John Short
March 12, 2003

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2003-0009
WDID No. IB02195RMEN

WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION

FOR

THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND THE MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT (MCRCD) NAVARRO WATERSHED RESTORATION PROJECTS

Mendocino County

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

1. The Natural Resources Conservation Service (NRCS) is the United States Department of Agriculture's lead conservation agency. NRCS works in partnership with the nation's 3,000 conservation districts to deliver conservation planning that is developed by local priorities, needs and based on more than 60 years of field experience. The NRCS is involved in facilitating the development and implementation of watershed restoration projects.

2. Sustainable Conservation is a non-profit environmental group that advances the stewardship of land and water resources by utilizing innovative strategies that actively engage private landowners in voluntary conservation. One area in which Sustainable Conservation has focused its efforts is the development of the Partners in Restoration Regulatory Permit Coordination Program. This program was developed in partnership with the NRCS to address erosion and habitat degradation problems in the watershed. The concept involves working with regulatory agencies in order to streamline the permit process for restoration-type projects. Sustainable Conservation serves as a facilitator to bring agencies together and work through the institutional and technical issues that may stand in the way of meeting this goal. Once developed, the program will provide a single contact point for farmers, ranchers and other landowners who wish assistance in implementing restoration/conservation practices on their land. Any landowner wanting to implement any of the pre-defined conservation measures can work with the NRCS or the local Resource Conservation District (RCD) to obtain technical support, cost share assistance and "one stop" regulatory permitting for these projects.

3. The Willits Soil Conservation District was formally organized on May 28, 1945, encompassing 146,700 acres in the central part of Mendocino Country. Thirteen years later, in 1958, after several additions had made this District practically county-wide, the District changed its name to Mendocino County Soil Conservation District, and in 1974 became the Mendocino County Resource Conservation District (MCRCD), which now covers 84 percent of the 2,246,400 acres in the county. The mission of MCRCD is to provide local leadership in the conservation of soil, water, and related natural resources through programs and partnerships with individuals, businesses, organizations and government.

4. Regional Water Board staff have been actively working with Sustainable Conservation, NRCS, MCRCD and other regulatory agencies in order to implement a regulatory permit coordination program in the Navarro River watershed. To facilitate implementation of this program, the Regional Water Board will be the lead agency for environmental review pursuant to the California Environmental Quality Act and is issuing waste discharge requirements to the NRCS and the MCRCD in order to facilitate the implementation of specific restoration/conservation measures in this watershed. For the purpose of this Order, the NRCS and the MCRCD are identified as the "Dischargers" and the construction of specific restoration/conservation measures identified in this Order are defined as the "projects."

5. Under this Order, the Dischargers are permitted to construct the pre-approved conservation measures in the Navarro River watershed. The Dischargers will assist in project design and will monitor implementation and maintenance of the conservation practices to ensure performance with the conditions of the permit. They will provide technical assistance on Recommended Land Use Practices and cost-sharing programs to Cooperators to develop conservation systems uniquely suited to their land. The Dischargers will submit annual pre-construction reports to Regional Water Board staff regarding specific projects to be implemented and post-construction reports summarizing project construction.

6. Individual property owners participating in this program are referred to as "Cooperators." NRCS defines "Cooperators" as ranchers, growers, and land managers who have signed a "Request for Assistance and Notice Regarding the Procedures for Conformance with Multiple Permits" form with the Dischargers. The agreements will enable the Dischargers to provide specific design and construction specifications for projects utilizing the pre-approved conservation practices. In addition, the agreements will establish specific conditions for these projects including specifications on timing, location and methods of installation. The agreements between the Cooperators and the Dischargers will help ensure that the projects are in compliance with this Order.

7. The Navarro River watershed is located in Mendocino County, approximately 120 miles north of San Francisco and 30 miles west of Ukiah. The watershed is subdivided into 5 major drainage basins: Mainstem Navarro River, North Fork Navarro River, Indian Creek, Anderson Creek, and Rancheria Creek. Land use in the watershed includes forestland (70 percent), rangeland (25 percent), and agricultural (5 percent) with a small percent devoted to rural residential development.

8. The Navarro River and its tributaries have experienced a reduction in the quality and amount of instream habitat capable of fully supporting anadromous fish, including both coho salmon and steelhead trout. The State Water Resources Control Board and the U.S. Environmental Protection Agency list the Navarro River, under Section 303(d) of the federal Clean Water Act, as an impaired water body whose beneficial uses are threatened due to sedimentation and high stream temperatures.

9. In 1998, the Mendocino Water Agency, the Coastal Conservancy and the Anderson Valley Land Trust worked together to prepare the "Navarro Watershed Restoration Plan" (Watershed Plan). The Watershed Plan provides an assessment of watershed conditions and identifies opportunities for enhancement of water and recovery of the fishery. The Watershed Plan clearly identifies the need for restoration/conservation measures including those identified in this Order. By issuing this Order, these projects will be implemented in a streamlined manner thereby reducing erosion and sedimentation in the watershed and helping to improve water quality, the health of the natural resources and the viability of local agricultural activities.

10. The eight conservation projects listed below are covered by this Order. Only these measures, as more specifically defined in SPECIAL PROVISIONS FOR RESTORATION ACTIVITY C.1 below, are authorized for coverage under this Order. The practices were selected for coverage because of their proven ability to result in environmental improvement, their ability to stem and resolve sediment and habitat problems in the watershed, and for their low-risk of causing environmental impacts due to their manner of construction/installation. It is expected that 5-10 projects will be constructed annually.

    a. Access Road Improvements
    b. Critical Area Planting
    c. Fish Stream Improvement
    d. Grade Stabilization Structures (non-fish bearing streams)
    e. Road/Timber Landing Removal
    f. Stream Bank Stabilization and Protection
    g. Structures for Water Flow Control (in irrigation or drainage channels)

11. Projects that are do not fall under the categories listed in the preceding paragraph, either because they do not meet the size limits or permit conditions, are not eligible for coverage under this Order. Rather, they can proceed only after separate individual Waste Discharge Requirements (WDRs) are obtained.

12. All WDRs in the North Coast Region are required to implement the *Water Quality Control Plan for the North Coast Region* (Basin Plan). Therefore, WDRs require dischargers to comply with all applicable Basin Plan provisions, including any prohibitions and water quality objectives, governing the discharge.

13. The Basin Plan includes beneficial uses, water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies. As specified in the Basin Plan, the beneficial uses of the Navarro River and its tributaries include:

a.	municipal and domestic supply	(MUN)
b.	agricultural supply	(AGR)
c.	industrial service supply	(IND)
d.	groundwater recharge	(GWR)
e.	navigation	(NAV)
f.	water contact recreation	(REC1)
g.	noncontact water recreation	(REC2)
h.	commercial and sport fishing	(COMM)
i.	cold freshwater habitat	(COLD)
j.	wildlife habitat	(WILD)
k.	migration of aquatic organisms	(MIGR)
l.	spawning, reproduction, and/or early development	(SPWN)
m.	estuarine habitat	(EST)
n.	aquacultural	(AQUA)

14. Implementation of these projects has the potential of causing the discharge of sediment and other pollutants to receiving waters, which threatens to impact beneficial uses. Compliance with provisions of this Order will help reduce the potential impact of project construction. The discharger will incorporate BMPs and use control practices for both temporary work and permanent control measures. Project characteristics that relate to possible impacts in the short-term include: soil excavation or grading, preparation of the ground for seeding and mulching, grade and stream stabilization, channel excavation, construction of earthen embankments, placement of fill, and vegetation removal.

15. The California Environmental Quality Act (CEQA) applies to the issuance of this Order because it is a discretionary project. As required by CEQA, the Regional Water Board has considered an Initial Study/Negative Declaration for this project and has determined that compliance with this Order will mitigate any potential adverse water quality impacts. The Regional Water Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has, as required by CEQA, provided them with an opportunity to submit their written comments and recommendations.

16. Following public notice in accordance with state and federal laws and regulations, the Regional Water Board, in a public meeting on March 27, 2003, heard and considered all comments pertaining to the discharge. The Regional Water Board has prepared written responses to all significant comments.

17. Following the adoption of this Order, the Regional Water Board shall enforce the provisions herein including the monitoring and reporting requirement.

18. Some activities covered under this Order are projects that may result in a discharge of dredge or fill material to waters of the United States. Such discharges could occur during the implementation of specific restoration and conservation projects in the Navarro River watershed and therefore would be required to obtain a Clean Water Act (CWA) Section 401 Water Quality Certification from the Regional Water Board. This Order will serve as Water Quality Certification for projects that meet established conditions including specifications on timing, project size, location and method. Activities that are not covered under this Order either because the projects do not meet the size limits or permit conditions are required to obtain individual 401Certifications. In these cases, the landowner is responsible for obtaining required permits from each regulatory agency for the proposed work.

19. The permitted discharge is consistent with the antidegradation provision of StateWater Resources Control Board Resolution No. 68-16. The impact on existing water quality will be insignificant.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. Except in accordance with the terms of the Report of Waste Discharge, 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 use is prohibited.

2. Except in accordance with the terms of the Report of Waste Discharge, the placing or disposal of soil, silt, bark, slash, sawdust, or other organic 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. Except in accordance with the terms of the Report of Waste Discharge, the discharge of decant water from any on-site temporary sediment stockpile or storage areas or any other discharge of construction dewatering flows to surface waters outside of the active dredging site is prohibited

4. Except in accordance with the terms of the Report of Waste Discharge, maintenance activities that result in the direct or indirect discharge of waste, other than that authorized by this Order, as described in Section 13050(d) of the California Water Code, to surface waters or surface water drainage courses are prohibited unless authorized by separate permit action.

5. Except in accordance with the terms of the Report of Waste Discharge, creation of a condition of pollution, contamination, or nuisance, as these terms are defined in California Water Code section 13050, is prohibited.

6. Except in accordance with the terms of the Report of Waste Discharge, the discharge of storm water from a facility or activity that causes or contributes to the violation of water quality standards or water quality objectives (collectively **Water Quality Standards**) is prohibited.

B. RECEIVING WATER LIMITATIONS

1. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause coloration that causes nuisance or adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Color, page 3-2.00).

2. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or that cause nuisance or adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Taste and Odor, page 3-2.00).

3. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters to contain floating material, including solids, liquids, foams, and scum in concentrations that cause nuisance or adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Floating Material, page 3-2.00).

4. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters to contain suspended material in concentrations that cause nuisance or adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Suspended Material, page 3-2.00).

5. Except in accordance with the terms of the Report of Waste Discharge, the project shall not result in deposition of material that adversely affects the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Settleable Material, page 3-2.00).

6. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coasting on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Oil and Grease, page 3-3.00).

7. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters to contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Biostimulatory Substances, page 3-3.00).

8. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause the suspended sediment load and the suspended sediment discharge rate to be altered in such a manner as to cause nuisance or adversely affect beneficial uses of the Navarro River or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Sediment, page 3-3.00).

9. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause the turbidity of the Navarro River or its tributaries, to be increased more than 20 percent above naturally occurring background levels (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Turbidity, page 3-3.00). Naturally occurring background levels of water quality are those levels of water quality that would naturally occur in the Navarro River absent controllable discharges.

10. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause waters in the Navarro River watershed or its tributaries to contain any toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Toxicity, page 3-4.00).

11. Except in accordance with the terms of the Report of Waste Discharge, the project shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses of the Navarro River or its tributaries. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Pesticides, page 3-4.00).

C. SPECIAL PROVISIONS FOR RESTORATION ACTIVITY

1. Projects authorized under this Order are limited to the following activities:

   a. Access Road Improvements – Road improvements in the Navarro River watershed are modeled those contained in the "Handbook for Forest and Ranch Roads: A Guide for planning, designing, constructing and reconstructing, maintaining and closing wildlands improvements to existing roads to control runoff, prevent erosion, and maintain or improve water quality while providing, access for property management" by Weaver and Hagans (1994).

      Maximum Length (feet): 1 Mile*
      Maximum Dimensions (acres): 2.5
      Maximum Volume (cubic yards): 1,500

      *Access road improvements typically involve multiple sites spread out over a long reach of road. The one-mile maximum on roadwork does not relate to the total length of the reach of road, but instead is based on the cumulative length of roadway disturbed by improvements.

   b. Critical Area Planting – Planting vegetation such as trees, shrubs, vines, grasses or legumes, on highly erodible or critically eroding areas. This practice is used to stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources.
      Maximum Length (feet): 2,000
      Maximum Dimensions (acres): 1
      Maximum Volume (cubic yards): 500

   c. Fish stream improvements – Improving stream channel to create new fish habitat or to enhance an existing habitat. This practice is used to improve or enhance aquatic habitat for fish in degraded streams, channels and ditches by providing shade, controlling sediment and restoring pool and riffle stream characteristics.

      Maximum Length (feet): 2,000
      Maximum Dimensions (acres): 3
      Maximum Volume (cubic yards): 1,500

   d. Grade Stabilization Structure – A structure built into gully or waterway to control the grade and prevent head cutting in natural or artificial channels. This practice will not be installed in fish bearing streams. This practice refers to rock, concrete or timber structures placed to slow water velocities above or below the structure, resulting in reduced stream bank and streambed erosion. This will decrease the yield of sediment and sediment-attached substances and improve downstream water quality.

Maximum Number of Structures (feet): 4-10 Structures per 200 feet
Maximum Dimensions (acres): N/A
Maximum Volume (cubic yards): 30 cubic yards per structure

e. Road/Landing Removal – This practice includes the removal by excavation of fill material associated with old logging and ranch/farm access roads and landings from stream channels. This practice applies to lands where roads, landings, or landing-ramp fills were placed in drainage corridors causing channel erosion and/or erosion of fill. This practice does not involve the creation of new stream channel or altering existing stream channels to a configured or grade different than what existed prior to the placement of roads and landings in the stream channel.

Maximum Length (feet): 1 Mile
Maximum Dimensions (acres): 2.5
Maximum Volume of Excavation (cubic yards): 1,500

f. Stream Bank Protection – The use of vegetation or structures (such as toe rock) to stabilize and protect banks of streams, lakes, estuaries, or excavated channels against scour and erosion. The purpose is to reduce sediment loads causing downstream damage and pollution, to improve the stream for fish and wildlife habitat, and to protect adjacent land from erosion damage. This practice can be applied to natural or excavation erosion damage where the streambanks are susceptible to erosion from the action of water or debris or damage from livestock or vehicular traffic. The streambed grade must be controlled before most permanent types of bank protection can be considered feasible.

With Toe Rock:
Maximum Length (feet): 500
Maximum Dimensions (acres): 0.14
Maximum Volume (cubic yards): 500 cubic yards of placed material

Vegetation Only:
Maximum Length (feet): 2,000
Maximum Dimensions (acres): 3
Maximum Volume (cubic yards): 1,500

g. Stream Channel Stabilization – This practice involves stabilizing the channel of a stream with suitable structures. It applies to stream channels undergoing damage or degradation that cannot be controlled with upstream practices. The design and installation of stream channel stabilization structure produce a stable streambed favorable to wildlife and riparian growth. This does not include installation of any new instream culverts or other conveyance device where beneficial uses of the surface water are eliminated.

Maximum Length (feet): 2,000
Maximum Dimensions (acres): 2
Maximum Volume of Fill Material (cubic yards): 1,500

h. Structure for Water Control – A structure in an irrigation drainage ditch or other artificial water management system that conveys water, controls the direction or rate of flow, or maintains desired water surface elevation. This practice will be used to replace existing culverts when they are either not functioning properly or are a barrier to fish passage. Additionally, culverts are required to accommodate a hundred-year flood.

Maximum Length (feet): 2,000
Maximum Dimensions (acres): 3
Maximum Volume of Fill Material (cubic yards): 1,500

i. Pursuant to 23 CCR 3860, the following three standard conditions shall apply to this project. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.

a. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought

b. The validity of any nondenial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

2. The general construction season will be from June 15 to October 15. Work after October 15 may be permitted only following written authorization from the Regional Water Board's Executive Officer and provided the work would be completed prior to first winter rains and prior to stream flow.

3. Disturbance of existing grades and vegetation will be limited to the actual site of the conservation project and necessary access roads. If trees over 6"dbh are to be removed, they will be replaced at a 3:1 ratio. If riparian vegetation will be disturbed, it will be replaced with similar native species.

4. The only riprap that would be placed in the 100-year flood hazard area is small vegetative rock structures less than 5 feet in height.

5. The Dischargers shall ensure that pollutant discharges do not occur during project construction and that the following control measures will be incorporated into project design and construction:

   a. Dischargers will schedule excavation and grading activities during dry weather periods.

   b. Heavy equipment shall not be used in flowing or standing water.

   c. A contained area is designated for equipment storage, short-term maintenance, and refueling. It shall be located at least 50 feet from waterbodies.

   d. Leaks, drips, and other petroleum-type spills are cleaned up immediately to avoid soil or groundwater contamination. Dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) are used whenever possible. If water is used for dust control, only the minimal amount required to keep dust levels down shall be applied.

   e. Major vehicle maintenance and washing are done off-site.

   f. All spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste off-site.

   g. All construction debris and sediments are taken to appropriate landfills or in the case of sediment, disposed of in upland areas or off-site. These sites will be protected from erosion and sediment discharge.

   h. Spilled dry materials are swept up immediately.

6. The Dischargers shall incorporate erosion control and sediment detention devices into the project design and implement at the time of construction. These devices shall be in place prior to October 15 to minimize fine sediment and sediment/water slurry input to flowing water, and of detaining sediment-laden water on site.

7. The Dischargers shall only apply herbicides according to the product label directions and uses approved by the United States Environmental Protection Agency and the California Department of Pesticide Regulations. The Dishargers shall not allow entry of land-applied herbicides into surface waters. Application of aquatic herbicides requires a separate authorization from the Regional Water Board.

8. Vegetation management activities that could result in the permanent destabilization of stream banks or increases in long-term sediment input into waters of the state are prohibited.

9. The Dischargers shall implement control measures to prevent waste from draining or being washed into waters of the state, including the discharge of pollutants from temporary sediment stockpiles and during transport of dredged sediment, application of herbicides and pesticides, vegetation cutting, and during storage and use of other construction related materials.

10. The Discharger shall divert any flow at the site around the active construction site in a non-erosive manner using a pipe or other measure such that the flow does not enter the active construction site.

11. The Discharger shall implement preventive measures to ensure there is a "no net loss" of wetland resources as a result of the projects.

D. GENERAL PROVISIONS

1. Storm water discharge from project areas to any surface or ground water shall not adversely impact human health or the environment.

2. Design plans developed for the restoration activities covered by this Order shall be designed and implemented such that storm water discharges from these sites shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the Basin Plan.

3. Should it be determined by the Dischargers or Regional Water Board that storm water discharges or any other discharges are causing or contributing to an exceedance of an applicable water quality standard, the discharger shall:

   a. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the Regional Water Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report to the Regional Water Board within 14 calendar days unless otherwise directed by Regional Water Board, describing: (1) the nature and cause of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.

   b. The Dischargers shall revise their project design and monitoring program immediately after the report to the Regional Water Board to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.

c. Nothing in this section shall prevent the appropriate Regional Water Board from enforcing any provisions of this Order while the Discharger prepares and implement the above report.

4. A copy of this Order shall be retained by the Dischargers and be available at all times to operating personnel.

5. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

6. Change in Discharge

The Dischargers must promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

7. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from his liability under federal, state, or local laws, nor create a vested right for the discharger to continue the waste discharge.

8. Monitoring

The Dischargers must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2003-0009 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses must be conducted at a laboratory certified for such analyses by the State Department of Health Services.

9. Signatory Requirements

a. All Report of Waste Discharge applications submitted to the Regional Water Board shall be signed by either a principal executive officer, ranking elected official, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if

authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Order, other information requested by the Regional Water Board, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. the authorization is made in writing by a person described in paragraph (a) of this provision;

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"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." [40 CFR 122.22(d)]

10. Inspections

The Dischargers shall permit authorized staff of the Regional Water Board accompanied by NRCS and/or MCRCD staff:

a. entry upon premises in which an effluent source is located or in which any required records are kept;
b. access to copy any records required to be kept under terms and conditions of this Order;
c. Access to inspect monitoring equipment or records; and
d. Access to sample any discharge or surface water covered by this Order

In case of an emergency, if the Regional Water Board is unable to contact NRCS or MCRCD Staff, the Regional Water Board staff will have access to the above information (a-d).

11. Noncompliance

In the event the Dischargers are unable to comply with any of the conditions of this Order due to:

a. breakdown of equipment;
b. accidents caused by human error or negligence; or
c. other causes such as acts of nature;

the Dischargers must notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

12. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on March 27, 2003.

Ordered by _____
Susan A. Warner
Executive Officer

(navarrowdrpermit)