
North Coast Regional Water Quality Control Board

April 21, 2016

Mr. Chris Carroll
Timberland Resource Consultants
165 S. Fortuna Blvd., Suite 4
Fortuna, CA 95540

Dear Mr. Carroll:

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 (NTMP) in the North Coast Region

File: Non-Industrial Timber Management Plan 1-12NTMP-001 HUM (NTO#2), "Bear Creek Ranch 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 in the North Coast Region (NTMP GWDR; Order No. R1-2013-0005). You are also in violation of Waste Discharge Prohibitions contained in the Action Plan for Logging, Construction, and Associated Activities in the Water Quality Control Plan for the North Coast Region (Basin Plan). Under California Water Code (CWC) section 13350, you are subject to potential enforcement actions and penalties resulting from the violations. Violations under CWC section 13350 are subject to administrative civil liability penalties of up to \$5000 per day.

You must submit to the North Coast Regional Water Quality Control Board (Regional Water Board) a written description of sites that are violating or have the potential to violate applicable water quality requirements or to adversely impact beneficial uses, are human caused, and can reasonably and feasibly be treated including watercourse crossings and ditch relief culverts. In order to satisfy the requirements of the NTMP GWDR, you must disclose all sites that discharged following implementation of the current Non-Industrial Timber Operation (NTO). You must also provide details as to the proposed corrective actions and include a schedule for implementation. Corrective actions must occur no later than June 25, 2016, which is when the subject NTO expires.

Introduction

Non-Industrial Timber Management Plan 1-12NTMP-001 HUM encompasses 2514 acres within the upper reaches of the Mad River watershed, approximately seven miles northwest of the town of Dinsmore, Humboldt County. The California Department of Forestry and Fire Protection (CALFIRE) approved the NTMP on June 20, 2012. On August 10, 2015, Registered Professional Forester (RPF) Chris Carroll enrolled NTO No. 2 under Tier A of the NTMP WDR. NTO No. 2 covers 355 acres and uses group selection silviculture methods.

Notification of violation by CALFIRE

On February 12, 2016, CALFIRE notified Regional Water Board staff of numerous water quality violations associated with NTO No. 2 for 1-12NTMP-001 HUM. Specifically, waterbars were not properly installed for sites 45, 55, 60, 61, 63, and 88. Also, sediment has discharged directly into Class II watercourses at sites 45, 71 and into Class III watercourses at sites 55, 67, 68, 72, and 87. Additionally, slash debris was discharged into a Class III watercourse at site 69. The failure to properly treat the sites listed above would violate applicable water quality requirements outlined in the NTMP GWDR and in the Basin Plan.

March 1, 2016 Site inspection

On March 1, 2016, Regional Water Board staff Timothy Walcott and Dean Prat inspected NTO No. 2. Multiple interested parties, including the RPF designee Nick Robinson, attended the inspection. Regional Water Board staff inspected the sites that had previously been identified in the violation report provided by CALFIRE. Temporary repairs that were implemented prior to this inspection included hand dug waterbars at crucial locations and dispersed straw/mulch on the bare exposed soils near sites previously listed in the CALFIRE report dated February 23, 2016. These interim repairs were installed in an attempt to minimize additional discharges into nearby watercourses until drier weather provides the opportunity for the RPF to provide more substantive repairs.

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.

Section B "Prohibitions" states that:

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.
3. The NTMP landowner must not cause or threaten to cause pollution, contamination, or nuisance, as defined by Water Code section 13050.

Failure to provide the information to the Regional Water Board, including proposed corrective actions to be completed during the life of NTO No. 2, as specified in section A(5)(a-c), and correction of section B Prohibitions violations of the NTMP GWDR, constitutes a violation of Order No. R1-2013-0005.

Project Completion:

At the end of the inspection, RPF Nick Robinson was informed he was out of compliance with the requirements outlined in the NTMP GWDR. Additional repairs that are still necessary include adequately adhering to the Road Work Order. This includes ensuring that all BMPs listed in the NTMP are adhered to, including but not limited to the proper installation of waterbars to ensure proper road drainage, seed/mulch of bare exposed soils near watercourses, and rock armoring the newly developed slump near the culvert outlet of site 45. The RPF must submit a written description of the existing site conditions to the Regional Water Board by May 21, 2016, with a proposed corrective action plan to prevent or minimize sediment discharge. The corrective action plan must include any design, installation and material specifications, and shall address the following:

- Specific prescriptions for the installation of rock armor to stabilize slumps and/or voids at watercourse crossings;
- Specific prescriptions to hydrologically disconnect the road approaches to the crossing, including road surface materials and incorporation and location of rolling dips or other drainage structures as warranted.

All corrective actions for the poor road drainage and watercourse crossing repairs must be fully implemented by no later than June 24, 2016. Within one week following completion of corrective actions, 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. Confirmation

of completion of each corrective action must be provided to Regional Water Board staff no more than 30 days following completion.

Please contact Tim Walcott at 707-576-2663 or Dean Prat at 707-576-2801 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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