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## Lahontan Regional Water Quality Control Board

February 1, 2023

### REQUEST FOR PUBLIC COMMENT

#### PROPOSED REVISIONS TO THE LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD'S CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR WASTE DISCHARGES RESULTING FROM TIMBER HARVEST AND VEGETATION MANAGEMENT ACTIVITIES

**NOTICE IS HEREBY GIVEN** that staff of the Lahontan Regional Water Quality Control Board (Water Board) are requesting preliminary public comments on contemplated revisions to Board Order No. R6T-2014-0030 *Conditional Waiver of Waste Discharge Requirements for Waste Discharges Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region* (2014 Timber Waiver) and will be conducting a virtual outreach meeting to present proposed revisions and receive verbal commentary. The Water Board is the California state agency responsible for water quality protection in the Lahontan Region, which extends from the Oregon border to the northern Mojave Desert east of the Sierra Nevada crest.

#### NEED FOR REVISIONS

The 2014 Timber Waiver is a conditional waiver of waste discharge requirements that regulates waste discharges resulting from timber harvest and vegetation management activities. Vegetation management activities range from homeowner defensible space operations, to implementation of local Fire Protection Districts' community protection plans, to large Wildland Urban Interface projects conducted by the California Department of Parks and Recreation, the Bureau of Land Management, and the US Forest Service (USFS). Commercial timber harvest conducted by small landowners, industrial timber companies, and the USFS are also regulated by the 2014 Timber Waiver.

The 2014 Timber Waiver was set to expire in April 2019, and was renewed without change in March 2019 by Board Order No. R6T-2019-0240. In California, all waivers of waste discharge requirements are limited to five years in duration, after which they must be renewed or replaced (California Water Code section 13269(a)(2)). The 2019 renewal of the 2014 Timber Waiver expires in March 2024.

The Water Board is planning to make updates to the Timber Waiver that would build on existing structure and accommodate staff, stakeholder, and legislative change. Changes

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

at the legislative, State Water Resources Control Board (State Water Board), and state government level may include statutory mandates for regulatory agency process with respect to timber harvest and vegetation management permitting, internal policy development, and State Water Board permit development actions that may supersede regional permits. Areas of expected change and legislative focus include the increase in the pace and scale of forest management and the streamlining of regulatory compliance. These expected changes will be considered during development of the 2024 Timber Waiver.

Water Board staff contemplated regulating timber harvest and vegetation management projects under a general Waste Discharge Requirements (WDRs) Order, which would eliminate the need to renew the regulatory document every five years. Ultimately, Water Board staff determined that a renewed waiver of WDRs is appropriate at this time, but a general WDRs remains a feasible long-term approach to regulating timber harvest and vegetation management projects in the Lahontan Region. Water Board staff recognize this 2024 Timber Waiver update as an opportunity to further refine the waiver's language, provide clarity where needed, and implement changes brought forward both internally and externally.

### **CONTEMPLATED REVISIONS TO TIMBER WAIVER**

Streamline and Simplify Regulatory Processes. Water Board staff are considering revising notification, application, and monitoring requirements to simplify permit compliance. Clarification regarding enrollment of large-scale projects and/or projects that span multiple land ownerships will be addressed through modified application directions. A defined application completeness determination timeframe for Category 4 projects is proposed. A broader range of changes that would be considered a material change are proposed. A streamlined notification process will be considered when a material change occurs on a project. The redundant listing of conditions will be minimized by moving certain categorical conditions to the General Conditions section.

Correct Clerical Errors. Water Board staff plan to correct clerical errors that exist within the 2014 Timber Waiver, to provide clarity to enrollees and staff implementing the waiver.

Additions to the Definition and List of Acronyms (Attachment A). Water Board staff are considering defining terms that are not currently defined in the 2014 Timber Waiver to provide further clarification.

Add New Attachments to Standardize and Facilitate Reporting Requirements. Water Board staff are considering creating additional attachments to standardize pesticide notification requirements. Staff is also considering modification to reporting schedule to help reduce potential redundancy in reporting requirements.

Water Board staff appreciate input on these items as well as other potential changes to the Timber Waiver.

## DOCUMENT AVAILABILITY

The 2014 Timber Waiver, Board Order No. [R6T-2014-0030](#), and the 2019 Renewal of the 2014 Timber Waiver, Board Order No. [R6T-2019-0240](#), are both available on the Water Board's timber harvest and vegetation management webpage on:

[https://www.waterboards.ca.gov/lahontan/water\\_issues/programs/waste\\_discharge\\_requirements/timber\\_harvest/timberwaiver.html](https://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/timber_harvest/timberwaiver.html)

## HOW TO SUBMIT COMMENTS

Please email your written comments to [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) and include "2024 Timber Waiver" in the subject line. If you do not have access to the Internet, please submit your written comments to:

Lahontan Regional Water Quality Control Board  
Attention: Meghan Walsh  
2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150

Water Board staff will review all comments previously submitted during earlier iterations of the Timber Waiver, as well as additional comments submitted during this preliminary public comment period. In order for Water Board staff to consider comments towards the proposed 2024 Timber Waiver, please submit comments by **March 10, 2023, at 5:00 pm.**

## PUBLIC MEETING TO PRESENT DRAFT REVISIONS AND RECIEVE VERBAL COMMENTARY

There will be an opportunity for the public to learn more about the draft revisions proposed to the Timber Waiver and to provide verbal commentary during a virtual meeting conducted using online video and audio broadcast software. The meeting will occur on:

**Friday March 2, 2023, 4:00 PM to 6:00 PM**

### Meeting Website:

<https://waterboards.zoom.us/j/94505576989?pwd=akRMU2ZROGZKK0VRdGF0eEFzamtmZz09>

**Meeting ID: 945 0557 6989**

**Passcode: 345283**

**To call in, please dial [+1 669 900 9128](tel:+16699009128) (San Jose)**

**Find your local number: <https://waterboards.zoom.us/u/adrMwbPtNq>**

## NEXT STEPS

Following receipt of comments, staff will consider all comments received in the process of developing proposed changes to the 2024 Timber Waiver. Staff anticipate bringing the proposed 2024 Timber Waiver to the Water Board for consideration at a public hearing in spring 2024. Notices of public scoping meetings and future opportunities for comment and input will be posted to the Water Board's website at:

<https://www.waterboards.ca.gov/lahontan/>.

If you are interested in receiving notifications relating to the Timber Waiver including, but not limited to, meeting schedules, draft and proposed documents, Board hearing information, and environmental analysis, please use the link below to register for the Lahontan Water Board email notification service.

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg6\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg6_subscribe.html)

Fill in your email and name and click the ***Timber Waiver and Related Regulations*** box.

Please bring the above information to the attention of anyone you know to be interested in this matter. Any questions regarding this notice should be directed to Adam Henriques, Environmental Scientist, at (530) 542-5439 ([Adam.Henriques@waterboards.ca.gov](mailto:Adam.Henriques@waterboards.ca.gov)) or Trevor Miller, Senior Water Resource Control Engineer, at (530) 542-5430 ([Trevor.Miller@waterboards.ca.gov](mailto:Trevor.Miller@waterboards.ca.gov)).

Thanks,

Lahontan Forestry Program Staff