

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0005

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGES RELATED TO TIMBER HARVEST ACTIVITIES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region, (hereinafter Regional Board) finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate regional board a report of waste discharge containing such information and data as may be required by the Regional Board;
2. The Regional Board has a statutory obligation to prescribe waste discharge requirements except where the Regional Board finds that a waiver of waste discharge requirements for a specific type of discharge is not against the public interest pursuant to CWC Section 13269;
3. CWC Section 13269 provides that any such waiver of waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board;
4. The Regional Board, in accordance with CWC Section 13269, waived waste discharge requirements for certain types of timber harvest activities in 1982 as set forth in Regional Board Resolution No. 82-036;
5. CWC Section 13269 provides that these waivers expire effective 1 January 2003, and that new waivers of waste discharge requirements for specific types of discharges must be renewed at minimum every five years;
6. The Regional Board, in compliance with CWC Section 13269, reviewed the previously issued categorical waiver for timber harvest activities and has determined that it should be eliminated and replaced by a new categorical waiver;
7. In accordance with CWC Section 13269, the discharge of waste associated with timber harvest activities shall be regulated in the future by waivers, or individual or general waste discharge requirements;
8. The Regional Board has adopted the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Edition 1998) and the Water Quality Control Plan for the Tulare Lake Basin (2<sup>nd</sup> Edition 1995), hereinafter Basin Plan, that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Central Valley Region;
9. Pursuant to the Basin Plan and State Board Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:

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- a. Agricultural Supply (AGR)
- b. Aquaculture (AQUA)
- c. Preservation of Biological Habitats of Special Significance (BIOL)
- d. Cold Freshwater Habitat (COLD)
- e. Commercial and Sportfishing (COMM)
- f. Estuarine Habitat (EST)
- g. Freshwater Replenishment (FRSH)
- h. Ground Water Recharge (GWR)
- i. Industrial Service Supply (IND)
- j. Migration of Aquatic Organisms (MIGR)
- k. Municipal and Domestic Supply (MUN)
- l. Navigation (NAV)
- m. Hydropower Generation (POW)
- n. Industrial Process Supply (PRO)
- o. Rare, Threatened, or Endangered Species (RARE)
- p. Water Contact Recreation (REC-1)
- q. Non-contact Water Recreation (REC-2)
- r. Shellfish Harvesting (SHELL)
- s. Spawning, Reproduction, and Development (SPWN)
- t. Warm Freshwater Habitat (WARM)
- u. Wildlife Habitat (WILD);

10. The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. The factors in CWC Section 13241, including economic considerations, were considered as required by law during the development of these objectives. Prohibitions, provisions, and specifications contained in this Resolution implement these previously developed water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed in the above paragraph;

11. In 1981, the State Water Resources Control Board (State Water Board): (a) certified a plan entitled "Water Quality Management for National Forest System Lands in California" that was developed and submitted by the United States Department of Agriculture, Forest Service (US Forest Service); (b) designated the US Forest Service as the Water Quality Management Agency (WQMA) for specified activities on National Forest System lands in California that may result in nonpoint source discharges, including timber management, vegetative manipulation, fuels management, road construction and watershed management; and (c) executed a Management Agency Agreement with the US Forest Service for the purpose of implementing the certified plan and WQMA designation;

12. Pursuant to Section 208 of the federal Clean Water Act, the United States Environmental Protection Agency (USEPA) has approved the State Water Board's certification of the US Forest Service's water quality management plan, and the State Water Board's certification of the practices therein as "best management practices";

13. The Management Agency Agreement between the State Water Board and the US Forest Service contemplates that the Regional Water Quality Control Boards will waive issuance

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of waste discharge requirements for US Forest Service timber harvest activities that may result in nonpoint source discharges, provided that the US Forest Service designs and implements its projects to fully comply with State water quality standards;

14. The California Department of Forestry and Fire Protection (CDF) and the California Board of Forestry (BOF) regulate timber harvest activities on nonfederal lands in accordance with the Z'berg-Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.) and the California Forest Practice Rules (Title 14, California Code of Regulations, Section 895 et seq.);

15. In 1988, the State Water Board: (a) conditionally certified the "Water Quality Management Plan for Timber Operations on Nonfederal Lands" which included those California Forest Practice Rules selected as best management practices and the process by which those rules are administered; (b) designated CDF and the BOF as joint WQMAs; and (c) executed a Management Agency Agreement with CDF and BOF for the purpose of implementing the certified plan and WQMA designations;

16. The Management Agency Agreement between the State Water Board and CDF/BOF required a formal review of the California Forest Practice Rules and administering processes no later than six years from the date of certification. To date, that review has not occurred;

17. The USEPA has not approved the State Water Board's certification of the California Forest Practice Rules and administering processes for regulation of timber harvest activities on nonfederal lands in California;

18. On 6 July 1999, joint recommendations developed by staffs from four Regional Water Quality Control Boards (e.g., Lahontan, North Coast, Central Coast, Central Valley) were submitted to the BOF. Those recommendations detailed numerous amendments needed to the Forest Practice Rules in order to provide better protection for water quality and beneficial uses of water. To date, most of those recommendations have not been adopted by the BOF;

19. The Regional Board, acting as the lead agency for this project under the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) (CEQA), has conducted an Initial Study in accordance with Title 14, California Code of Regulations, Section 15063;

20. The Regional Board staff has prepared a proposed Negative Declaration in accordance with CEQA and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and the Negative Declaration concludes that the waiver of waste discharge requirements for specific types of timber harvest operations pursuant to this Resolution will not have a significant impact on the environment;

21. Copies of the proposed Negative Declaration were transmitted to all agencies and persons known to be interested in this matter according to the applicable provisions of CEQA;

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22. The Regional Board conducted a public hearing on 30 January 2003 in Sacramento, California, and considered all testimony and evidence concerning this matter;

**THEREFORE BE IT RESOLVED:**

1. In accordance with CWC Section 13269, the waste discharges related to timber harvest activities in the Central Valley Region shall be regulated in the future by waivers, or individual or general waste discharge requirements;

2. The Regional Board, based on the testimony received at the aforementioned hearing, and the information contained in the proposed Negative Declaration and the above-noted facts and findings, determines that the adoption of the "Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities" as set forth in Attachment A (Waiver) will not have a significant impact on the environment;

3. The Regional Board, in accordance with CEQA and the CEQA Guidelines, determines that there will be no significant adverse environmental impacts, individually, or cumulatively from the adoption of the Waiver authorized herein provided that there is compliance with the Waiver;

4. The Regional Board certifies that the Negative Declaration complies with CEQA and the CEQA Guidelines, and directs the Executive Officer to file all appropriate notices;

5. The Regional Board, based on the testimony received at the aforementioned hearing, and the information contained in the Negative Declaration and the above-noted facts and findings, finds that waiver of waste discharge requirements for certain specific types of timber harvest activities would not be against the public interest provided that dischargers subject to such waiver:

- (a) comply with the conditions for waiver of waste discharge requirements as set forth in the Waiver; and
- (b) file with the Regional Board the applicable eligibility documents as described herein, to demonstrate that compliance with the waiver conditions will be achieved; and
- (c) comply with applicable State Water Board and Regional Board plans and policies, as summarized in Attachment 1 of the Waiver, and as those plans and policies may be amended from time to time through the amendment process;

6. The Regional Board, based on the above-noted facts and findings, determines that it is not necessary at this time to adopt individual or general waste discharge requirements for waste discharges related to timber harvest activities that meet the eligibility criteria specified in the Waiver and which are conducted in accordance with the conditions specified in the Waiver;

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7. The Regional Board, based on the testimony received at the aforementioned hearing, and the information contained in the Negative Declaration and the above-noted facts and findings, hereby adopts the Waiver as set forth in Attachment A;
8. The discharge of any waste not specifically regulated by the Waiver described herein is prohibited unless the discharger complies with CWC Section 13260(a) and the Regional Board either issues waste discharge requirements pursuant to CWC Section 13263 or an individual waiver pursuant to CWC Section 13269 or the time frames specified in CWC Section 13264(a) have elapsed;
9. This Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263;
10. Pursuant to CWC Section 13269, this action waiving the issuance of waste discharge requirements for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Board from administering enforcement remedies (including civil liability) pursuant to the CWC;
11. The Executive Officer or Regional Board may terminate the applicability of the Waiver described herein to any timber harvest activities at any time when such termination is in the public interest and/or the timber harvest activities could affect the quality or beneficial uses of the waters of the State;
12. In compliance with CWC Section 13269, the Executive Officer will develop and implement a program to evaluate compliance with the conditions pursuant to which waste discharge requirements are waived by this Resolution;
13. As part of the Waiver compliance effort, Regional Board staff will meet periodically with major stakeholders, including environmental groups, to address water quality related issues on a watershed basis;
14. A waiver of waste discharge requirements for a type of discharge may be superseded by the adoption by the State Water Board or Regional Board of specific waste discharge requirements or general waste discharge requirements for that type of discharge;
15. Pursuant to CWC Section 13269, the waiver of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration;
16. In compliance with California Water Code Section 13269, this Resolution and the Waiver described herein shall be reviewed and amended as necessary no later than five years from the date of adoption of this Resolution;
17. This Waiver shall become effective on 30 January 2003, and shall expire on 30 January 2005, except as stated hereafter. Dischargers who have gained eligibility under this Waiver prior to 30 January 2005 may continue the discharge under this Waiver through 31

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December 2007 unless the Regional Board formally terminates this Waiver for that discharge or its applicability to a specific discharge is terminated by the Executive Officer pursuant to Waiver Attachment A, Section IV;

18. As provided by CWC Section 13350(a), any person may be civilly liable if that person in violation of a waiver condition or waste discharge requirements, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State and creates a condition of pollution or nuisance;

19. The Regional Board may review the Waiver at any time and may modify or terminate the Waiver in its entirety or for individuals, as is appropriate.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 30 January 2003.

/s/

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THOMAS R. PINKOS, Executive Officer

**ATTACHMENT A**  
**WAIVER OF WASTE DISCHARGE REQUIREMENTS**  
**FOR DISCHARGES RELATED TO**  
**TIMBER HARVEST ACTIVITIES**  
**PURSUANT TO**  
**CALIFORNIA WATER CODE SECTION 13269**

California Water Code (CWC) Section 13269 authorizes the Regional Water Quality Control Board, Central Valley Region (Regional Board) to waive the requirement to submit reports of waste discharge and to obtain waste discharge requirements as to a specific type of discharge if the waiver is not against the public interest and the waiver is conditional. The Regional Board, in Resolution No. R5-2003-0005, adopted this “Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities.”

Subject to the conditions set forth below, the Regional Board waives the requirements to submit reports of waste discharge and filing fees and the requirement to obtain waste discharge requirements for the categories of waste discharges specified in Part II, Category Specific Conditions and Part III, Activities Existing or Completed As of 30 January 2003 below related to timber harvest activities provided that the following actions (1) and (2) for nonfederal timber lands, and (3) and (4) for federal timber lands managed by the US Forest Service (USFS), respectively, continue in effect.

1. The State Water Resources Control Board (State Water Board) continues to certify the “Water Quality Management Plan for Timber Operations on Nonfederal Lands in California,” including those California Forest Practices Rules selected by the State Water Board, “and continues the designation of the California Board of Forestry and Fire Protection (BOF) and the California Department of Forestry and Fire Protection (CDF) as the joint management agencies for implementation of the Water Quality Management Plan for timber operations on nonfederal lands in California.
2. The BOF and CDF diligently proceed to adopt and implement: (a) a water quality regulatory program consistent with the Water Quality Control Plans for the Central Valley Region (Basin Plans) and consistent with the requirements of all other applicable water quality control plans; (b) a timber harvest activity verification system acceptable to the Regional Board, including but not limited to inspection, surveillance, monitoring, and enforcement of management practices implemented to mitigate the potential effects of timber harvest activities on water quality.
3. The State Water Board continues to certify and the US Environmental Protection Agency continues to approve, pursuant to Section 208 of the federal Clean Water Act, the plan entitled “Water Quality Management for National Forest System Lands in California” including the best management practices set forth therein, and the designation of the USFS as the management agency.
4. The USFS maintains: (a) a water quality program consistent with the Basin Plan and consistent with the requirements of all other applicable water quality control plans; and (b) a program to monitor the implementation and effectiveness of best management practices.

## **I. GENERAL WAIVER CONDITIONS**

### **A. Definitions**

1. “Timber Harvest Activities” means all activities on timberland relating to timber harvesting, including the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory treemarking, surveying or roadflagging. Also included in this definition are silvicultural activities performed by the USFS using its own crews and/or service contracts, without regard to whether timber is to be sold for commercial purposes. “Commercial purposes” includes the cutting or removal of trees which are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber, including but not limited to residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.
2. “Discharger” means the timberland owner and anyone working on behalf of the timberland owner in the conduct of timber harvest activities for nonfederal lands, and the USFS, private timber operators operating on federal lands, and anyone working on behalf of the USFS or a timber operator in the conduct of timber harvest activities on federal lands.
3. “Plan” means any Timber Harvest Plan (THP), Nonindustrial Timber Management Plan (NTMP), or other discretionary permit issued by CDF to harvest timber, including all amendments thereto that propose a change in timber harvest activities that may increase the discharge or otherwise pose the potential for increased impacts to water quality. (For example, amendments that propose to add, expand, or extend winter operations shall be considered a “Plan” for purposes of this Waiver. Amendments that do not propose any material change in how or where timber harvest activities will be conducted, such as a change in timber operator, a time extension from CDF, etc., shall not be considered a “Plan” for purposes of this Waiver.)
4. “Requirement of applicable water quality control plans” means a water quality objective, prohibition, TMDL implementation plan, or other requirement contained in water quality control plans adopted by the Regional Board and approved by the State Water Board, and plans or policies adopted by the State Water Board that apply to the timber harvest activities. (Excerpts of the currently applicable requirements are included in Attachment 1 to this Waiver for the dischargers’ convenience; Attachment 1 may be revised from time to time.)



5. "Monitoring" refers to all types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, instream water quality monitoring undertaken in connection with timber harvest activities, monitoring to identify short and long-term trends in water quality, active inspections of timber operations, hillslope implementation and effectiveness monitoring, and project completion inspections for timber operations.
6. All other terms shall have the same definitions as prescribed by the California Forest Practice Rules and the Porter-Cologne Water Quality Control Act, unless specified otherwise.

**B. General Conditions for Waiver Categories 1 through 5**

1. The discharger must comply with all requirements of applicable water quality control plans (as identified in Attachment 1 for the dischargers' convenience), and as these may be modified from time to time pursuant to amendments to water quality control plans adopted by the Regional Board and approved by the State Water Board, and water quality control plans and policies adopted by the State Water Board; and
2. The discharger shall conduct timber harvest activities in accordance with the approved Plan or CDF-accepted exemption or emergency notice for nonfederal timberlands; or in accordance with the final environmental document and decision document prepared pursuant to the National Environmental Policy Act (NEPA) for timber harvest activities on federal lands managed by the USFS; and
3. The discharger shall not create a pollution, contamination, or nuisance, as defined by CWC Section 13050; and
4. The discharger shall not discharge any waste not specifically regulated by the waivers described herein and shall not cause alteration in stream temperature which exceeds Basin Plan requirements. Waste specifically regulated under this waiver includes: earthen materials, including soil, silt, sand, clay, rock; organic materials, such as slash, sawdust, or bark; and silvicultural pesticides that enter or threaten to enter into waters of the State. Examples of waste not specifically regulated under this waiver include petroleum products, hazardous materials, or human wastes; and
5. The discharger shall allow Regional Board staff reasonable access onto the affected property whenever requested by Regional Board staff for the purpose of performing inspections and conducting monitoring, including sample collection, measuring, and photographing/taping to determine compliance with waiver conditions; and

6. Any person seeking coverage under this Waiver shall file the applicable eligibility document(s) as described herein with the Regional Board; and
7. Unless other timeframes are specified, discharges associated with timber harvest activities and pesticide applications that comply with the eligibility criteria, conditions, and procedures for a waiver may commence upon receipt by the Regional Board of the applicable documents as described in Part II – Category Specific Conditions, and Part III – Activities Existing or Completed As of 30 January 2003.
8. This Waiver does not apply to discharges requiring an NPDES permit under the Clean Water Act, including silvicultural point sources as defined in 40 CFR 122.27.

## **II. CATEGORY-SPECIFIC CONDITIONS**

### **A. CATEGORY 1: MINOR TIMBER HARVEST ACTIVITIES ON NONFEDERAL LANDS (including certain activities approved by CDF under exemption or emergency notices, timber harvesting plans, other plans, or amendments).**

#### **1. Eligibility Criteria:**

- a. Timber harvest activities within 150 feet of existing structures (i.e., “FireSafe” treatments) that are conducted pursuant to a Notice of Exemption accepted by CDF under 14 California Code of Regulations (CCR) Section 1038(c). No notice to the Regional Board is required for timber harvest activities that meet this criterion.
- b. Timber harvest activities, other than “FireSafe” treatments as specified in (II)(A)(1)(a), that comply with the following criteria as clearly indicated in the Plan or Notice of Exemption or Notice of Emergency accepted by CDF:
  1. No timber harvest activities on slopes greater than 60%.
  2. No tractor or heavy equipment operations on slopes greater than 50%.
  3. No construction of new tractor roads on slopes greater than 40%.
  4. No timber harvest activities within any Special Treatment Area “type a” or “type c”, as defined in 14 CCR 895.1, except hauling over existing roads that complies with the rules associated with that Special Treatment Area.
  5. No tractor or heavy equipment operations on known slides or unstable areas.
  6. No new construction or reconstruction, as defined in 14 CCR 895.1, of logging roads, landings, or watercourse crossings.
  7. No timber harvest activities within the standard width of a Watercourse and Lake Protection Zone or equipment limitation zone, as defined in 14 CCR 916.4 [936.4, 956.4](b) and (c), except for use and maintenance of existing permanent roads, use of existing bridges and existing culverts as skid trail crossings, and maintenance of associated drainage facilities or structures.

8. No timber harvest activities that may disturb, threaten, or damage known or potential aquatic or wetland habitat for rare, threatened or endangered plants or animals.
9. No timber harvest activities within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.
10. No timber harvest activities on soils with high or extreme erosion hazard rating.
11. No heavy equipment operation in meadows or wet areas, except use and maintenance of existing roads and associated drainage facilities or structures.
12. No timber harvest activities during the winter period from October 15 through May 1 or under saturated soil conditions as defined in 14 CCR 895.1 where such activities may result in discharge of waste to waters of the State.
13. No timber harvest activities involving mechanical site preparation, as defined in 14 CCR 895.1. (Timberland Conversions excepted)
14. No timber harvest activities involving prescribed burning. (Timberland Conversions excepted)
15. No timber harvest activities that do not meet minimum stocking requirements immediately upon completion of harvest, as defined in 14 CCR 912.7 [932.7, 952.7]. (Timberland Conversions excepted)
16. No timber harvest activities that include, are accompanied by, or followed by post-harvest applications of pesticides.

**2. Conditions:**

- a. The discharger shall comply with the General Conditions described in Part I.B., above.
- b. The Regional Board receives: (1) a copy of a Plan approved by CDF, or an exemption or emergency notice accepted by CDF, that includes all of the above eligibility criteria, and (2) a Certification Notice, signed by the landowner, certifying that the timber harvest activities will comply with the eligibility criteria and conditions for Waiver Category 1. This notification is not required for those projects that meet the eligibility criteria for “FireSafe” treatments, as contained in Part II A.1.a. above.

**B. CATEGORY 2: EXEMPT OR EMERGENCY TIMBER HARVEST ACTIVITIES ON NONFEDERAL LANDS THAT DO NOT QUALIFY FOR WAIVER UNDER CATEGORY 1.**

1. **Eligibility Criteria:** Timber harvest activities that comply with the following criteria as identified in the Notice of Exemption or Notice of Emergency accepted by CDF:
  - a. The Registered Professional Forester (RPF), after conducting a comprehensive field review of proposed timber activities, has specifically identified the presence or absence of any of the following features or conditions in, or affected by, the proposed exempt or emergency timber harvest activities:

- aquatic or wetland habitat for salmonids or rare, threatened or endangered species,
  - domestic or municipal water use within one mile downstream of the harvest area,
  - soils with high or extreme erosion hazard rating,
  - known slides and unstable areas, including unstable or erodible watercourse banks,
  - changeable channels, overflow channels, inadequate flow capacity, flood prone areas, riparian areas, elevated stream temperatures,
  - all watercourse crossings, including existing crossings and those to be constructed or reconstructed for all Class I-IV watercourses , and existing and proposed near-stream landings and skid trails.
- b. For those Plans where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timber harvest activities may impact such habitat, additional field review has been conducted by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, to determine if the Plan could adversely affect such species or their habitat.
- c. The Notice of Exemption or Notice of Emergency identifies any additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the features and conditions described in Part II.B.1.a. above (should any exist), winter period operations between October 15 and May 1, and cumulative watershed effects, to assure compliance with the requirements of applicable water quality control plans. The Notice of Exemption or Notice of Emergency incorporates any and all project modifications and mitigation measures recommended by the biological scientist to avoid adverse impacts to rare, threatened or endangered species.
- d. The management practices and water quality mitigation and protective measures specified in the Notice pursuant to subsection "c" above shall include, at minimum, the following: (1) An Equipment Limitation Zone (ELZ) for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at minimum 50 feet where sideslope steepness is 30% or greater; (2) Any and all crossing facilities on watercourses that support fish will be installed and maintained so as to allow for unrestricted passage of fish and water during all life stages and flow conditions; (3) Any and all culverts at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures concurrently with fill placement; (4) Any and all permanent watercourse crossings and associated fills and approaches shall be installed and maintained to prevent diversion of stream overflow down the road and to minimize erosion of the fill and road prism should the drainage structure become obstructed; (5) Any and all riparian vegetation,

other than commercial species, that is found along watercourses and lakes or that is found within or bordering meadows and wet areas shall be retained and protected during timber harvest activities; and (6) Where seasonal water temperatures are too high to fully support beneficial uses of water in Class I or II waters within or downstream from the logging areas, no trees that provide shade to the waters during critical hours during the summer period shall be cut.

2. **Conditions:**

- a. The Regional Board receives: (1) a copy of a Notice of Exemption or Notice of Emergency accepted by CDF that includes the information required by Part II.B.1.a. through d., above, and (2) a Certification Notice, signed by the landowner, certifying that the timber harvest activities will comply with all conditions applicable to Waiver Category 2.
- b. The discharger shall comply with the General Conditions described in Part I.B., above.
- c. The discharger shall notify the Regional Board in writing at least 60 days prior to any proposed aerial application and 30 days prior to any proposed ground application of pesticides. The written notification shall include the type of pesticide, the proposed date(s) of application, the method and area of application, and measures that will be employed to assure compliance with all applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- d. The discharger shall comply with a monitoring program, pursuant to CWC Section 13267, when directed in writing by the Executive Officer.
- e. Within 30 days after completion of timber harvest activities under a notice of exemption or emergency, the discharger shall submit to the Regional Board a final certification, signed by the landowner, certifying that: (1) the timber harvesting activities were conducted in conformance with the accepted CDF exemption or emergency notice, including information required in Part II.B.1.a through d., above, and all other applicable provisions of this waiver, and (2) discharges resulting from timber harvesting activities and pesticide applications were in compliance or are expected to comply with all requirements of applicable water quality control plans.

**C. CATEGORY 3: TIMBER HARVEST ACTIVITIES ON NONFEDERAL LANDS THAT RECEIVE DISCRETIONARY APPROVAL FROM CDF AND FOR WHICH REGIONAL BOARD STAFF HAS FULLY PARTICIPATED IN THE INTERDISCIPLINARY REVIEW TEAM PROCESS (including timber harvesting plans, nonindustrial timber management plans, other plans, and amendments).**

1. **Eligibility Criteria:**

- a. Regional Board staff has participated in CDF's interdisciplinary review team process, including an on-site pre-harvest inspection (PHI), except that Regional Board staff attendance at a PHI for an amendment is optional and is required only upon written notification by Regional Board staff.
- b. Additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) are identified, if necessary, during the Review Team process to assure compliance with the requirements of applicable water quality control plans.
- c. Such identified management practices, and/or water quality protective measures are submitted in writing to CDF by Regional Board staff, or Regional Board staff accepts, in writing, those management practices and/or water quality protective measures proposed by either CDF or the RPF.
- d. All identified additional management practices, and/or water quality protective measures are incorporated into the Plan as submitted or accepted by Regional Board staff, or as subsequently agreed to in writing by the Regional Board's Executive Officer following dispute resolution.

2. **Conditions:**

- a. The Regional Board receives: (1) a copy of a Plan approved by CDF that incorporates all identified additional management practices, and/or water quality protective measures resulting from Regional Board staff participation in CDF's interdisciplinary review team process, and (2) a Certification Notice, signed by the landowner, listing the Plan number and certifying that the discharger believes that the activities are appropriately covered under Waiver Category 3.
- b. For an approved NTMP, the discharger shall submit each Notice of Timber Operations to the Regional Board no less than 30 days prior to commencement of timber harvest activities.
- c. The discharger shall comply with the General Conditions described in Part I.B., above.

- d. The discharger shall notify the Regional Board, in writing, at least 60 days prior to any proposed aerial application and at least 30 days prior to any proposed ground application of pesticides. The written notification shall include the type of pesticide, the proposed date(s) of application, the method and area of application, and measures that will be employed to assure compliance with applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- e. The discharger shall comply with a monitoring program, pursuant to CWC Section 13267, when directed in writing by the Executive Officer.
- f. The Regional Board receives, forthwith, copies of annual or completion reports filed with CDF and a final certification signed by the landowner, certifying that: (1) the timber harvesting activities were conducted in conformance with the approved Plan or accepted notice of timber operations and complied with all applicable provisions of this waiver and (2) discharges resulting from the timber harvesting activities and pesticide applications were in compliance or are expected to comply with all requirements of applicable water quality control plans.

**D. CATEGORY 4: TIMBER HARVEST ACTIVITIES ON NONFEDERAL LANDS THAT RECEIVE DISCRETIONARY APPROVAL FROM CDF FOR WHICH REGIONAL BOARD STAFF HAS NOT FULLY PARTICIPATED IN THE INTERDISCIPLINARY REVIEW TEAM PROCESS AND WHICH ARE NOT ELIGIBLE FOR A WAIVER UNDER CATEGORY 1 (including timber harvesting plans, non-industrial timberland management plans, other plans, and amendments).**

1. **Eligibility Criteria:**

- a. The RPF, after conducting a comprehensive field review of proposed timber operations, has clearly identified in the Plan submitted to CDF the presence or absence of the following features or conditions in, or affected by, the proposed Plan:
  - aquatic or wetland habitat for salmonids or rare, threatened or endangered species,
  - domestic or municipal water use within one mile downstream of the harvest area,
  - soils with high or extreme erosion hazard rating,
  - known slides and unstable areas, including unstable or erodible watercourse banks,
  - changeable channels, overflow channels, inadequate flow capacity, flood prone areas, riparian areas, elevated stream temperatures,
  - all watercourse crossings, including existing crossings and those to be constructed or reconstructed for all Class I-IV watercourses, and existing and proposed near-stream landings and skid trails.

- b. For those Plans where aquatic or wetland habitat for rare, threatened or endangered species is identified and where timber harvest activities may impact such habitat, additional field review has been conducted by a scientist, with a bachelor's or advanced degree in biological sciences and experience in aquatic systems, to determine if the Plan could adversely affect such species or their habitat. For those Plans that propose timber harvest activities on soils with extreme erosion hazard rating, known slides or unstable areas, or proposes any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material, additional field review has been conducted or directed by a registered civil engineer or registered engineering geologist, as his/her California license for practicing engineering and/or geology permits, to determine if the Plan could cause or exacerbate the potential for soil erosion or mass soil movement. Field reviews conducted in accordance with a certified programmatic environmental document satisfy these eligibility criteria, if previously reviewed and accepted by the Regional Board.
- c. The approved Plan:
  1. Incorporates, as addenda, signed technical reports from qualified professionals when required to be prepared under Part II.D.1.b. above.
  2. Incorporates any additional management practices and/or water quality protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the conditions described in Part II.D.1.a and b., above, winter period operations between October 15 and May 1, and cumulative watershed effects to assure compliance with the requirements of all applicable water quality control plans. Incorporates any and all project modifications and mitigation measures recommended by the biological scientist to avoid adverse impacts to rare, threatened or endangered species.
  3. The management practices and water quality protective measures specified in the Plan pursuant to subsection (c)(2) above, shall include, at minimum, the following: (1) An Equipment Limitation Zone (ELZ) for any and all Class III and Class IV watercourses of at minimum 25 feet where sideslope steepness is less than 30%, and at minimum 50 feet where sideslope steepness is 30% or greater; (2) Any and all crossing facilities on watercourses that support fish will be installed and maintained so as to allow for unrestricted passage of fish and water during all life stages and flow conditions; (3) Any and all culverts at watercourse crossings in which water is flowing at the time of installation shall be installed with their necessary protective structures concurrently with fill placement; (4) Any and all permanent watercourse crossing and associated fills and approaches shall be installed and maintained to prevent diversion of stream overflow down the road to minimize erosion of the fill and road prism should the drainage structure become obstructed; (5) Any and all riparian vegetation, other than commercial species, that is found along watercourse and lakes or that is found within or bordering meadows and wet areas will be



retained and protected during timber harvest activities; (6) Where seasonal water temperatures are too high to fully support beneficial uses of water in Class I or II water within or downstream from the logging areas, no trees that provide shade to the waters during critical hours during the summer period shall be cut.

2. **Conditions:**

- a. The Regional Board receives: (1) a copy of an approved Plan that meets the eligibility criteria in Part IID.1.a.through c.; and (2) a Certification Notice signed by the landowner stating that the approved Plan accurately represents site conditions, and that reasonable implementation of the approved Plan will assure compliance with Waiver Category 4.
- b. For an approved NTMP, each Notice of Timber Operations shall be submitted to the Regional Board no less than 30 days prior to commencement of timber harvest activities.
- c. The discharger shall comply with the General Conditions described in Part I.B., above.
- d. The discharger shall notify the Regional Board, in writing, at least 60 days prior to any proposed aerial application and at least 30 days prior to any ground application of pesticides. The written notification shall include the type of pesticide, the proposed date(s) of application, the method and area of application, and measures that will be employed to assure compliance with applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- e. The discharger shall comply with a monitoring program, pursuant to CWC Section 13267, when directed in writing by the Executive Officer.
- f. The Regional Board receives, forthwith, copies of annual or completion reports filed with CDF and a final certification signed by the landowner, certifying that: (1) the timber harvesting activities were conducted in conformance with the approved plan or accepted notice of timber operations [including information required in Part IID.1.a.through c., above] and with all other applicable provisions of this waiver, and (2) discharges resulting from the timber harvesting activities and pesticide applications were in compliance or are expected to comply with all requirements of applicable water quality control plans.

**E. CATEGORY 5: TIMBER HARVEST ACTIVITIES ON FEDERAL LANDS  
MANAGED BY THE USFS**

1. **Eligibility Criteria:**

- a. The USFS has conducted a multi-disciplinary review of the timber harvest proposal, including review by watershed specialists, and has specified best management practices, and additional control measures as needed, in order to assure compliance with applicable water quality control plans.
- b. The USFS has conducted a cumulative watershed effects (CWE) analysis and included specific measures needed to reduce the potential for CWEs in order to assure compliance with applicable water quality control plans.
- c. The USFS has allowed the public and other interested parties reasonable opportunity to comment on and/or challenge individual timber harvest proposals.

2. **Conditions:**

- a. The USFS shall submit to the Regional Board copies of final decision documents that contain information documenting compliance with the eligibility criteria at Part II.E.1., above. A copy of applicable final NEPA documents shall be submitted upon written request by Regional Board staff.
- b. The USFS shall submit and comply with a monitoring program prior to commencement of timber operations when: (1) the discharger's cumulative watershed effects analysis indicates that the project may cause any watershed or sub-watershed to exceed a threshold of concern as determined by various models (i.e., Equivalent Roaded Acres (ERA), Surface Erosion (USLE), Mass Wasting (GEO), etc.); or (2) the cumulative watershed effects analysis indicates that the project may increase risk values, as determined by various models (Equivalent Roaded Acres (ERA), Surface Erosion (USLE), Mass Wasting (GEO), etc.), in any watershed or subwatershed that already exceeds a threshold of concern prior to project implementation. The Executive Officer retains the discretion to waive this requirement, or to impose monitoring requirements in other situations, as appropriate.
- c. The USFS shall comply with the General Conditions described in Part I.B., above.
- d. The USFS shall submit to the Regional Board, forthwith upon completion of timber harvest activities, a final certification signed by the Forest Supervisor or District Ranger, certifying that: (1) the timber harvesting activities were conducted in conformance with all applicable provisions of this waiver, including information required in Part II.E.1.a. and b., above, and (2) discharges resulting from the timber harvesting activities were in compliance or are expected to comply with all requirements of applicable water quality control plans.

### **III. ACTIVITIES EXISTING OR COMPLETED AS OF 30 JANUARY 2003**

Timber harvest activities that were authorized to proceed by CDF or the US Forest Service prior to the adoption of this Waiver can be covered under this waiver if they meet one or more of the eligibility criteria, submit the specified eligibility document(s) to the Regional Board, and comply with the applicable conditions, as specified below:

#### **1. Eligibility Criteria:**

- a. Timber harvest activities on nonfederal lands that meet the eligibility criteria at Part II.A.1.a. for a Category 1 waiver (i.e., “FireSafe” treatments around existing structures). No notice to the Regional Board is required.
- b. Timber harvest activities on nonfederal lands that meet the eligibility criteria at Part II.A.1.b. for a Category 1 waiver (i.e., minor timber harvest activities other than “FireSafe” treatments approved by CDF under 14 CCR 1038(c)), upon receipt by the Regional Board of a Certification Notice, signed by the landowner, listing the Plan (or notice) number and all of the eligibility criteria at Part II.A.1.b., and certifying that the timber harvest activities meet all of those eligibility criteria, and that the discharger believes that the activities are appropriately covered under Waiver Category 1.
- c. Timber harvest activities on nonfederal lands accepted by CDF under a Notice of Exemption or Notice of Emergency that do not qualify for a waiver under subsection a. or b., above, upon receipt by the Regional Board of: (1) a copy of the CDF-accepted Notice of Exemption or Notice of Emergency, and (2) a Certification Notice, signed by the landowner, listing the CDF notice number and any additional practices needed to meet the eligibility criteria at Part II.B1.c. and certifying that those additional practices will be followed during the implementation of said project, and that the discharger believes that the activities are appropriately covered under Waiver Category 2.
- d. Timber harvest activities on nonfederal lands approved by CDF prior to the effective date of this Waiver, but which otherwise meet the eligibility criteria in Part II.C.1.a. through d. for a waiver under Category 3, upon receipt by the Regional Board of a Certification Notice, signed by the landowner, listing the Plan number and certifying that the discharger has incorporated all management practices and/or water quality protective measures identified or approved by Regional Board staff during its participation in CDF’s interdisciplinary review team process and believes that the activities are appropriately covered under Waiver Category 3.
- e. Timber harvest activities on nonfederal lands that were approved by CDF prior to the effective date of this Waiver and that are supplemented as described in this paragraph, upon receipt by the Regional Board of a Certification Notice, signed

by the landowner, that lists the Plan number, details any additional management practices needed to meet the applicable eligibility criteria at Part II.D.1.c.2. and certifying that those additional practices will be followed during the implementation of said project, and that the discharger believes that the activities are appropriately covered under Waiver Category 4.

- e. Timber harvest activities on National Forest System lands for which a NEPA decision document was executed by the USFS prior to the effective date of this Waiver, provided that: (1) the final environmental and decision documents prepared pursuant to NEPA contain information documenting compliance with the eligibility criteria at Part II.E.1.a. and b, above, and (2) the USFS submits to the Regional Board a signed certification, signed by the Forest Supervisor or District Ranger, listing the project name and location, and certifying that the USFS believes the activities are appropriately covered under Waiver Category 5.

2. **Conditions:**

Conditions (a) through (d), below, apply to timber harvest activities on both nonfederal and federal lands. Conditions (e) through (g) apply to timber harvest activities on nonfederal lands only. Condition (h) applies to timber harvest activities on federal lands:

- a. The discharger or USFS shall submit to the Regional Board the eligibility documents described in the preceding section.
- b. For those categories where application of pesticides is allowed, the discharger shall notify the Regional Board, in writing, at least 60 days prior to any proposed aerial application and 30 days prior to any proposed ground application of pesticides. The written notification shall include the type of pesticide, the proposed date(s) of application, the method and area of application, and measures that will be employed to assure compliance with applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing no less than 48 hours prior to pesticide application.
- c. The discharger or USFS shall comply with a monitoring program, pursuant to CWC Section 13267, when directed in writing by the Executive Officer.
- d. The discharger or USFS shall comply with the General Conditions described in Part I.B., above.
- e. For an approved NTMP, each future Notice of Timber Operations shall be submitted to the Regional Board no less than 30 days prior to commencement of timber harvest activities.
- f. For an approved Program Timberland Environmental Impact Report (PTEIR), the proponent of each future Program Timber Harvesting Plan (PTHP) would need to seek coverage under Section II, Waiver Category 1, 3, or 4 for each new PTHP.

- g. The discharger (nonfederal lands) shall submit, forthwith, to the Regional Board, copies of annual or completion reports filed with CDF and a final certification signed by the landowner, certifying that: (1) the timber harvesting activities were conducted in conformance with the approved Plan or notice of timber operations and with the applicable provisions of this waiver and, (2) discharges resulting from the timber harvesting activities and pesticide applications were in compliance with or are expected to comply with requirements of applicable water quality control plans.
- h. The USFS shall submit to the Regional Board, forthwith upon completion of timber harvest activities, a final certification signed by the Forest Supervisor or District Ranger, certifying that: (1) the timber harvesting activities were conducted in conformance with all applicable provisions of this waiver and, (2) discharges resulting from the timber harvesting activities were in compliance or are expected to comply with all requirements of applicable water quality control plans.

#### **IV. TERMINATION OF WAIVERS**

- 1. The Executive Officer shall terminate the applicability of a waiver to specific timber harvest activities if the Executive Officer makes any of the following determinations:
  - a. The proposed timber harvest activities do not comply with the eligibility criteria for the waiver.
  - b. The timber harvest activities are not in compliance with the applicable conditions of the waiver.
  - c. The proposed timber harvest activities are reasonably likely to result in violation of any requirement of an applicable water quality control plan or policy. In making this determination, the Executive Officer shall consider the recommendations of staff that participated in the review of the proposed timber harvest activities, if any.
  - d. A timber harvest activity has varied in whole or in any part from the approved Plan (for discretionary approvals) or notice (for non-discretionary approvals), unless these changes result in better protection of water quality.

2. Upon receipt of notice of termination of applicability of the waiver, the discharger shall immediately cease all timber harvest activities that may result in discharges to waters of the State, other than activities necessary to control erosion. Upon notice of termination, the discharger must file a report of waste discharge and applicable filing fee. Timber harvest activities that may result in discharges that could affect the quality of waters of the State may commence only upon enrollment by the Executive Officer under general waste discharge requirements, the adoption by the Regional Board of an individual waiver of waste discharge requirements or individual waste discharge requirements, or in accordance with CWC Section 13264(a).

**ATTACHMENT 1**  
**REQUIREMENTS OF APPLICABLE WATER QUALITY CONTROL PLANS**  
**FOR DISCHARGES RELATED TO TIMBER HARVEST ACTIVITIES**

From the Water Quality Control Plans (Basin Plans) for the California Regional Water Quality Control Board, Central Valley Region:

The Sacramento River Basin and San Joaquin River Basin, Fourth Edition – 1998

The Tulare Lake Basin, Second Edition – 1995

*See map for Basin Boundaries*

**Identical Water Quality Objectives for inland surface waters from both Basin Plans**

*The following are some of the applicable water quality objectives that relate to timber harvest activities. For a complete list of the water quality objectives, refer to the Basin Plans. Also, please note that the Basin Plans are revised periodically.*

***Color*** - Water shall be free of discoloration that causes nuisances or adversely affects beneficial uses.

***Sediment*** - The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

***Settleable Material*** - Waters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses. Suspended Material - Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.

***Toxicity*** - All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances. Compliance with this objective will be determined by analyses of indicator organisms, species diversity, population density, growth anomalies, and biotoxicity tests of appropriate duration or other methods as specified by the Regional Water Board.

The Regional Water Board will also consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors shall not be less than that for the same water body in areas unaffected by the waste discharge, or, when necessary, for other control water that is consistent with the requirements for "experimental water" as described in *Standard Methods*

*for the Examination of Water and Wastewater*, latest edition. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate; additional numerical receiving water quality objectives for specific toxicants will be established as sufficient data become available; and source control of toxic substances will be encouraged.

***Turbidity*** - Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
- Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
- Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
- Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

### **Water Quality Objectives from the Sacramento River and San Joaquin River Basin Plan**

***Floating Material*** - Water shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.

#### ***Pesticides***

- No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.
- Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.
- Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytical methods approved by the Environmental Protection Agency or the Executive Officer.
- Pesticide concentrations shall not exceed those allowable by applicable antidegradation policies (see State Water Resources Control Board Resolution No. 68-16 and 40 C.F.R. Section 131.12.).
- Pesticide concentrations shall not exceed the lowest levels technically and economically achievable.



- Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of pesticides in excess of the Maximum Contaminant Levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.

Where more than one objective may be applicable, the most stringent objective applies.

For the purposes of this objective, the term pesticide shall include: (1) any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever, or (2) any spray adjuvant, or (3) any breakdown products of these materials that threaten beneficial uses. Note that discharges of "inert" ingredients included in pesticide formulations must comply with all applicable water quality objectives.

**Temperature** - The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California* including any revisions. There are also temperature objectives for the Delta in the State Water Board's May 1991 *Water Quality Control Plan for Salinity*.

At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature.

Temperature changes due to controllable factors shall be limited for the water bodies specified as described in the table below. To the extent of any conflict with the above, the more stringent objective applies.

In determining compliance with the water quality objectives for temperature, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

## SPECIFIC TEMPERATURE OBJECTIVES

DATESAPPLICABLE WATER BODY

From 1 December to 15 March, the maximum temperature shall be 55°F.

From 16 March to 15 April, the maximum temperature shall be 60°F.

From 16 April to 15 May, the maximum temperature shall be 65°F.

From 16 May to 15 October, the maximum temperature shall be 70°F.

From 16 October to 15 November, the maximum temperature shall be 65°F.

From 16 November to 30 November, the maximum temperature shall be 60°F.

Sacramento River from its source to Box Canyon Reservoir; Sacramento River from Box Canyon Dam to Shasta Lake

The temperature in the epilimnion shall be less than or equal to 75°F or mean daily ambient air temperature, whichever is greater.

Lake Siskiyou

The temperature shall not be elevated above 56°F in the reach from Keswick Dam to Hamilton City nor above 68°F in the reach from Hamilton City to the I Street Bridge during periods when temperature increases will be detrimental to the fishery.

Sacramento River from Shasta Dam to I Street Bridge

***Turbidity*** - For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.

**Water Quality Objectives from the Tulare Lake Basin Plan**

***Floating Material*** - Waters shall not contain floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

***Pesticides*** - Waters shall not contain pesticides in concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses. (For the purposes of this objective, the term pesticide is defined as any substance or mixture of substances used to control objectionable insects, weeds, rodents, fungi, or other forms of plant or animal life.) The Regional Water

Board will consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for detrimental levels of chemical constituents developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U. S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

At a minimum, waters designated MUN shall not contain concentrations of pesticide constituents in excess of the maximum contaminant levels (MCLs) specified in Table 64444-A (Organic Chemicals) of Section 64444 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. To ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.

In waters designated COLD, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods prescribed in Standard Methods for the Examination of Water and Wastewater, 18th Edition, or other equivalent methods approved by the Executive Officer.

**Temperature** - Natural temperatures of waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California, including any revisions.

Elevated temperature wastes shall not cause the temperature of waters designated COLD or WARM to increase by more than 5°F above natural receiving water temperature.

In determining compliance with the above limits, the Regional Water Board may prescribe appropriate averaging periods provided that beneficial uses will be fully protected.

#### **Other Relevant Plans and Policies:**

State Board Resources Resolution 68-16

*Statement of Policy with Respect to Maintaining High Quality of Waters in California*

*Plan for California's Nonpoint Source Pollution Control Program*