

**DRAFT MONITORING AND REPORTING PROGRAM
ORDER NO. R3-2010-0041**

**GENERAL CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS –
TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION**

**TIERS I - III MONITORING FOR
TIMBER HARVEST AND NONINDUSTRIAL TIMBER MANAGEMENT PLANS**

September 2, 2010

This Monitoring and Reporting Program (MRP) applies to Timber Harvest Plan (THP) or Nonindustrial Timber Management Plan (NTMP) in Tiers I - III enrolled under the *General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region* (Timber Order). The monitoring tier for the THP or NTMP is based on the Eligibility Criteria, accessible at

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/timber_harvest/docs/eligibility_criteria.xls

This Monitoring and Reporting Program Order No. R3-2010-0041 (MRP) is issued pursuant to Water Code sections 13267 and 13269. Compliance with the MRP is necessary to assure compliance with the Timber Order and to assure protection of water quality and beneficial uses within the Central Coast Region. This MRP applies to persons enrolled in the Timber Order because those persons are implementing timber harvest plans that could adversely affect water quality. Failure to comply with this MRP may subject the Discharger¹ to monetary civil liability in accordance with Water Code sections 13268 and 13350. Monitoring shall begin at the onset of timber harvest operations and must comply with this MRP and any subsequent revisions. Monitoring shall continue until the Discharger submits a complete Notice of Termination the end of the fifth year after timber harvest activities are complete, unless the Executive Officer extends or otherwise revises the MRP with respect to the individual Discharger.

The Executive Officer may impose additional monitoring requirements based on a site-specific timber harvest plan based on site specific conditions.

MONITORING LOCATIONS FOR TIERS I - III MONITORING

The Discharger is required to perform monitoring at the locations described in the following specifications:

- Section I – Implementation and Effectiveness Monitoring and Monitoring Frequency;
- Section II – Data Logging and Reporting; and
- Section III – Standard Provisions.

VISUAL MONITORING POINTS

The Discharger is required to conduct visual monitoring for all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all

¹ Throughout this document "Discharger" means the landowner and anyone working on behalf of the landowner in the conduct of timber harvest activities including monitoring.

mitigation sites in the THP or NTMP area (as documented the California Department of Forestry and Fire Protection (CalFire) approved THP or NTMP).

CALFIRE FOREST PRACTICE RULES COMPLIANCE MONITORING: The Discharger is responsible for and is required to ensure timber harvest activities are conducted in accordance with the approved THP or NTMP and with all applicable sections of the Forest Practice Rules. This includes allowing site access for compliance inspections by Cal Fire and Central Coast Regional Water Quality Control Board (Water Board) pursuant to 40 CFR Article 8, Section 4604.

FORENSIC MONITORING: The Discharger is required to conduct forensic monitoring as described in Section I below.

SECTION I – IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY

A) VISUAL MONITORING

- 1) **VISUAL MONITORING POINTS** Visual monitoring points must include all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites (as documented in the Cal Fire approved THP or NTMP) in the plan area.
- 2) **VISUAL MONITORING FREQUENCY** The Discharger is required to monitor all visual monitoring points for existing or potential sources of erosion according to the schedule as defined below. This schedule represents the minimum amount of inspections for the harvest plan area to comply with the waiver. The Discharger is still responsible for conducting inspections above the minimum, as appropriate, taking into account site specific conditions, problem areas, and periods of above average rainfall. The schedule outlined below describes the minimum requirements, the Discharger is responsible for taking all reasonable measures to ensure the site is maintained for the protection of water quality.

Active Harvest Period plus One Year – The Discharger is required to monitor a minimum of three times over each 12 months during active harvest and for one full year after the year after harvest is complete. This monitoring period begins with the onset of timber harvest operations and continues during the entire length of time active timber harvest operations occur plus one full year after timber harvest activities are complete.

Monitoring Event One:

The Discharger is required to perform the first monitoring event within 12 to 24 hours of the first storm-event that yields three inches of rain or greater within a 48-hour period.

Monitoring Events Two and Three:

The Discharger is required to perform the next two monitoring events within 12 to 24 hours of the next two storm-events (one monitoring event each storm) that yield three inches of rain or greater within a 72-hour period after the start of the winter period on October 15 or four inches of cumulative rainfall, whichever occurs first.

Years Two and Three – In years two and three, following completion of timber harvest operations, visual monitoring shall be implemented at least twice, once during the dry season and once during the wet season.

Dry season monitoring:

During monitoring years two and three the Discharger is required to perform visual monitoring and prepare the site for the winter at least once between April 15th and October 14th.

Wet season monitoring:

During monitoring years two and three, the Discharger is required to perform visual monitoring at least once between October 15th and April 14th. Within 72 hours of the first storm that produces three inches of rain within a 72-hour period. If no storm-events of that intensity occur during the wet season, the Discharger shall conduct at least one inspection during the wet season.

Years Four and Five – In years four and five, following completion of timber harvest operations, visual monitoring shall be implemented a minimum of one time during the dry season, and additionally as triggered by storm-events in the wet season.

Dry season monitoring:

During monitoring years four and five the Discharger is required to perform visual monitoring and prepare the site for the winter at least once between April 15th and October 14th.

Wet season monitoring:

During monitoring years four and five, the Discharger is required to perform visual monitoring between October 15th and April 14th within 72 hours of the first storm that produces four inches of rain or greater within a 72-hour period. If no storm-events at that intensity occur during the wet season, the Discharger is not required to conduct an inspection during the wet season.

Summary of Visual Monitoring Frequency:

“Year One”:	minimum of three events
Two and Three:	minimum of two events
Years Four and Five:	minimum of one event

B) PHOTO MONITORING

The Discharger is required to conduct photo monitoring at location(s) and frequencies to be established by the Water Board’s Executive Officer during or after the pre-harvest inspection. The Discharger must conduct photo monitoring consistent with the “Standard Operation Procedure 5.2.3 – Photo Documentation Procedure” included in Exhibit 1. If the Water Board’s Executive Officer does not establish photo monitoring locations, the

Discharger is not required to conduct photo monitoring except as required by forensic monitoring or violation reporting.

C) TEMPERATURE MONITORING

The Discharger is required to conduct temperature monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger must conduct temperature monitoring consistent with the "Standard Operating Procedures Continuous Temperature Monitoring". If the Water Board's Executive Officer does not establish temperature monitoring locations, the Discharger is not required to conduct temperature monitoring.

D) TURBIDITY MONITORING

TURBIDITY MONITORING POINTS: The Discharger is required to conduct storm-event based turbidity monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger is required to conduct forensic monitoring at location(s) and frequencies as described below. All turbidity monitoring must be consistent with the requirements in the document Central Coast Regional Water Quality Control Board, Timber Harvest Program, Standard Operating Procedures for In-stream Turbidity Monitoring (October 2006). If the Water Board's Executive Officer does not establish storm-event based monitoring locations, the Discharger is not required to conduct storm-event based monitoring.

E) FORENSIC MONITORING SPECIFICATIONS

- 1) When the discharger observes any site conditions described below, the Discharger is required to notify Water Board staff within 72 hours and submit to a written report within ten working days. The Discharger is also required to implement management practices immediately to prevent discharge and impacts to water quality. The written report shall include photo documentation, in-stream turbidity data², and a description of implemented management practices and corrective actions. If the discharger does not implement management practices or corrective action they must explain why. Upon review of the report, the Water Board's Executive Officer will determine completeness of the report and the need for additional actions necessary for the protection of water quality and beneficial uses.
 - a) If at any time during implementation or effectiveness monitoring, the Discharger observes failed management measures and/or source of discharge, the Discharger is required to conduct forensic monitoring to identify the source. Management measure failure is defined as: 1) whenever an implemented management measure creates a condition of pollution, contamination, or condition of nuisance, as defined by California Water Code (CWC) Section 13050, or 2) when lack of implementation of a necessary management measure creates a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.

² The Discharger is required to monitor turbidity consistent with the requirements in the document Central Coast Regional Water Quality Control Board, Timber Harvest Program, Standard Operating Procedures for In-stream Turbidity Monitoring (October 2006).

- b) If management measures fail (this includes failure to implement appropriate management measures as determined by CalFire and documented by CalFire as a violation of the Forest Practice Rules).
 - c) If timber activities cause a discharge (sediment, soil, other organic material, etc.) into waters of the State.
 - d) If at any time during implementation or effectiveness monitoring, the Discharger observes a discharge (sediment, soil, other organic material, herbicides, pesticides, fluids from timber equipment (oil, hydraulic fluid, etc), etc.).
 - e) If at any time during implementation or effectiveness monitoring, the Discharger observes a significant change in site conditions (i.e. fire, landslide, etc.).
- 2) **FORENSIC MONITORING AREAS OF CONCERN** The following areas must be addressed during forensic monitoring if water diversion, feral pig activity, or trespass activity are causing or threatening to cause impacts to water quality.
- a) **Water Diversion:** The Discharger is required to monitor the water diversion point(s) for total daily water usage when water is being diverted. The Discharger is required to monitor the creek to ensure no more than 10% of the creek flow is diverted.
 - b) **Feral Pig Activity:** During any inspection, the Discharger is required to document all evidence of feral pig activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the feral pig activity according to forensic monitoring requirements described in 1 – 5 above.
 - c) **Trespass Activity:** During any inspection, the Discharger is required to document all evidence of trespass activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the trespass activity according to forensic monitoring requirements described in 1 – 5 above.
- 3) **FORENSIC MONITORING FREQUENCY**
The frequency of Forensic Monitoring is coincident with implementation and effectiveness monitoring, or at any time a failed management measure and/or discharge is reported or observed.

SECTION II - DATA LOGGING AND REPORTING

A) LOGBOOKS

The Discharger is required to maintain logbooks for recording all visual and water analysis data. Logbooks are required to include documentation of maintenance and repair of management practices. These logbooks must be available for inspection to the Water Board staff.

B) HEALTH AND SAFETY

The Discharger is responsible for ensuring that all monitoring is done in a safe manner. If any monitoring point is too dangerous to sample, then the Discharger is required to report this circumstance to the Water Board within 48 hours.

C) SEDIMENT RELEASE REPORTING

The Discharger is required to report to the Water Board within 72 hours whenever at least one cubic yard of soil is released to a waterway due to anthropogenic causes or at least five cubic yards of soil is released to a waterway due to natural causes, or when turbidity is noticeably greater downstream compared to upstream (of a crossing or the Plan area). The Discharger is required to submit a written report to the Water Board within 10 days of detection. The Discharger is required to investigate source areas of sediment. If sources are found, the Discharger will locate and document the source and size of the release. If sources related to timber harvest activities are found, the Discharger is required to immediately correct the source if possible, or schedule corrective action at an appropriate time given the site conditions.

D) VIOLATION REPORTING

The Discharger is required to report any violation of the Forest Practice Rules, to the Water Board within 72 hours. The Discharger is required to provide the report in writing to the Water Board within 10 working days of the violation. The written report must include photo documentation and water quality data (if discharge enters waters of the state) before and after remedial action. Upon review of the report, the Water Board's Executive Officer will determine completeness of the report and the need for additional actions necessary for the protection of water quality and beneficial uses. The Discharger is required to complete any additional monitoring the Water Board's Executive Officer determines is necessary.

E) ANNUAL REPORTING

By November 15 of each year, the Discharger is required to submit an Annual Report to the Water Board. The reporting period is from October 1 of the previous year to September 30 of the current year. Annual report templates are available upon request or may be downloaded from the Central Coast Water Board's website.

ANNUAL REPORTING REQUIREMENTS

1) General

- The name and address of the person submitting the report, as well as the day, month, and year in which the report is being submitted, at the top of the first page.
- The subject line of the annual report must state the THP or NTMP number, three-letter county code, plan name as it appears in the approved THP or NTMP, NTO number, and specific units within the THP or NTMP that have been enrolled under the General Waiver.
- Time period during which the data was collected.
- List Tier level and summarize the monitoring requirements.
- Status of active timber harvest operations including:
 - Day, month, and year the harvest opened and closed for the season.
 - Previous year activities (types of activities, locations, percent harvested, area of harvest, and extent of overall plan completion)
 - Planned activities including estimated month and year harvests activities must resume.
 - Estimated month and year harvesting will be completed.
 - Wet weather problems observed.
 - Any other critical information.
- A summary of all violations. If there were no violations, please state it as such.
- Detailed documentation of rainfall measurement procedures and locations or a reference to the page number in the THP or NTMP where this is described. Describe the type of

rain gauge(s) used. If applicable include the link to the Web site where data for the rain gauge may be viewed.

- Recommendations for improving the monitoring and reporting program.

2) Visual Monitoring

- A summary of all visual monitoring activities performed during the previous year.
 - Summary must include dates and times visual monitoring occurred and any corrective actions taken during inspections.
 - Attach inspection forms or copies of logbook pages detailing inspections.

3) Photo-monitoring (if required)

- Submittal of all data and photos in electronic format.
 - Photo files must be named using the following format with information separated by underscores:

MonitoringReportYear_PlanNumberandCountyCode_Location_DateofPhoto

4) Turbidity Monitoring (if required)

- A detailed map with the following specifications:
 - In color (if possible).
 - Title stating: "Water Quality Monitoring Locations for THP OR NTMP No. XXXX"
 - All monitoring locations and routes clearly marked with unique site identification tags.
 - A Key or Legend identifying all monitoring locations and routes.
 - North Arrow.
 - Scale
- A summary of the water quality monitoring performed during the previous year. Any monitoring described in the summary must also include an electronic submittal of the data in a format compatible with Microsoft Excel.
- Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages).
- Make and model of turbidimeter being used.
 - Copy of the manufacture's protocol / recommendation for proper use of the turbidimeter.
- A summary of all turbidity monitoring activities performed during the previous year.
- Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages)

5) Continuous Temperature Monitoring (if required)

- All data submitted in an electronic format compatible with Microsoft Excel.
- Make and model of the data loggers being used at each monitoring location.
 - Copy of the manufacture's protocol / recommendation for proper use of the loggers.
- Calibration check form for each data logger.
- Description of any modifications or adjustments made based on the calibration checks and field observations.

SECTION III - STANDARD PROVISIONS

A. The Water Board shall be allowed:

- 1) Entry upon premises where timber harvest activities occur;
- 2) Access to copy any records that must be kept under the conditions of these requirements;
- 3) To inspect any timber harvest activity, equipment (including monitoring and control equipment), practices, or operations regulated or required under these requirements; and,
- 4) To photograph, sample, and monitor for the purpose of showing timber harvest requirements compliance.

B. The Discharger is required to maintain records of all monitoring information and results. Records must be maintained for a minimum of three years after the MRP is rescinded. This period may be extended during the course of any unresolved litigation or when requested by the Water Board.

C. Any person signing a report makes the following certification whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The Water Board's Executive Officer may modify or rescind this Monitoring and Reporting Program at any time, or may modify or rescind the monitoring and reporting program as to a specific Discharger. Any such modification or rescission must comply with California Water Code section 13269 or 13267.

Roger W. Briggs
Executive Officer

Date

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