

California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2012-0079

Request for Cleanup and Abatement Account Funds for
Elk River Recovery Assessment to
Recover Impaired Beneficial Uses and Abate Nuisance Flooding Conditions
Elk River, Humboldt County

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Regional Water Board has the primary responsibility for ensuring the protection of the beneficial uses of water and protection against pollution and nuisance conditions from waste discharges in the North Coast Region.
2. California Water Code section 13443, allows for the Regional Water Board to apply to the State Water Resources Control Board for funds from the State Water Pollution Cleanup and Abatement Account (CAA) to assist in responding to a significant unforeseen water quality problem posing an actual or potential public health threat for which the Regional Water Board does not have adequate resources budgeted.
3. Significant volumes of waste, particularly fine sediment were discharged primarily from industrial timber harvesting activities in the Upper Elk River watershed between 1988 and 1997. The discharge of waste resulted in the deposition of several feet of fine sediment over the bed, bank and floodplain of significant portions of the North Fork, South Fork, and mainstem Elk River (the middle reach of Elk River). The sediment deposits are legacy pollutants that remain in place although sediment reduction measures have been underway in Upper Elk River since 1997. Cleanup and abatement of the legacy sediment waste deposits from past timber harvest operations is needed to recover the beneficial uses of water and abate the nuisance flooding conditions in the Elk River watershed.
4. Sediment deposits on the channel bed, banks, and floodplain have reduced the flow capacity in the middle reach of Elk River resulting in an increased frequency and magnitude of flooding. The flooding conditions present in the Elk River watershed constitute a nuisance as defined under the Porter-Cologne Water Quality Control Act. Emergency cleanup of the sediment deposits is needed because the nuisance flooding poses a significant health and safety risk to residents within the middle reach of Elk River.

5. The Regional Water Board has implemented numerous measures to quantify past discharges, to require treatment of threatened discharges and to prevent new discharges from industrial timber lands in Upper Elk River. A sediment Total Maximum Daily Load (TMDL) for Upper Elk River is being developed for consideration by the Regional Water Board in Fiscal Year 2012/2013. The draft TMDL will propose refinements to the existing waste discharge requirements to further reduce management-related sediment loads on an aggressive timeframe necessary to meet water quality standards.
6. The TMDL implementation program will need to address legacy sediment sources now stored as instream deposits. The Elk River Recovery Assessment to Recover Beneficial Uses and Abate Nuisance Flooding Conditions (Recovery Assessment) is needed to identify feasible implementation actions to ensure the TMDL load allocations are achieved, including ecosystem function and flow capacity; abatement of nuisance flooding conditions; and full support of beneficial uses of water. The Recovery Assessment must be scientifically defensible and evaluate the system considering the potential transport and fate of the legacy sediment deposits.
7. Two of the primary landowners from where the sediment originated are no longer in business: Pacific Lumber Company and Scotia Pacific Corporation, and Elk River Timber Company.
8. The Regional Water Board was petitioned in 2004 by sixty-four residents of the Elk River watershed to initiate cleanup of instream stored sediments and abate the nuisance flooding conditions. The Regional Water Board denied the petition citing the need for a lead entity and a feasibility study prior to initiating a major channel modification effort.
9. The Recovery Assessment is designed to satisfy the requirement for a feasibility study and will result in an implementation strategy, including evaluation of a suite of sediment removal and restoration activities necessary to return the middle reach of the Elk River watershed to a trajectory of recovery. CalTrout (a non-profit organization) has agreed to lead the cleanup and abatement effort, including management of the Recovery Assessment and the resulting implementation strategy.
10. Stored sediment deposits are also impairing salmonid habitat as well as domestic and agricultural water supplies. The funds are requested by the Regional Water Board to develop, in combination with CalTrout, an implementation strategy that addresses the instream fine sediment deposits, promotes habitat restoration, abates nuisance conditions, and leads to recovery of ecosystem functions in the middle reach of Elk River.

THEREFORE BE IT RESOLVED THAT the Regional Water Board requests the State Water Resources Control Board to consider this request for Cleanup and Abatement Account Funds to implement the Elk River Recovery Assessment to Recover Beneficial Uses and Abate Nuisance Flooding Conditions, and to authorize the payment of up to \$401,437 from the CAA to the Regional Water Board to assist in the identification of implementation actions to cleanup and abate fine sediment deposits in the Elk River watershed.

Certification

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on August 23, 2012.

Matthias St. John
Executive Officer