
North Coast Regional Water Quality Control Board

June 18, 2014

Mr. Bob Barnum
Barnum Timber Company
P.O. Box 1365
Eureka, CA 95502-1365

Dear Mr. Barnum:

Subject: Notice of Violation for Failure to Treat Controllable Sediment Discharge Source under Order No. R1-2004-0030, General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

File: Timber Harvest Plan 1-12-003 HUM (Pollack THP)

The purpose of this letter is to notify you that you are in violation of conditions of Order No. R1-2004-0030 and subject to potential enforcement action and penalties. Under California Water Code (CWC) section 13350, administrative civil liability penalties may be assessed in the amount of up to \$5,000 per day for each day where discharges occur in violation of a waste discharge requirement.

On July 11, 2013, on behalf of Barnum Timber Company, your Registered Professional Forester (RPF), Thomas Blair, enrolled Timber Harvest Plan (THP) 1-12-003 HUM for coverage under the General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region, Order No. R1-2004-0030 (GWDR).

Section III.F of the GWDR, Specific and General Requirements, requires the implementation of an Erosion Control Plan (ECP). Measures within the ECP are intended to ensure proper implementation and maintenance of water quality protection measures, thereby ensuring compliance with the Water Quality Control Plan for the North Coast Region (Basin Plan). The ECP prepared for the subject THP identifies 8 Controllable Sediment Discharge Sources (CSDSs). The ECP includes items from Section II of the THP intended to prevent or minimize sediment delivery; therefore, these provisions are enforceable under the GWDR.

On March 18, 2014, Regional Water Board staff conducted an active inspection of portions of the THP area with the RPF. During the inspection, staff identified sites within the THP that had not been treated in accordance with the approved THP and the ECP submitted with the GWDR application. Specifically:

- Sites 9.1 and 9.3, along Road P1010, were not treated prior to October 15 of the first year of use, as specified in the ECP. Site 5.1, at the end Road P1010 had been treated, and timber harvesting had been conducted in the associated harvest units and Class II Watercourse and Lake Protection Zone (WLPZ) adjacent to the road. Site 9.3 is a fill stream crossing located on a Class III stream that drains directly into a Class II watercourse. Regional Water Board staff observed evidence of sediment erosion and transport from the road surface and the fill stream crossing down to the Class II watercourse, approximately 25 feet downstream of the crossing.
- THP Section II, Item 18, specifies that within each WLPZ and Equipment Limitation or Exclusion Zone (ELZ or EEZ) areas exceeding 100 contiguous square feet where timber operations have exposed bare soil will be treated for soil stabilization. The section of road P1010 within the Class II WLPZ, including Sites 9, 9.1, and 9.3 were not treated for soil stabilization.
- THP Section II, page 25.5, includes road management measures intended to prevent and minimize sediment discharges to protect listed salmonids. Item 5.A.i&ii. requires rocking of all watercourse crossings on permanent roads and on Class I and Class II (large) watercourse crossings on seasonal roads. Item 5.B.i. requires all seasonal roads used for hauling to be treated with rock, slash, seed and mulch, or some combination thereof, for soil stabilization. At Crossing X10, staff observed that the right bank approach had been treated with rock, while the left bank approach had not been treated.

Following the inspection, on March 21, 2014, your RPF submitted photos of Sites 9, 9.1, 9.3, and 10, showing that straw had been added to the bare soil at these locations. While temporary erosion control measures such as straw are appropriate to reduce the potential for additional discharges, it is still necessary to complete the long-term measures prescribed in the THP and required under the GWDR.

The South Fork Eel River and all its tributaries have been listed under section 303(d) of the Federal Clean Water Act as being impaired due to sediment and temperature. In 1999, the United States Environmental Protection Agency (US EPA) approved a Total Maximum Daily Load (TMDL) for sediment and temperature in the South Fork Eel River. The identification and treatment of sediment sources is a major component of TMDL implementation under the GWDR.

We are issuing this Notice of Violation because Barnum Timber failed to treat CSDS sites according to the implementation schedule, and to properly stabilize soil within a Class II

WLPZ and various watercourse crossings, as required under THP and the GWDR. Given the proximity to the Class II watercourse and given that freshly deposited sediments were observed in the channel just downstream of the outlet of the crossing at Site 9.3, it is likely that sediment from Site 9.3 discharged into waters of the State.

Section IV. F. of the GWDR states that the Porter-Cologne Water Quality Act provides significant penalties for any person who violates a permit prohibition, limitation, or provision. Any person who violates any permit condition of this Order may be subject to a penalty thereunder. Furthermore, Section IV. H. of the GWDR states that the Discharger must comply with all of the conditions of these General WDRs. Any noncompliance constitutes a violation of the Porter-Cologne Water Quality Control Act, and is grounds for enforcement action and/or removal from General WDR coverage. Penalties may be assessed for each day of violation, and may also be assessed based on the volume of waste discharged. As noted above, we recognize that temporary measures have been taken to stabilize soil until the long-term actions can be conducted. The long-term measures must be properly implemented prior to October 15, 2014. Submit photo documentation of each of these sites showing that required work has been corrected by no later than October 15, 2014.

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 Timber Harvest Division

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Certified Return Receipt Requested