** means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.
- d. **"Water quality control"** means the regulation of any activity or factor which may affect the quality of the waters of the State and includes the prevention and correction of water pollution and nuisance.
- e. **"Water quality control plan"** consists of a designation or establishment for the waters within a specified area of (1) beneficial uses to be protected, (2) water quality objectives, and (3) a program of implementation needed for achieving water quality objectives.
- f. **"Pollution"** means an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. "Pollution" may include

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"contamination".

aforesaid prohibition.

2. The definition for "stream or watercourse" as those terms are used in the waste discharge prohibitions relative to logging and construction activities shall be interpreted by the Regional Water Board to mean the following: Natural watercourse as designated by a solid line or dash and three dots symbol shown in blue on the largest scale United States Geological Survey Topographic Map most recently published.
- C. The Regional Water Board acknowledges that it does not have jurisdiction for direct enforcement of the rules and regulations of other local, state, or federal agencies. However, the Regional Water Board directs the Executive Officer to investigate the violation or threatened violation of those rules and regulations of other agencies which have been adopted to protect the quality of the waters in the Region. The violation of the following rules, regulations, or provisions may be considered a threatened violation of the waste discharge prohibitions and accordingly the Executive Officer shall take appropriate action as directed by the Enforcement section of these guidelines.
1. A violation of current rules for forest practices relating to erosion control or water quality protection in any logging or related activity being conducted pursuant to regulations administered by the California Department of Forestry and Fire Protection.
  2. A violation of the Best Management Practices designated in the U.S. Forest Service document entitled "Water Quality Management for National Forest System Lands in California", dated April, 1979.
  3. A violation of the water pollution control provisions of the current California Standard Specifications in any highway project being constructed under contract entered into by the Department of Transportation, State Department of Public Works.
  4. A violation of Sections 1601, 1602, 1603, 5650, and 5948 of the California Fish and Game Code when such violation involves activities or discharges enumerated in the

**Investigative and Coordinating Activities**

- A. The Regional Water Board directs the Executive Officer to implement the following investigative activities. It is intended that, wherever possible, existing state reporting procedures and requirements will be utilized to minimize additional administrative burden on prospective waste dischargers.
1. The staff of the Regional Water Board is directed to investigate and review, on a continuing basis, logging operations, road building, and related construction activities within the Region to determine the effect, or potential effect, of such activities on water quality.
  2. The staff shall consult with any individual associated with logging operations, road building or construction activities having an effect on the quality of waters in the Region, and shall investigate such activities when requested to do so.
  3. The staff shall obtain from the California Department of Forestry and Fire Protection, the Board of Forestry, and the Department of Fish and Game copies of all notices received from timber operations, timber harvesting plans, and stream alteration activities within the Region.
  4. The staff shall obtain from the Department of Transportation the names of all contractors performing work that could result in violation of the discharge prohibitions. The Forest Service, USDA and other federal agencies will be requested to furnish the Regional Water Board, as early as feasible, with the names, addresses, and location of anticipated operations of all private contractors who will be engaged in logging, construction or related activities on lands in the region which are under their control. In connection with these contracts, request will be made for copies of any special conditions or regulations for the control of erosion or protection of water quality.
  5. Upon receipt and review of such information, the staff will transmit to the permittee or contractor copies of the discharge prohibitions and provisions as contained in the Regional Basin Plans and copies of this or subsequent implementation statements on this subject issued by the Regional Water Board.
6. The staff will request that the California Department of Forestry and Fire Protection notify the Regional Water Board's office of citations or of other notices issued by Forestry personnel for violation of erosion control sections of the Forest Practice Rules. The staff will request that the Department of Fish and Game advise the Regional Water Board's office of all violations of its code Sections 5650, 1601, 1602, and 5948 resulting from logging, road building, or associated construction activities. The staff will request that the Department of Transportation notify the Regional Water Board office of all violations of the water pollution control provisions of the California Standard Specifications and will request that the Forest Service, USDA, and other federal agencies, notify the Regional Water Board's office of all violations of rules and regulations for the control of erosion or protection of water quality.
  7. The staff will notify the State Department of Fish and Game, the California Department of Forestry and Fire Protection, the State Department of Transportation, the Forest Service, USDA, and the violating timber operator and/or land owner, of all violations of the discharge prohibitions and of all actions taken by the Regional Water Board with regard to such violations or threatened violations.
  8. The staff may request additional information from any individual or firm engaged in timber operations, road building, or related construction activity in accordance with Water Code Section 13267(b) as may be necessary to implement their investigations and carry out the policy of this Regional Water Board.
- B. The Regional Water Board considers that implementation of the discharge prohibitions relating to logging, construction, or associated activities can provide appropriate protection to waters of the region from these sources of waste and, in the great majority of their activities, will

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waive the need for reports of waste discharge and waste discharge requirements. However, where investigations indicate that the beneficial uses of water may be adversely affected by waste discharges, the staff shall require the submission of Reports of Waste Discharge.

### **Enforcement Activities**

When investigation by the staff reveals that violations as described in the Criteria section of these guidelines are occurring or are threatened due to the discharge or threatened discharge of waste, the actions to be taken by the Executive Officer are as follows:

#### **A. Cleanup and Abatement Order**

1. If the discharge of waste can be cleaned up or its adverse effects abated, a cleanup or abatement order shall be issued to the discharger or other responsible persons.
2. The order and all relevant information shall be transmitted to the discharger as provided in the Manual of Administrative Procedures. Copies of these materials shall be transmitted concurrently to all Regional Water Board members and all other interested agencies.
3. The Regional Water Board may hold a public hearing for purposes of making the necessary findings under Water Code Section 13350(a)(2) with respect to a cleanup or abatement order or violation of waste discharge prohibition at any regular meeting of the Regional Water Board, or at a special meeting of the Regional Water Board called by the Chairman, on his own motion or at the request of the Executive Officer, or when called by two Regional Water Board members as provided in Water Code Section 13204.

#### **B. Cease and Desist Order**

If a cleanup or abatement order would not be the most expeditious means of achieving compliance with the prohibitions, the Executive Officer shall notify the Regional Water Board Chairman of his intention to bring the matter before the Regional Water Board, at either a regular or a special meeting, for consideration of

evidence and recommendation that a cease and desist order be issued. The decision by the Executive Officer to recommend a cease and desist order hearing shall be made after consideration of the following factors:

1. The nature of the activity of the discharger.
2. The anticipated length of time the discharger will be carrying on the activity which results or threatens to result in a waste discharge.
3. The potential deleterious and unreasonable effect on beneficial uses of the waters during the time before the Regional Water Board will be able to take action on the violation of the prohibitions.
4. Other relevant factors considered applicable by the Executive Officer as necessary to bring before the Regional Water Board for their consideration and deliberation.



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