

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, June 15, 2023  
Regional Water Board Office  
5550 Skylane Blvd, Suite A  
Santa Rosa, CA

**ITEM: 10**

**SUBJECT:** Public Hearing on Order No. R1-2023-0034 to consider adoption of Proposed Order No. R1-2023-0034, *Waiver of Waste Discharge Requirements and General Water Quality Certification for Road Management and Activities Conducted Under the Five Counties Salmonid Conservation Program in the North Coast Region (Maggie Robinson)*

**BOARD ACTION:** The North Coast Regional Water Quality Control Board (Regional Water Board) will consider adoption of Proposed Order No. R1-2023-0034.

**BACKGROUND:** On May 17, 2018, the Regional Water Board adopted Order No. R1-2018-0011, *Waiver of Waste Discharge Requirements and General Water Quality Certification for Road Management and Activities Conducted Under the Five Counties Salmonid Conservation Program in the North Coast Region (2018 Waiver)*. The 2018 Waiver expired on May 17, 2023. On April 14, 2023, the Regional Water Board issued a Notice of Public Hearing and Comment Period (Notice) for Proposed Order No. R1-2023-0034 (Proposed Order) which provides a renewal of the 5C Waiver. There are no substantive revisions to the 2018 Waiver in the Proposed Order. Minor editorial changes have been made as well as an update to the CEQA finding (Finding 44) and a new finding addressing outreach to potentially affected disadvantaged and Tribal communities consistent with Water Code section 189.7 (Finding 45).

The 5C Waiver applies to 14 different types of road management activities related to the routine and emergency repair and maintenance of rural and county roads and related facilities as outlined in A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds (Sommarstrom, et al, 2005). The 14 types of road management activities include:

1. Grading practices
2. Ditch relief culvert maintenance and installation
3. Road surfacing and dust abatement
4. Vegetation management
5. Winterizing roads

6. Soil disposal
7. Maintenance yard maintenance
8. Emergency maintenance
9. Snow and ice removal
10. Channel maintenance
11. Low water maintenance
12. Watercourse crossing culvert maintenance and repair
13. Bridge drift removal
14. Treatment of legacy sites

The 5C Waiver groups these activities into two categories, Category A and Category B, based on potential impacts to waters of the State and establishes general and specific conditions, monitoring requirements, and eligibility criteria for each category.

**DISCUSSION:** Regional Water Board staff are currently developing a workplan to review the past 10 years of projects conducted under the 5C Waiver and its 2013 predecessor and inspect and evaluate a sample population of these projects. The objectives of this workplan are to quantify sediment savings over the past 10 years and to evaluate the current permitting process and whether revisions to the 5C Waiver are warranted to ensure that rural and county roads are being treated in a timely manner to reduce and prevent road-related sediment discharges in conformance with existing TMDL goals and objectives.

Renewal of the 5C Waiver is necessary and appropriate to maintain permit coverage on existing and new eligible road and road facilities maintenance and repair projects. The renewal carries over the findings and conditions of the 5C Waiver without modification. The Regional Water Board retains its authorities under the California Water Code to address discharges of waste to waters of the state from road and road facilities maintenance and repair projects, including pursuing enforcement actions, requesting reports of waste discharge for individual sites, and denying or terminating coverage under the 5C Waiver, as appropriate. For these reasons, a renewal of the 5C Waiver is in the public interest and consistent with the Basin Plan.

**PUBLIC COMMENT:** No comments were received during the 30-day comment period.

**RECOMMENDATION:** Adopt Proposed Order No. R1-2023-0034.

**SUPPORTING DOCUMENTS:**

1. Proposed Order No. R1-2023-0034
2. Attachments A - F
3. Notice of Public Hearing and Comment Period