

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Review of the )  
Failure of the California Regional )  
Water Quality Control Board, North )  
Coast Region, to Adopt Amendments )  
to Water Quality Control Plans )  
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Order No. 72-21

On August 23, 1972, the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Board) failed to adopt proposed amendments to the Interim Water Quality Control Plans for the Klamath River and North Coastal Basins relating to the prohibition of waste discharges from logging, construction and associated activities. The proposed amendments to the basin plans had been the subject of a public hearing on July 19, 1972, in the City of Eureka, California. The draft amendments to the basin plans considered at the public hearing are attached and incorporated herein as Exhibit A.

Testimony at the public hearing and additional information received while the hearing record remained open was reviewed by the staff of the Regional Board and a subcommittee of Board Members appointed by the Chairman of the Regional Board. The staff and subcommittee recommended certain changes in the amendments after considering the evidence at the hearing. The Chairman of the subcommittee presented the proposed amendments to the Regional Board as an item of business at the regular meeting of the Regional Board on August 23, 1972. The amendments proposed for adoption by the Regional Board on August 23 are attached and incorporated herein as Exhibit B. The Board postponed action on the amendments as presented until the next regular meeting in October 1972.

The Regional Board had been informed of the need to regulate the waste discharge from logging, construction and associated activities since the regular meeting of the Board in February 1972, but had failed to set an early date for a public hearing on proposed basin plan amendments, and then further delayed adoption of the waste discharge prohibitions after the public hearing where further evidence of the need for such regulation was presented.

On September 7, 1972, the State Water Resources Control Board (hereinafter State Board) on its own motion adopted Resolution 72-64 to undertake a review of the failure of the Regional Board to adopt the amendments to the basin plans prohibiting the discharge of waste from logging, construction and associated activities. The State Board has reviewed the record of the Regional Board relating to the proposed amendments to the Interim Basin Plans for the Klamath River and North Coastal Basins, and concludes that the record supports the following findings:

1. The discharge of waste from logging, construction and associated activities has caused and threatens to cause pollution of waters of the Klamath River and North Coastal Basins.

2. Existing regulations of state, federal and local agencies are inadequate or lack implementation for controlling water quality, and the primary authority for the control of factors relating to the quality of the waters of the State is with the regional water quality control boards.

3. The discharge of waste in quantities deleterious to the beneficial uses of the waters of the State by any activity of industry, government or individuals must be controlled to protect the health, welfare and safety of the people of the State.

4. The proposed amendments to the basin plans are necessary and appropriate for the protection of the waters of the North Coast Region.

The State Board therefore makes the following findings:

1. The Regional Board had sufficient evidence and other information at the time of the regular meeting on August 23, 1972, to take action adopting the proposed amendments to the Interim Basin Plans for the Klamath River and North Coastal Basins.

2. The further postponement of the adoption of the amendments prohibiting the waste discharge from logging, construction and associated activities was not consistent with the evidence presented to the Regional Board, which clearly indicated a need for regulation of this type of waste discharge.

3. The Klamath River and North Coastal Interim Water Quality Control Plans contain water quality objectives which define water quality conditions to be maintained which will protect all beneficial uses of the waters of these basins.

4. The failure of the Regional Board to act on the proposed amendments to the Interim Water Quality Control Plans was inappropriate.

THEREFORE, the State Board takes the following action as authorized under Water Code Section 13320(c)(3):

1. The amendments to Chapters VI and VII of the Klamath River and North Coastal Interim Water Quality Control Plans which are attached to this order are hereby adopted.

2. The California Regional Water Quality Control Board, North Coast Region, is directed to adopt guidelines at the earliest possible date and submit them to the State Board for review and approval as to adequacy and reasonableness before they become effective. Such guidelines shall consist of at least the following elements:

a. Instructions to the Executive Officer of the Regional Board for the issuance of a cleanup or abatement order to any waste discharger whose activities have resulted in a violation or a threatened violation of the discharge prohibitions.

b. Instructions to the Executive Officer of the Regional Board to bring before the Regional Board, for consideration of a cease and desist order, evidence of waste discharges which violate or threaten to violate the discharge prohibitions.

c. Instructions to the Executive Officer of the Regional Board to investigate any violations of the Water Quality Objectives contained in the Interim Water Quality Control Plans which threaten to result in or interfere with the beneficial uses of the waters of the Region.

d. Instructions and directions to the Executive Officer to use all means of cooperation and communication with the other state and federal agencies involved with the regulation of logging, construction and associated activities, including

the use of necessary reports and files required by these agencies to eliminate duplication of effort by the individuals and agencies involved. The guidelines should take into consideration all relevant statutory and administrative regulations of the Department of Fish and Game, the Division of Forestry, State Department of Conservation, the Division of Highways and the United States Forest Service, Department of Agriculture.

Adopted as the order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: September 21, 1972

(BOARD MEMBERS' SIGNATURES)

AMENDMENTS TO CHAPTERS VI AND VII,  
INTERIM WATER QUALITY CONTROL PLANS FOR THE  
KLAMATH RIVER AND NORTH COASTAL BASINS

Chapter VI

a. The discharge of soil, silt, bark, slash, sawdust or other organic and earthen material from any logging, construction or associated activity of whatever nature into any stream or watercourse in the Basin in quantities deleterious to fish, wildlife or other beneficial uses is prohibited.

b. The placing or disposal of soil, silt, bark, slash, sawdust or other organic and earthen material from any logging, construction or associated activity of whatever nature at locations where such materials could pass into any stream or watercourse in the Basin in quantities which would be deleterious to fish, wildlife or other beneficial uses is prohibited.

Chapter VII

Discharge prohibitions for logging, construction and associated activities shall be implemented by (1) requiring submission of technical and monitoring program reports pursuant to Water Code Section 13267(b), and (2) issuance and enforcement of cleanup or abatement orders, cease and desist orders or other remedies as provided in Section 13350, where appropriate.

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4-26-72

## ORDER NO. 72-

AMENDMENT TO WATER QUALITY CONTROL PLAN (INTERIM)  
KLAMATH RIVER BASIN 1-AFindings

1. Logging, related activities associated with the removal of timber, and construction activities create conditions which have caused and threaten to cause waste materials to be discharged into waters of the Klamath River Basin either directly or through erosion of earth and earthen materials.
2. The deposition of waste materials from the aforesaid activities, including but not limited to earthen materials, sawdust, slash, bark and other debris, onto areas adjacent to waters of the State threatens to result in discharges of such materials into the waters of the Klamath River Basin.
3. The discharge and deposition of these waste materials as a result of the aforesaid activities have caused and threaten to cause conditions of water pollution and nuisance.
4. Pursuant to Water Code Section 13244, the regional board gave notice of the intention to prohibit the discharge of waste from the aforesaid activities and to include certain prohibitions and provisions as an amendment to the Interim Water Quality Control Plan, Klamath River Basin 1-A, adopted in June 1971.
5. On July 19, 1972, the board held a public hearing on the proposed prohibitions and heard testimony from all interested persons.

Therefore, the California Regional Water Quality Control Board, North Coast Region, orders that the Water Quality Control Plan (Interim) for the Klamath River Basin be amended by adding the following prohibitions following item 2 on page 21 of said plan.

Logging and Construction Activities

1. The discharge of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature into any stream in the basin in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.
  
2. The placing or disposal of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature at locations above the anticipated high-water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.

Provision

Prohibitions 1 and 2 shall be implemented by 1) submission of monitoring program reports pursuant to Water Code Section 13267(b) and 2) issuance of cleanup and abatement and cease and desist orders where appropriate.



ORDER NO. 72-

AMENDMENT TO WATER QUALITY CONTROL PLAN (INTERIM)  
NORTH COASTAL BASIN 1-B

Findings

1. Logging, related activities associated with the removal of timber, and construction activities create conditions which have caused and threaten to cause waste materials to be discharged into waters of the North Coastal Basin either directly or through erosion of earth and earthen materials.
2. The deposition of waste materials from the aforesaid activities, including but not limited to earthen materials, sawdust, slash, bark and other debris, onto areas adjacent to waters of the State threatens to result in discharges of such materials into the waters of the North Coastal Basin.
3. The discharge and deposition of these waste materials as a result of the aforesaid activities have caused and threaten to cause conditions of water pollution and nuisance.
4. Pursuant to Water Code Section 13244, the regional board gave notice of the intention to prohibit the discharge of waste from the aforesaid activities and to include certain prohibitions and provisions as an amendment to the Interim Water Quality Control Plan, North Coastal Basin 1-B, adopted in June 1971.
5. On July 19, 1972, the board held a public hearing on the proposed prohibitions and heard testimony from all interested persons.

Therefore, the California Regional Water Quality Control Board, North Coast Region, orders that the Water Quality Control Plan (Interim) for the North Coastal Basin be amended by adding the following prohibitions as item D on page 23 of said plan:

D. Logging and Construction Activities

- a. The discharge of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature into any stream in the basin in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.
  
- b. The placing or disposal of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature at locations above the anticipated high-water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.

Provision

Prohibitions a and b shall be implemented by 1) submission of monitoring program reports pursuant to Water Code Section 13267(b) and 2) issuance of cleanup and abatement and cease and desist orders where appropriate.

ORDER NO. 72-55

AMENDMENT TO WATER QUALITY CONTROL PLAN (INTERIM)  
KLAMATH RIVER BASIN 1-AFindings

1. Logging, related activities associated with the removal of timber, and construction activities create conditions which have caused and threaten to cause waste materials to be discharged into waters of the Klamath River Basin either directly or through erosion of earth and earthen materials.
2. The deposition of waste materials from the aforesaid activities, including but not limited to earthen materials, sawdust, slash, bark and other debris, onto areas adjacent to waters of the State threatens to result in discharges of such materials into the waters of the Klamath River Basin.
3. The discharge and deposition of these waste materials as a result of the aforesaid activities have caused and threaten to cause conditions of water pollution and nuisance.
4. Pursuant to Water Code Section 13244, the regional board gave notice of the intention to prohibit the discharge of waste from the aforesaid activities and to include certain prohibitions and provisions as an amendment to the Interim Water Quality Control Plan, Klamath River Basin 1-A, adopted in June 1971.
5. On July 19, 1972, the board held a public hearing on the proposed amendment and heard testimony from all interested persons.
6. Review of the testimony and comments received at that hearing did not reveal cause to modify the aforesaid findings nor did it cause the board to significantly modify the amendment to the basin plan as proposed on July 19, 1972.

Therefore, the California Regional Water Quality Control Board, North Coast Region, orders that the Water Quality Control Plan (Interim) for the Klamath River Basin be amended by adding the following prohibitions following item 2 on page 21 of said plan:

Logging and Construction Activities

1. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials from any logging, construction or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.
2. The placing or disposal of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature at locations where they may be washed into streams or watercourses of the basin by rainfall or runoff in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.

Provision

The means of implementing Prohibitions 1 and 2 shall be expressed by guidelines to be adopted by the Board.

August 23, 1972

## ORDER NO. 72-56

AMENDMENT TO WATER QUALITY CONTROL PLAN (INTERIM)  
NORTH COASTAL BASIN 1-BFindings

1. Logging, related activities associated with the removal of timber, and construction activities create conditions which have caused and threaten to cause waste materials to be discharged into waters of the North Coastal Basin either directly or through erosion of earth and earthen materials.
2. The deposition of waste materials from the aforesaid activities, including but not limited to earthen materials, sawdust, slash, bark and other debris, onto areas adjacent to waters of the State threatens to result in discharges of such materials into the waters of the North Coastal Basin.
3. The discharge and deposition of these waste materials as a result of the aforesaid activities have caused and threaten to cause conditions of water pollution and nuisance.
4. Pursuant to Water Code Section 13244, the regional board gave notice of the intention to prohibit the discharge of waste from the aforesaid activities and to include certain prohibitions and provisions as an amendment to the Interim Water Quality Control Plan, North Coastal Basin 1-B, adopted in June 1971.
5. On July 19, 1972, the board held a public hearing on the proposed amendment and heard testimony from all interested persons.

Therefore, the California Regional Water Quality Control Board, North Coast Region, orders that the Water Quality Control Plan (Interim) for the North Coastal Basin be amended by adding the following prohibitions as item D on page 23 of said plan:

Logging and Construction Activities

1. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials from any logging, construction or associated activity of whatever nature into any stream or water course in the basin in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.
  
2. The placing or disposal of soil, silt, bark, slash, sawdust or other organic and earthen materials from any logging, construction, or associated activity of whatever nature at locations where they may be washed into streams or water courses of the basin by rainfall or runoff in quantities deleterious to fish, wildlife and other beneficial uses is prohibited.

Provision

The means of implementing Prohibitions 1 and 2 shall be expressed by guidelines to be adopted by the Board.

August 23, 1972