

Guidance Document

Order No. R1-2013-0005

General Waste Discharge Requirements
for
Discharges for Timber Operations on
Non-Industrial Timber Management Plans (NTMPs)
in the
North Coast Region

Introduction

On May 2, 2013, the North Coast Regional Water Quality Control Board adopted Order No. R1-2013-000, General Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMPs) in the North Coast Region (General NTMP WDR).

The General NTMP WDR establishes a tiered structure (i.e. tier A and B) that provides landowners with NTMPs approved before July 1, 2013 two options for WDR coverage; those options consist of either: Tier A - identifying and treating all sites within a Notice of Timber Operations (NTO) area that have the potential to adversely impact the beneficial uses of water, including controllable sediment discharge sources (CSDSs), concurrent with operations under the NTO, or Tier B - preparing an Erosion Control Plan (ECP) for the entire NTMP area and treating sites according to an implementation schedule proposed by the landowner. NTMPs approved after July 1, 2013 must include an ECP for the entire NTMP and are only eligible for Tier B.

This guidance document has been prepared to help landowners and other interested parties to understand the General NTMP WDR. However, NTMP landowners or their RPFs should be aware that in order to enroll in the WDR, they must fill out and sign a WDR enrollment form, certifying they will comply with the provisions of the WDR and they are responsible for reading and understanding those provisions.

Additional information on Regional Water Board permits for discharges from timber operations, as well as copies of the NTMP GWDR and WDR enrollment form, are available at the following website:
http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/

General NTMP WDR Section A (page 11) – This section describes specific requirements for enrolling an NTMP or NTO, information that must be recorded and/or submitted, and required inspections.

Previous coverage under the old Categorical Waivers (Orders R1-2004-0016 or R1-2009-0038) does not apply, except for active NTOs submitted before May 2, 2013. Therefore, beginning May 2, 2013, the following applies to all NTMPs when submitting a new NTO:

- The Landowner or RPF must submit a copy of each NTO to the RWB three (3) days prior to commencement of operations under the NTO. The NTO certification shall be based on the RPF's evaluation of the entire NTMP acreage (equivalent to FPR §1090.7(l).)
- The landowner, RPF, or supervised designee shall conduct an inspection of the NTO area including appurtenant roads prior to completion of the NTO and at least once annually during the erosion control maintenance period and record the information listed in Section A(4).

An inspection of the NTO area conducted by the Regional Water Board or CAL FIRE staff satisfies the requirement for an inspection.

Tier A

This option is available for coverage for individual NTOs on NTMPs approved before July 1, 2013:

- WDR coverage under Tier A applies to NTO areas, including appurtenant roads used to access the NTO, for the life of the NTO and the prescribed maintenance period.
- Landowner or RPF submits a WDR enrollment form to the RWB (Attachment A of the Order) and a copy of the NTO at least three (3) days prior to commencement of operations under each NTO. This is "self certification"; no acknowledgement or approval by the RWB is necessary, but a verification inspection by RWB during the period of WDR coverage may occur.
- The following information must be included in the enrollment form and NTO:
 - Description and location on NTO maps of sites that are violating or have the potential to violate applicable water quality requirements or adversely impact beneficial uses, are human caused, and can reasonably and feasibly be treated;
 - Description of corrective action for sites identified above. Corrective action must be implemented during the 1-year life of the NTO.

Note: information included in the NTO can satisfy this requirement provided the NTO includes current information and clearly identifies sites at which corrective action will be implemented under the NTO. It's expected that the attached Map Point table can be used for this purpose.

- The NTMP landowner must submit a new WDR enrollment form and NTO for each subsequent NTO unless the NTMP becomes eligible for coverage under Tier B.

Tier B

Landowners can apply for long term WDR coverage by submitting an ECP for the entire NTMP area. NTMPs approved after July 1, 2013 are only eligible for Tier B and must include an ECP for their entire NTMP.

- An NTMP landowner can apply for coverage under Tier B at any time by submitting an ECP for the entire NTMP and a WDR enrollment form. RWB staff shall evaluate the ECP and respond in writing within 30 days.

The NTMP will be eligible for coverage under Tier B upon approval by the Regional Water Board Executive Officer of an ECP for the entire NTMP.

- The ECP shall be based on a field evaluation of the NTMP area and shall include the following:
 - an inventory and corrective actions for controllable sediment discharge sources (CSDS)¹; and
 - A prioritized time schedule for implementation of corrective actions.
- The ECP shall be maintained to reflect current conditions by periodic evaluation of the NTMP area until corrective action has been successfully implemented at all CSDS sites. It is anticipated that this evaluation will take place concurrent with each NTO, but must occur at no greater interval than 2 years, unless another timeframe is approved by the Regional Water Board as warranted by site conditions.
- Under Tier B, in the event that a landowner or their representative identifies a new CSDS, regardless of whether the area is covered under an active NTO or prescribed maintenance period, they must implement corrective actions as soon as feasible following discovery. If successful corrective action is implemented within 30 days, no notification to the Regional Water Board is necessary. If corrective action cannot be implemented within 30 days, the NTMP landowner shall revise the ECP inventory to include the newly identified site and shall notify the Regional Water Board of the revision within 60 days after identification of the site.
- Landowners with NTMPs enrolled under Tier B are not required to submit a WDR enrollment form for subsequent NTOs, provided they maintain coverage under Tier B, however they must submit copies of each NTO to the RWB.

Frequently Asked Questions

QUESTION- If we have an NTO that was submitted prior to May 2, 2013, but operations have not started this year, do we still need to enroll?

ANSWER- No, NTO's submitted before May 2, 2013 remain covered under the previous waiver, and will remain so for the life of the NTO.

QUESTION- Do the Landowners themselves have to sign the enrollment form or can the RPF do it as the agent for the landowner?

ANSWER- Either the RPF or landowner can sign the enrollment form.

QUESTION- Are automatic or periodic inspection reports necessary?

¹ CSDS are defined as sites or locations within the logging 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 water quality requirements or other provisions of this WDR;
2. was caused or affected by human activity; and
3. may feasibly and reasonably respond to prevention and minimization management measures.

ANSWER- No, reporting is not automatic, however, landowners/RPFs must keep of record of inspections and provide the information to RWB staff upon request.

QUESTION- Do existing NTMPs need to be amended?

ANSWER- Approved NTMPs that have adequately identified sites that could adversely impact beneficial uses of water and treatment of such sites when feasible pursuant to FPR §916.4/936.4, and on which there have been no significant physical changes, do not need to be amended to comply with WDR requirements.

QUESTION- Can information included in the NTMP satisfy WDR requirements?

ANSWER- Section A(6)(e) of the Order states, "Information included in an NTMP to fully and properly comply with FPRs addressing erosion control and prevention or minimization of sediment discharge that is equivalent to that listed in Section A(6)(a) may meet the ECP requirement for Tier B when the landowner demonstrates to the satisfaction of Regional Water Board staff that the information is adequate to prevent and minimize controllable sediment discharge from the NTMP."

It is expected that a thorough evaluation of the plan area pursuant to FPR §916.4/936.4 (for all NTMPs regardless to date approved or presence of anadromy) and §916.9(o)/936.9(o) where applicable, is roughly equivalent to the inventory requirement of the ECP and should result in identification and proposed corrective action of CSDS.

The attached Map Point/Work Order Table is designed to be used in timber harvesting plans (THPs), NTMPs, and NTOs. It has been designed to eliminate the need to repeatedly provide the same information separately for THPs/NTMPs, Erosion Control Plans, and 1600 applications. Instead, the table can be referenced under appropriate THP/NTMP item numbers, NCRWQCB Erosion Control Plans, and/or 1600 permit applications included in the THP/NTMP.

QUESTION- Do I need to wait 30 days following CAL FIRE approval of a new NTMP for the RWB to review my ECP and approve my Tier B application.

ANSWER- RWB staff will be involved in review of new NTMPs. Landowners/RPFs are encouraged to consult with RWB staff about the ECP during the review period, which can facilitate the application and approval process.

QUESTION- What is required for maintaining ECPs through periodic updates?

ANSWER- The RWB's expectation is that the ECP is based on a thorough evaluation of the NTMP area and that all existing CSDS have been identified. Because the WDR provides landowners flexibility to defer implementation of corrective action, it is important that sites are monitored to ensure conditions have not changed to the extent that the implementation schedule should be modified or to identify newly developed sites that may require corrective action. Many CSDS are so called "legacy" sites created by old logging methods that are no longer practiced. The goal of current management practices is to design and construct "maintenance free" or "low maintenance" drainage facilities.

Therefore, once existing sites are identified and corrected, it is anticipated that for the most part, few significant new sites will develop. The periodic review of ECPs is not intended as a repeat of work already done originally in preparing the document. The original ECP would remain as the master document and periodic reviews by the landowner or RPF would confirm whether conditions had changed, and if so, whether any such changes would require corrective action or revision of the ECP pursuant to section A(6)(f).

QUESTION- Section A(6)(a)(i) states ECP evaluation, “will take place concurrent with each NTO, but must occur at no greater interval than 2 years, **unless another timeframe** is approved by the Regional Water Board as warranted by site conditions.” What does this mean?

ANSWER- When submitting the application for coverage under Tier B, landowners/RPFs should include a brief statement accompanying their ECP describing how they intend to comply with the above requirement. In that statement they may propose a reasonable alternative timeframe with justification how that timeframe meets the objectives described in the answer above. The timeframe and justification should be based on consideration of site conditions and potential impacts to water quality. Landowners/RPFs are encouraged to contact RWB staff to discuss the proposed alternative, including an on-site consultation if that would be helpful.

For further information, please contact Regional Water Board staff member Jim Burke (707) 576-2289 or James.Burke@waterboards.ca.gov.