
North Coast Regional Water Quality Control Board

February 5, 2016

Mr. Trenton Dunn
Swains Flatt LLC
PO Box 151
Fortuna, CA 95540

Dear Mr. Dunn:

Subject: Notice of Violation of Order No. R1-2013-0005, General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMPs) in the North Coast Region

File: Nonindustrial Timber Management Plan 1-97NTMP-010 HUM,
"Swains Flatt NTMP"

The purpose of this letter is to notify you that you are in violation of the General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMP GWDR) in the North Coast Region (North Coast Regional Water Quality Control Board Order No. R1-2013-0005). Under California Water Code section 13350, you are subject to potential enforcement actions and penalties resulting from the violation. To be in compliance with the NTMP GWDR section A(5), you must submit to the North Coast Regional Water Quality Control Board a written description of the site in question, with additional design and installation details of the proposed corrective actions, and a schedule for implementation. Corrective action must be completed no later than October 15, 2016.

Introduction

Non-Industrial Timber Management Plan (NTMP) 1-97-NTMP-010 HUM encompasses 771.5 acres within the Van Duzen River watershed (Calwater number 1111.220601, approximately 1.5 miles east of Grizzly Creek and 0.5 miles west of Swains Flat, in Humboldt County). The California Department of Forest and Fire Protection (CAL FIRE) approved the NTMP on August 1, 1997. On June 4, 2014, CAL FIRE received minor amendment No. 18, which incorporates into the NTMP the California Department of Fish and Wildlife (CDFW) Best Management Practices (BMPs) for roads associated with timber operations. Multiple entries have occurred on the NTMP, with the most recent occurring

under Notice of Timber Operation (NTO) #9, submitted to CAL FIRE on June 8, 2015. NTO #9 will expire on June 7, 2016. On June 18, 2015, your RPF, Stephen Hohman, submitted an enrollment form, certifying your intent to comply with the provisions of Tier A of the NTMP GWDR.

NTO #9 covers approximately 201 acres, and includes use of multiple road stream crossings within the current active timber operations area. The NTO does not identify specific road points to be treated as part of this NTO; however, it does state that the “WDR shall cover all road points encompassed by this year’s harvest operations.”

September 23 and November 4, 2015 Site Inspection Compliance Issues

On September 23, 2015, Regional Water Board staff inspected NTO #9. During the inspection, staff identified several road points that meet the definition of a Controllable Sediment Discharge Source (CSDS)¹ under the NTMP GWDR. These sites are described below:

- Site 3.4 is a fill road crossing of a Class III watercourse. Staff observed no rock within the crossing or the outfall. The crossing discharges into a watercourse within 50 feet of a Watercourse and Lake Protection Zone (WLPZ) for a Domestic Water Supply (DWS). A DWS is designated in the Forest Practice Rules as a Class I watercourse and must be provided with Class I protection measures. The NTMP does not identify the DWS as such.



Figure 1. Site 3.4 on November 4, 2015

¹ Sites that discharge or have the potential to discharge sediment to waters of the state in violation of water quality standards, that are caused or affected by human activity, and that may feasibly and reasonably respond to prevention and minimization management measures.

On November 4, 2015, Regional Water Board staff conducted a follow-up inspection, and observed that straw mulch was placed on the road approaches and a small ditch had been dug across the road (see Figure 1). However, an adequate stream crossing in conformance with specifications as described in the plan has not yet been installed.

- Site 3.3, located along the same road and to the south of Site 3.4, is a road crossing associated with another DWS. The NTMP identifies this as a Class II watercourse. The crossing appears to be constructed of fill material. An appropriately designed and constructed crossing that prevents or minimizes sediment discharge, including a critical dip to prevent diversion of the stream during high flow events, is needed at Site 3.3. The original NTMP documentation does not specify construction of a critical dip at this site, but does indicate that any crossing that could not contain the flow in the event of culvert plugging must be dipped out. The CDFW BMPs that have been amended into the NTMP specifically require that critical dips must be constructed at all stream crossings.



Figure 2. Site 3.3 on November 4, 2015, looking at the pool upstream of the road. The water diversion was observed just upstream from this pool.



Figure 3. Site 3.3 on November 4, 2015, looking downstream. The crossing is essentially fill with a ditch about a foot wide dug across the road.

- Site 3.2 is a Class III watercourse that was proposed to be drained properly across the road into the old ditch. The ditch needed to be excavated or re-dug so that flows will be contained in the ditch and prevented from draining down the road. This work had not been completed as of the September 23, 2015 inspection, but was done by November 4, 2015. As with the other 3 sites noted above, this site should have been described in the NTMP GWDR Tier A NTO #9 enrollment package.



Figure 4. Site 3.2 after corrective work had been done. The drainage across the road and the ditch were excavated to carry anticipated winter flows.

Requirements of the NTMP GWDR

Section A(5)(a-c) of the NTMP GWDR states that:

- a. The RPF shall conduct a field evaluation of current conditions on the NTO area to identify sites that are violating or have the potential to violate applicable water quality requirements or adversely impact beneficial uses, are human caused, and can be reasonably and feasibly treated.
- b. The RPF shall propose measures to protect and restore the beneficial uses of water to the extent feasible at sites identified in Section A(5)(a) and the landowner shall implement such measures during the life of the NTO.
- c. The landowner shall submit to the Regional Water Board a list containing each site identified in the NTO pursuant to Section A(5)(a) and a brief description of corrective action as proposed in Section A(5)(b). The location of each site must be shown on NTO maps.

Failure to provide the information to the Regional Water Board, including proposed corrective actions to have been completed during the life of NTO #09, as specified in section A(5)(a-c) of the NTMP GWDR, constitutes a violation of Order No. R1-2013-0005.

Project Completion:

Based on review of the NTMP and the June 4, 2014 amendment to include the CDFW BMPs for roads, corrective actions should have been completed prior to October 15, 2015. You must provide to the Regional Water Board, no later than **March 15, 2016**, a description of the sites discussed above and proposed corrective action to control sediment discharge for each site. Implementation of the corrective action must be completed no later than **October 15, 2016**. Within one week following completion of corrective action at the site, you must contact Regional Water Board staff to schedule an inspection so that we may evaluate whether the corrective action has been sufficiently implemented and confirm that the violation has been adequately corrected.

Please contact Jim Burke at 707-576-2289 or Joelle Geppert at 707-576-2346 if you have any questions or need more information regarding this matter.

Sincerely,

Fred Blatt, Division Chief
Nonpoint Source and Surface Water Protection Division

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cc: Mr. Stephen Hohman, RPF, shohmand@hohmanandassocites.com
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