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
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