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April 2008

Our Water Quality Mission Today and for the Future

Catherine Kuhlman

The last few months away from my work at the Board have crystallized for me the importance of our mission in this office for protecting water quality. At the federal level, workers protecting our public resources are often far removed from the on-the-ground realities that we here in our office face every day. While those workers also do a critical job very well, I know that we here at the Board are the best and brightest for finding solutions and getting things done that work.

We also recognize that water quality hinges on addressing problems throughout an entire watershed ecosystem, each facet of that diverse ecology tied intrinsically to all of the rest. Gone are the days where our pollution problems were primarily simple. The holistic approach we use with watershed-wide assessments and considerations helps us protect our regional waters in the challenging work ahead. Whether dealing with the complexities of ecosystem effects from global warming to addressing the wide-spread low-level water contamination from daily living—our future work in water quality will require that we focus on minute changes while at the same time always considering the effects in the watershed ecosystem as a whole.

We find ourselves now melding a dual vision—the traditional incremental facility-by-facility work as well as the broad, watershed wide perspective for water quality restoration and protection. As we approach the 40-year anniversary of the Porter-Cologne Water

Quality Control Act, I believe our challenges will be as urgent and difficult as those initial steps in the heyday of the environmental movement of the 1970s.

Our water quality issues will be many, and far more complex than the past. We are already used to change and the need to adapt to new mandates and challenges. In the future, being light on our feet and quick to recognize new patterns or needs will be essential - we will need to be innovators. Still, we have the tools and the collective staff energy and intellect to achieve all of our goals if we work together.



Goals move from the esoteric printed page into reality through great effort, but I know that the people in this office can do whatever they set their joint efforts to accomplish. As I return to our office, I have been deeply considering the goals for us to achieve in both the short and long term. Many needs for water quality protection await us in the future, but we must focus on our mission, and I believe the following three big program goals are ones we should and can accomplish:

Ensure a Sustainable Infrastructure

- We need to work with our large and small communities to ensure wastewater systems work well, and can adapt to the critical changes ahead.
- We should actively join the planning process of our communities to encourage low impact development (LID) with proper design and management of flood control facilities.
- We should facilitate long term planning by the counties to encourage forward thinking with anticipated growth and potential land use changes in our rural area.
- We need to continue to craft and issue effective permits that guide day-to-day water quality protection activities.
- We can use education, monitoring and other tools to be as effective as possible in achieving compliance with our permits and Basin Plan, and be rapid in response to instances of non-compliance.
- We should ensure that we take prompt and appropriate enforcement steps throughout the region to correct non-compliance as quickly as possible.

Maintain Healthy Resilient Ecosystems and Aquatic/Wetland Communities

- We should always center our work with an eye to comprehensively protecting watersheds and their groundwater basins.
- Despite our differences, especially in the past, we have common objectives with many other agencies and organizations, and can be stronger through building coalitions with partners.

- We should continue to build on the momentum for innovative water quality protection by completing and implementing the NPS Enforcement Policy, Wetland and Riparian Policy, and Excess Sediment Prohibition.
- We should craft and issue effective WDRs/waivers/prohibitions, especially for county roads, US Forest Service activities, and similar non-point sources.
- We can increase our efforts in education, monitoring and other assessments to assist landowners achieve compliance, and be rapid in response to instances of non-compliance.
- Where we find non-compliance, we need to promptly ensure corrective action occurs through appropriate enforcement as quickly as possible.

Restoring Polluted Waters

- The legacy of the past will be with us for a long time, even as we need our water resources more and more--we need to remain focused on cleaning up polluted groundwater sites.
- The hard work of developing many of our TMDLs is now followed by the even more difficult challenge of implementing them, and assessing the implementation: this we must do.
- More TMDLs remain to be developed - we need to draft good planning documents for the Klamath River, Elk, Freshwater, and the Laguna de Santa Rosa, always keeping our eye on the implementation and assessment mechanisms.
- We need to continue to seek ways of making our grant program management from beginning to end as streamlined, effective, and useful as possible. The more money than can effectively be

channeled into our region to address the legacy of the past problems, the quicker our water quality will improve.

- As with all of our programs, we need strong compliance and enforcement actions whenever appropriate.



All of the above are program goals, but intrinsic in accomplishing these goals is consideration of the type of our organization that we want to be. I know that I want to work together as part of an effective, compassionate organization. All of us work in different ways, and each of us has strengths and weaknesses. Our organizational goal, it seems to me, is for every one of us to know that we bring value to the organization, and we can help ourselves and others in the office by working through weak areas and enhancing strong areas.

We are the organization; it is the sum of what each of us brings to it each day. The kindness and thoughtfulness, the celebrations large and small—all enrich our community and us. We have made the choice to be here, and we can feel good about the work we do because it is important work that affects everyone alive now and to come after us. Sometimes it may seem overwhelming, and we have to live with some hard truths from the insidious institutional impoverishment imposed upon us to the fact that our jobs are often controversial. Working together we can accomplish just about anything.

I am proud of the core competency of this staff, from the commitment to serve the public at the front desk to using the latest science to solve a problem. I am proud that you make the choice each day to come to work here and make the world, our water, and our community better. We create a better future.

An update on recent enforcement actions and administrative civil liability (ACL) settlements. For April 24, 2008 Regional Water Board meeting. Thomas Dunbar

Cleanup and Abatement Order No. R1-2008-0023 was issued on February 22, 2008 to **Renner Petroleum** for discharging diesel oil into the Smith River, Del Norte County. Renner Petroleum owned and operated a fuel tanker truck delivering diesel. The truck wrecked at Post Mile 11.38 on Highway 199 near Gasquet. Diesel soaked into the soil and began to bleed into the Smith River below the highway. CAO No. R1-2008-0023 was rescinded and replaced by CAO No. R1-2008-0036 on March 7, 2008 and again on April 2, 2008 by CAO No. R1-2008-0044. The CAOs require cleanup and abatement of the discharge.

ACL Complaint No. R1-2008-0026 was issued on February 25, 2008 to the **Mendocino County Water Works District No. 2 (Anchor Bay)** in the amount of \$3,000 in mandatory minimum penalties for one violation of waste discharge requirements at the District's wastewater treatment facility. A public hearing was scheduled for April 24, 2008 in Weaverville. The District requested that the matter be held over to the June 11 & 12, 2008 Regional Board hearing in Santa Rosa.

Cleanup and Abatement Order No. R1-2008-0041 was issued on March 21, 2008 to **Anne Mack Johnson** for discharging domestic wastewater from an apartment building near Cloverdale, Sonoma County. The discharger owns and operates a multi-unit apartment building on South Cloverdale Boulevard that

has a history of on-site sewage disposal system failures. The failing system is located adjacent to a storm drain that flows approximately 500 feet to discharge directly into the south arm of Porterfield Creek, a tributary of the Russian River. The CAO requires submittal of technical reports and abatement of the discharge

ACL Complaint No. R1-2008-0046 was issued on April 7, 2008 to the **City of Fortuna** in the amount of \$58,000 in mandatory minimum penalties and discretionary penalties for violations of waste discharge requirements at the City's wastewater treatment facility. A public hearing is scheduled for June 11 & 12, 2008.

South Fork Lost Man Creek Forest Restoration Project, Redwood National Park
Fred Blatt

Redwood National Park (RNP) is proposing a forest restoration project on 1,700 acres in the South Fork Lost Man Creek watershed. The proposal is to thin second-growth forests to reduce live tree density, improve redwood to Douglas-fir tree ratios, enhance understory vegetation, and induce stand development towards acquisition of mature and eventual old growth forest conditions. RNP is preparing a draft Environmental Impact Statement (EIS) that is due out in March 2008. Regional Water Board staff will review and comment on the draft EIS. RNP is requesting a waiver of Waste Discharge Requirements. Based on early review of the Project, Board staff believe that a waiver is appropriate and will prepare a waiver for the Board's consideration at the June 2008 Board Meeting.

Background and Existing Conditions

All of the South Fork of the Lost Man Creek watershed was intensively logged in the 1950's and the 1970's with large clearcuts. The clearcuts were typically aerial seeded or planted following clearcutting. The recovery of the forests after clearcutting resulted in high density forests dominated primarily by

Douglas-fir. With the creation of Redwood National Park in 1968 and expansion in 1978, forest stands were left for RNP to manage. RNP has not engaged in active management to mitigate unhealthy forest characteristics in any of its second-growth forests to date.

Proposed Action

The goal of the project is to accelerate recovery of old growth redwood forest characteristics to the project area more quickly than would occur through natural forest succession. This goal will be accomplished by increasing tree growth rates through the thinning of existing stands as well as restoring native tree species composition by preferentially removing tree species which are non-native or are overly represented when compared to native, unmanaged old growth redwood forest. Five types of forest management prescriptions will be used depending on slope, existing tree species composition, proximity to intermittent and permanent streams and wetlands, and proximity to contiguous stands of old growth forest.

The following best management practices (BMPs) will apply to all project activities:

- Vegetation, staff members would be on-site during any thinning operations.
- No old-growth trees would be cut.
- No mature trees larger than 24" dbh would be cut or removed. Trees larger than 18" but less than 24" dbh would be removed only to accomplish the restoration objectives at a specific site.
- All tree felling would be conducted by hand crews using chainsaws.
- Trees to be cut would be marked by park staff.
- Felled trees and slash would not be piled or burned.
- All fuel residues created from disturbed vegetation or slash from felled trees would be lopped, scattered and left on-site to a maximum fuel depth of 24 inches.
- No helicopter operations will be permitted in the project area.
- Only existing roads and skid trails would be used for project access; no new roads

would be constructed and every attempt would be made to utilize existing skid trails to access sites where heavy equipment use is proposed.

- Handcrews would be used to fall trees in the project area. Crews would drive into the project using existing roads, as close to project sites as possible. Crews would not be spike camping or staying on site beyond normal work hours. Work is expected to occur year around with the exception of areas within 500 feet of old growth forest where crews would be restricted to working between 16 September and 31 January in order to avoid the marbled murrelet and spotted owl noise restriction period.
- Second-growth trees growing under the dripline of an old growth tree(s) would not be treated. Additionally, no trees within 50 feet of an old growth tree, which extends equal to or greater than the height of the lowest living limb on the residual tree, would be removed. Smaller trees that don't extend to the canopy within this area may be removed according to the unit prescription. Where aggregates of residual trees occur, a polygon would be drawn around the outer edge of the trees to demarcate the no treatment zone. To be considered an aggregate, the residual tree canopies must be within 30 feet of each other.
- Streamside protection measures and prescriptions will be preferentially employed regardless of the unit prescription for any given stand in the project.

Site rehabilitation would consist of the following actions:

- a) Obliteration of tracks/ruts - Tire tracks/skidding ruts and other depressions and surface irregularities would be obliterated and restored to pre-disturbance surface condition.
- b) Replacement of culverts/waterbars - Culverts, waterbars, and other drainage structures damaged would be repaired/replaced.

- c) Mulching - All materials not removed from project area would be uniformly spread. Depth of residual fuels shall not exceed 24 inches in any area of the project.

All project work would be completed during the normal operating season (NOS), that is, between June 15 and October 15 of each year. If more than 0.25 inches of rain is forecast during the NOS, project operations would temporarily cease and sites would be winterized. If periods of dry weather are predicted outside of the NOS, additional work may be done, if they can be completed within the window of predicted dry weather. Work sites would be winterized at the end of each day when significant rains are forecast that may cause exposed roads or landings to erode.