Fact Sheet:
Implementation of the Scott River TMDL Conditional Waiver of Waste Discharge Requirement Program

Background

The Scott River Total Maximum Daily Loads for Sediment and Temperature (Scott TMDLs) were developed by the North Coast Regional Water Quality Control Board (Regional Water Board) to address water quality impairments and implement strategies to improve those conditions. The Regional Water Board is implementing the Scott River TMDLs through a mix of funding assistance and permits.

The Regional Water Board is the state agency responsible for implementation of California's Porter-Cologne Water Quality Control Act and the federal Clean Water Act. The Porter-Cologne Water Quality Control Act requires the Regional Water Board to develop or certify regulatory programs to control discharges of pollutants, such as sediment, to streams, rivers, and wetlands. The Regional Water Board has developed the *Scott River Conditional Waiver of Waste Discharge Requirements* (Scott River TMDL Conditional Waiver) to improve sediment and temperature conditions in the Scott River and its tributaries.

The Regional Water Board issues Waste Discharge Requirements (WDRs), a type of permit, to establish pollution controls and monitoring and reporting requirements. WDRs are the primary type of permit the Regional Water Board issues. The Regional Water Board may also waive the requirement for WDRs, subject to meeting conditions specified in a Conditional Waiver of WDRs. This is the approach the Regional Water Board is taking to address discharges of sediment and elevated water temperatures in the Scott River watershed.

Scott River TMDL Conditional Waiver

The existing Scott River TMDL Conditional Waiver was approved by the Regional Water Board in April 2018. The purpose of this Fact Sheet is to answer frequently asked questions regarding the Scott River TMDL Conditional Waiver and its implementation.

The Scott River TMDL Conditional Waiver waives the need for WDRs for discharges of pollutants for all activities not already regulated through an existing program. Activities already regulated through existing programs include: timber harvest, dredge and fill and

other in-stream activities, construction activities disturbing more than an acre, county road maintenance, US Forest Service operations, CalTrans operations, and wastewater management.

The conditions that must be met to qualify for the Scott River TMDL Conditional Waiver are the following:

- Participate in collaborative programs and implement the measures to control human-caused erosion and elevated stream temperatures, such as those recommended in the *Action Plan for the Scott River Sediment and Temperature Total Maximum Daily Loads;*
- Employ best management practices and activities that minimize, control, and preferably prevent discharges of sediment and elevated solar radiation loads from affecting waters of the Scott River and tributaries (see condition 5[a-q] in the Scott River TMDL Conditional Waiver for specific management practices);
- If requested in writing by the Regional Water Board Executive Officer, provide plans and/or documentation as requested;
- If a plan is requested and subsequently approved by the Executive Officer, implement the plan; and
- Allow Regional Water Board staff entry onto property, with reasonable notice, for the purposes of assessing water quality protection needs.

Assessing Participation in the Scott River TMDL Conditional Waiver Program

The Regional Water Board's approach to confirming Waiver participation and compliance relies on property-by-property assessments of water quality protection. Regional Water Board staff are approaching land owners to discuss their participation in the program, to make arrangements for water quality protection assessments, and to confirm compliance with the Scott River TMDL Conditional Waiver. Regional Water Board staff have identified a subset of Scott Valley properties that pose a higher risk to water quality, based on risk factors. The identification of properties that pose a higher risk of discharge is based on farming and ranching activities that occur adjacent to waters of the state. Regional Water Board staff will prioritize properties for waiver compliance assessments based on the length of streams adjacent to farming and ranching activities on a given property.

Answers to Frequently Asked Questions:

Q: How will the Regional Water Board decide who to contact to conduct water quality protection assessments?

A: Regional Water Board staff will focus efforts to work with landowners on implementation of the waiver conditions based on the following categories:

- Properties meeting risk criteria (management of lands adjacent to streams, prioritized by length of stream);
- Areas with unique opportunities to improve water quality (voluntary collaborative initiatives);
- Water quality issues identified through complaints and staff observations.

Q: How will the process of Regional Water Board staff engagement with landowners work?

A: Staff of the Regional Water Board will take the following approach:

- Contact the landowner (usually by phone) and arrange a mutually agreeable assessment date and time.
- Review and discuss the contents of the Conditional Waiver with the landowners.
- Assess and evaluate management practices and water quality protection measures, and inform the landowner of program requirements, and assistance programs, if needed.
- Identify areas with management practices protective of water quality and/or areas needing improvement, and discuss with landowners.
- Verify waiver compliance, or identify next steps to attain compliance, as appropriate. Waiver compliance verification and potential next steps are detailed in the following questions and answers.

Q: How will the Regional Water Board assess compliance with the Conditional Waiver?
A: Staff will assess compliance with the Conditional Waiver and evaluate the need for plans and monitoring on a case-by-case basis, using a consistent assessment approach. Assessments will employ a checklist and will focus on factors related to discharge of sediment, and/or elevated solar radiation loads. These factors include:

- Effects of land management on riparian conditions
- Livestock access to riparian areas
- Potential discharge of eroded sediments
- Potential for tailwater discharge.

Staff may recommend the Regional Water Board Executive Officer request a plan and/or other documentation in the following situations:

- If the corrective actions are complex, requiring special expertise
- The level of effort necessary to control a discharge is great
- A solution can't be worked out at the time of the assessment.

Q: If a landowner is requested to develop a plan, what would that entail?
A: The content of plans may range from simple to complex, depending on the site-specific situation:

- The level of detail required in a plan will be dependent on site-specific characteristics, and will be specified in writing.
- An example of a simple plan would be a description of practices implemented to prevent discharges, with photo documentation captured and kept by the landowner to evaluate the effectiveness of practices over time.
- An example of a comprehensive plan might be an inventory of existing sources of sediment discharge and elevated water temperatures, a map of sites, a schedule for addressing the identified sources, identification of management practices employed to control the sources, and a monitoring and reporting program.

Q: What other kinds of information might landowners be asked to provide?
A: The Regional Water Board's Executive Officer may request information be periodically provided to document that the water quality protection practices utilized by a landowner are effective, if appropriate. The kind of information that may be requested

ranges from photo documentation of implementation measures to collection of tailwater samples to characterize the quality of water discharged to streams, depending on the situation. Regional Water Board staff anticipate that photo documentation would be sufficient in most cases where monitoring would be requested.