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## North Coast Regional Water Quality Control Board

April 21, 2016

Kathleen Scheckla  
4S Management  
PO Box 418  
Palo Cedro, CA 95547

Dear Ms. Scheckla:

**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:** Nonindustrial Timber Management Plan 1-97NTMP-006 HUM, "Eggel Logging 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) in the North Coast Region (NTMP GWDR; Order No. R1-2013-0005). Under California Water Code (CWC) section 13350, you are subject to potential enforcement actions and penalties resulting from the violation(s). Under CWC section 13350, administrative civil liability may be imposed on a daily basis in an amount up to \$5000. To be in compliance with the NTMP GWDR section B "Prohibitions", you must address existing and threatened discharges within the Notice of Timber Operations #13 areas. Corrective action must be completed as soon as possible, and no later than October 15, 2016.

### **Introduction**

Non-Industrial Timber Management Plan (NTMP) 1-97-NTMP-006 HUM encompasses 770 acres primarily in the Price Creek watershed (Calwater number 1111.110102), approximately 3.5 miles southeast of the town of Ferndale, in Humboldt County. The California Department of Forest and Fire Protection (CAL FIRE) approved the NTMP on June 26, 1997. On September 9, 2013, CAL FIRE received minor amendment #15, which incorporates into the NTMP the California Department of Fish and Wildlife (CDFW) Best

Management Practices (BMPs) for roads associated with timber operations<sup>1</sup>. Multiple entries have occurred on the NTMP, with the most recent occurring under Notice of Timber Operation (NTO) #13, submitted to CAL FIRE on June 2, 2015. NTO #13 will expire on June 1, 2016. On June 22, 2015, your Registered Professional Forester (RPF), Stephen Hohman, submitted an enrollment form, certifying your intent to comply with the provisions of Tier A of the NTMP GWDR.

NTO #13 covers approximately 51 acres, and includes use of multiple road stream crossings within the current active timber operations area. NTO #13 identifies proposed repairs to several stream crossings.

### **February 19, 2016 Site Inspection Compliance Issues**

On February 19, 2016, Regional Water Board staff inspected the area associated with NTO #13. During the inspection, as illustrated in Figures 1 and 2, most of the stream crossings associated with this NTO lacked adequate erosion control to prevent and minimize sediment discharges into the adjacent watercourses from surface erosion.



**Figure 1. Site 622 on February 19, 2016. Photo Taken by Joelle Geppert, RWB Staff**

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<sup>1</sup> Amendment #21 submitted to CALFIRE on April 10, 2014 also amended in the CDFW Coho BMPs.



**Figure 2. Unnumbered site along road in the southeastern portion of the NTO#13. Note that the location of the waterbar is the centerline of the watercourse crossing. Photo taken on February 19, 2016 by Joelle Geppert, RWB Staff.**

Also during the inspection, staff observed a cut bank and fill slope failure, illustrated in Figure 3, that appears to have developed between Sites 622 and Site 627. Debris from this failure has been deposited approximately 20 feet from of the Class II watercourse. The NTMP maps show an existing unstable area below the road at this location. Staff observed a waterbar on the road that directs runoff onto the unstable area.



**Figure 3. Cutbank and fill slope failure at a mapped landslide from between Sites 622 and 627. Photo taken on February 19, 2016 by Joelle Geppert, RWB Staff.**



**Figure 4. Tension cracks are developing along the fill slope, threatening sediment discharges to the Class II watercourse associated with Site 627. Photo taken on February 19, 2016 by Joelle Geppert, RWB Staff.**



**Figure 5. Road drainage and sediment from perched fills are discharging to the Class III watercourse. Photo taken on February 19, 2016 by Joelle Geppert, RWB Staff.**



**Figure 6. Runoff discharging from the road at Site 615 is eroding fill material on the slope below the road. Photo taken on February 19, 2016 by Joelle Geppert, RWB Staff.**

### **Requirements of the NTMP GWDR**

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.

Based on field observations by Regional Water Board staff, conditions on the site that constitute violations of Order No. R1-2013-0005 include failure to adequately apply and maintain effective erosion control at hydrologically connected sections of road, placement of fill materials within or at locations where they can enter or be transported into watercourses, and failure to identify and treat newly developed sediment sources, such as failing road fills, in a timely fashion.

**Project Completion:**

According to the NTMP and the April 10, 2014 amendment to include the CDFW BMPs for roads, all corrective actions and erosion control measures should have been completed prior to October 15, 2015. You must provide to the Regional Water Board, no later than **May 21, 2016**, a description of the sites discussed above and any other site within the NTO area that is discharging or threatens to discharge and proposed corrective action to control sediment discharge for each site. You must apply effective erosion controls immediately to all areas of bare soil where the potential exists for sediment to discharge to watercourses. All other areas requiring corrective actions 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](mailto:shohmand@hohmanandassocites.com)  
Mr. Dominik Schwab (CAL FIRE), [Dominik.Schwab@fire.ca.gov](mailto:Dominik.Schwab@fire.ca.gov)  
Mr. Lucas Titus (CAL FIRE), [Lucas.Titus@fire.ca.gov](mailto:Lucas.Titus@fire.ca.gov)  
Mr. Monty Larson (DFW), [Monty.Larson@wildlife.ca.gov](mailto:Monty.Larson@wildlife.ca.gov)