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Guidance Document for 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

Introduction

On June 23, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Order No. R1-2004-0030, General Waste Discharge Requirements for Discharges Related to Timber Activities on Non-Federal Lands in the North Coast Region. These General Waste Discharge Requirements (General WDRs) contain discharge prohibitions, receiving water limitations, a requirement for the submittal of various technical reports, an inspection schedule, and a filing/annual fee. This Order rescinds Order No. R1-2003-0116, except for temporary application to Projects that were accepted for filing, but not yet approved, by the California Department of Forestry and Fire Protection prior to June 23, 2004. Dischargers with such Projects have until October 15, 2004 to seek temporary coverage under the old Waiver, R1-2003-0116, and then be automatically covered under the new Waiver, R1-2004-0016, provided they meet the eligibility criteria and applicable conditions specified in Section IV of R1-2004-0016.

Activities Covered

Projects that conduct Timber Harvest Activities are defined in the Order as both commercial and non-commercial activities relating to forest management and timberland conversions. These activities include the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, as well as, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; burned area rehabilitation; site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities; but excluding preparatory treemarking, surveying or roadflagging. A Project is defined as any Timber Harvest Plan, Nonindustrial Timber Management Plan, other discretionary permits issued by the California Department of Forestry and Fire Protection (CDF) to harvest timber, including all amendments thereto that propose a change in timber harvest activities that in any way could adversely affect water quality, or any

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other project, as defined by CEQA, that involves timber harvest activities provided that the project has complied with CEQA.

Please be advised that the commencement of timber harvest activities, including the falling of timber, without coverage under a waiver or waste discharge requirements, may constitute the initiation of a discharge under CWC Section 13264, if supported by factual, site-specific findings. If the Regional Water Board finds that a discharge has in fact been initiated, then enforcement actions pursuant to CWC Section 13265 could be pursued.

Who Should File for Coverage

Any Discharger proposing to conduct a Project that involves Timber Harvest Activities that does not obtain an individual waiver or categorical waiver (Order No. R1-2004-0016) of waste discharge requirements, or does not already have coverage under an individual WDRs or watershed WDRs should file for coverage under the General WDRs Order No. R1-2004-030.

Any Project that was accepted for filing but not yet approved by the California Department of Forestry and Fire Protection as of June 23, 2004, is eligible for temporary coverage under Order No. R1-2003-0116 until October 15, 2004, should they qualify under the terms and conditions of that Order.

How to File for Coverage

Following Project approval by the lead agency, and prior to commencement of timber harvest activities, the Discharger shall file an application and filing fee with the Regional Water Board to seek coverage under these General WDRs. The application shall consist of (1) a letter requesting coverage under these General WDRs which contains the information in a Report of Waste Discharge Form 200, or a Report of Waste Discharge Form 200 or equivalent document, (2) the approved or accepted Project document when directed by the Executive Officer, (3) the required technical reports (see section III.C. of the Order), which may be accepted as clearly delineated sections in the approved Project document, and (4) a filing fee. Consistent with the California Code of Regulations, Title 23, Division 3, Chapter 9, Article 1, the filing fee will for most Projects covered by these General WDRs be anticipated to fit at level 3.C. in the amount of \$800, plus a 9% ambient water monitoring surcharge, for a total of \$872 per Project seeking coverage. Checks should be made out to the SWRCB. An annual fee is due each year upon renewal of General WDR coverage and the State Water Board will send out the bills for the annual fee. The fee of \$872 may increase for Projects with a higher threat to water quality and complexity of the discharge. The application shall comply with the signatory requirements contained in section IV.S.

To maintain coverage, the Discharger must continue to meet the terms and conditions of the General WDRs. Please note that condition Section IV.D. requires notification of pesticide use as follows:

"D. For those Projects where application of pesticides is proposed or being considered, the Discharger shall notify the Regional Board in writing at least 45 days prior to any proposed aerial application of pesticides and 30 days prior to any proposed ground-base application of pesticides. The notification shall include the type of pesticide(s), method and area of application, projected date of application, and measures that will be employed to assure compliance with applicable water quality requirements. Subsequent changes to the proposed application must be submitted in writing forthwith, and in no event less than 14 days before the pesticide application, unless Regional Board staff agrees in writing to a lesser notice. This Order does not authorize the application or discharge of pesticides."

Technical reports required under the General WDRs include an Erosion Control Plan (ECP), a Fuel Management Plan (as necessary), and other technical reports as required by the Executive Officer. The ECP shall contain:

1. An inventory of all controllable sediment discharge sources within the Project area, and,
2. A time schedule for implementation of prevention and minimization management measures from all controllable sediment discharge sources within the Project area. The implementation of prevention and minimization management measures must be completed during the period of coverage under General WDRs.

Controllable sediment discharge sources means sites or locations, both existing and those created by proposed timber harvest activities, within the Project area that meet all the following conditions:

1. is discharging or has the potential to discharge sediment to waters of the state in violation of applicable water quality requirements or other provisions of these General WDRs,
2. was caused or affected by human activity, and
3. may feasibly and reasonably respond to prevention and minimization management measures.

The General WDRs also require an Inspection Plan as follows:

1. Project areas where timber harvest activities have not yet commenced
No inspections are required.
2. Project areas where timber harvest activities have commenced and no winter period timber harvest activities have occurred
At a minimum, conduct inspections each year and throughout the duration of the Project while timber harvest activities occur and the Project is covered under General WDRs as follows:
 - a. By November 15 to assure Project areas are secure for the winter; and
 - b. Once following ten (10) inches of cumulative rainfall commencing on November 15 and prior to March 1, as worker safety and access allows; and

- c. After April 1 and before June 15 to assess the effectiveness of management measures designed to address controllable sediment discharges and to determine if any new controllable sediment discharge sources have developed.
3. Project areas with winter period timber harvest activities
Project areas with timber harvest activities during the winter period shall, at a minimum, conduct inspections of such Project areas while timber harvest activities occur and the Project is covered under General WDRs as follows:
 - a. Immediately following the cessation of winter period timber harvest activities to assure areas with winter timber harvest activities are secure for the winter;
 - b. Once following ten (10) inches of cumulative rainfall commencing on November 15 and prior to March 1, as worker safety and access allows; and
 - c. After April 1 and before June 15 to assess the effectiveness of management measures designed to address controllable sediment discharges and to determine if any new controllable sediment discharge sources have developed.

Reporting requirements are as follows:

For inspections where violations of the General WDRs are not discovered, the Discharger shall submit a summary report to the Executive Officer by June 30th for each year of coverage under these General WDRs or upon termination of coverage. The summary report shall at a minimum include the date of each inspection, the inspector's name, the location of each inspection, and the title and name of the person submitting the summary report.

If during any inspection or during the course of conducting timber harvest activities, a violation of the General WDRs is discovered, the provisions of section III.B.3. shall be followed. This section requires the Discharger to:

1. Implement corrective measures immediately following discovery that applicable water quality requirements were exceeded or a prohibition violated, followed by notification to the Regional 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 within 14 days to the Regional Board, unless otherwise directed by the Executive Officer, that includes:
 - a. the date the violation was discovered;
 - b. the name and title of the person(s) discovering the violation;
 - c. a map showing the location of the violation site;
 - d. a description of recent weather conditions prior to discovering the violation;
 - e. the nature and cause of the water quality requirement violation or exceedence or General WDR prohibition violation;
 - f. photos of the site characterizing the violation;
 - g. the management measure(s) currently being implemented;

- h. any maintenance or repair of management measures;
- i. any additional management measures which will be implemented to prevent or reduce discharges that are causing or contributing to the violation or exceedence of applicable water quality requirements or General WDR prohibition violation; and,
- j. the signature and title of the person preparing the report.

This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the discharges causing or contributing to the violation or exceedence of applicable water quality requirements or General WDR prohibition violation. The Discharger shall revise the appropriate technical report immediately after the report to the Regional Board to incorporate the additional management measures that have been and will be implemented, the implementation schedule, and any additional inspections or monitoring that is needed.

Duration/Termination of Coverage

Once the Discharger is notified by the Regional Water Board that the application is complete and the Project is covered under the General WDRs, Projects that comply with the terms and conditions of the General WDRs remain covered until one of the following occurs:

- the Project is covered by another set of WDRs or waiver of the Regional Water Board; or,
- the Regional Water Board or Executive Officer terminates coverage under the General WDRs; or,
- there is a change in ownership; or
- the Discharger submits to the Regional Water Board for approval a Notice of Termination form (NOT). The NOT shall be signed in accordance with section IV.S.. A Project is considered complete when the following conditions have been met:
 - 1. Timber harvest activities are completed,
 - 2. The Project site is stabilized,
 - 3. There is no potential for waste discharges from the Project in violation of the Basin Plan or these General WDRs.
 - 4. All elements of the technical reports have been completed,
 - 5. Earthen materials and waste have been disposed of properly,

The Executive Officer shall review the NOT and determine its appropriateness by assessing Items 1-5 above. The review may include a field inspection to verify Project completeness. The Executive Officer shall notify the Project proponent regarding approval or disapproval of the NOT.

The waiver can be revoked at any time if the Regional Water Board or its Executive Officer determines that the terms and conditions set forth in the General WDRs are not met.

Where a change in land ownership occurs, the new landowner or authorized representative must re-apply for coverage under the General WDRs with Regional Water Board prior to commencing timber harvest activities.

Copies of the General WDRs, as well as other information, can be downloaded at the following web address: <http://www.swrcb.ca.gov/rwqcb1/geninfo/timber/timberwg.html>.