

Water Quality's Responsibilities and Authorities in a Nutshell

- Charged by federal and state law with maintaining, protecting, and enhancing all of the beneficial uses of water
- State of CA Porter-Cologne Act authorizes development of regulations and any implementation mechanisms, and
- enforcement on violations of water quality regulations and law



Porter-Cologne Water Quality Control Act

“...primary responsibility for the coordination and control of water quality.”

- State Water Board
- Nine regional water boards, 9 members each
- Watershed boundaries
- Semi-autonomous in setting regulations and enforcing compliance



Continuous Planning Process

Water Quality Control Plan (Basin Plan)
Beneficial Uses (e.g., MUN, COLD, RARE,
MIGR, SPWN)

– Water Quality Objectives

- Numeric (e.g., < 20% turbidity increase over background)
- Narrative (e.g., no deposition that causes nuisance or adversely affects beneficial uses)

– Implementation Plans



Basin Plan Implementation

– Prohibitions

- “...quantities deleterious...”
- “...point source waste discharges ... are prohibited...”

– Implementation Mechanisms

regulatory mechanisms to meet water quality objectives and prohibitions and ensure protection of beneficial uses

- Permits
- Waivers of permit
- Action Plans
- Policies
- Agreements (MAAs under old CWA section 208)



General WDRs and Waivers

- **Waste Discharge Requirements**

Permit with specific requirements to meet Basin Plan, including monitoring

- **Waivers**

Permit is conditionally waived for lower impact projects, provided specific conditions are met (now must include monitoring)

Basic GWDR/Waiver Process

- Erosion Control Plan follows along with THP review process
- 10-workday GWDR turnaround goal once complete application is received
- 14-day automatic start on waivers



Ways to streamline/improve?

- Working well from our perspective
- What has helped—
 - Showing how the THP is considered in a watershed context
 - Explaining level of internal company reviews, e.g., geologic, fisheries
 - Helping us understand future plans for a watershed



WQ Enforcement Authorities

Progressive in nature

- Informal
 - Staff level either oral or by letter
 - Notice of Violation
- Formal
 - Notice to Comply
 - Technical Report and Investigation
 - Cleanup and Abatement Order
 - Time Schedule Order
 - Cease and Desist Order (on permits)
 - Administrative Civil Liability (\$\$ fine)
 - Referral to AG or DA



TMDL Implementation

- Garcia River – one person/one watershed
- Other coastal streams – existing processes
- Scott River water temperature key
- Modeling example for temperature
 - Listing and implementation



2004 Nonpoint Source Policy

- Applies to all landowners all sources

- **Implementation:**

1. Waiver,
2. Waste Discharge Requirements
3. Prohibition against an activity

Key elements for implementation

1. Achieve/maintain WQ standards
2. Focused Management Practices
3. Timeline with milestones and feedback
4. Enforceability

- Technical and Financial Assistance
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New Approaches

- Ownership WDRs- MRC example with HCP
- Watershed WDRs
 - Green Diamond - Elk River 10 year/harvest rate/roads
 - Humboldt Redwood -Bear Creek same+ monitoring watershed approach + repairs
- Other mechanisms – GDRCo road management plans added to THPs, Decision tree must be clear and transparent
- USFS examples
 - Scott TMDL MOU –umbrella with modules
 - Forest-wide Waiver/WDR Grazing, add date certain for products



What's next?

- Notice of Termination should be to us by May 1 so no further charges/overwinter is sometimes needed
- please don't pile 'em up or long waits may occur
- Waiver renewals (March, June)
 - USFS – public comment early 2009
 - Non-federal - public comment spring 2009 (drafts soon)
- New approaches for streamlining, taking advantage of watershed and ownership level information WDR with yearly fee, maybe less than individual THPs fees.
- WDRs for Siskiyou County roads



Coordination / Collaboration

- More info/explanation – CTM's Dutchman's Knoll THP Watershed context
- Pre-consultations
- Class III channel zone trees example
- GWDR Monitoring – CTM -allows other agreements flexibility-track record
- Watershed planning (GDRC Elk R, Bear Cr, GRI OWDR)



Take home message

- Communication greases the skids

