

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

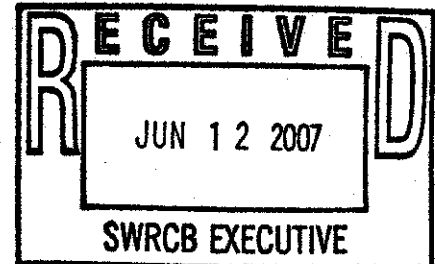
P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(916) 653-5305



6/28/07 Workshop  
**WQ Enforcement**  
Deadline: 6/14/07 Noon

June 12, 2007

Ms. Song Her  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



Dear Ms. Her:

**SUBJECT:** Comment Letter – Water Quality Enforcement Workshop

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the State Water Resources Control Board's (SWRCB's) *Water Quality Enforcement Policy* dated February 19, 2002, and has the following comments concerning modifying and updating the policy.

In 1988, a Management Agency Agreement (MAA) was entered into by and between the SWRCB, CAL FIRE, and Board of Forestry and Fire Protection (BOF) "for the purpose of carrying out, pursuant to Section 208 of the Federal Clean Water Act, those portions of the State's Water Quality Management Plan related to silvicultural activities on nonfederal lands in the State of California." Additionally, in 2003, the SWRCB, Regional Water Quality Control Boards (RWQCBs) designated as signatories, and CAL FIRE entered into a Memorandum of Understanding (MOU) with the following stated purpose:

"... identifying procedures that will be used by each agency in carrying out their statutory activities to prevent adverse effects on beneficial uses of water from silvicultural activities on non-federal lands in the State of California and to assist in restoring beneficial uses of water in watersheds where beneficial uses of water have been determined to be impaired."

Considering CAL FIRE's important role in the enforcement of regulations and measures intended to ensure the protection of water quality, CAL FIRE believes water quality enforcement could be improved through: 1) more efficient field inspections; and 2) better coordination between the RWQCBs and other state agencies charged with enforcing regulations design to protect water quality and aquatic habitat. To improve water quality enforcement, the RWQCBs should, to the extent possible: 1) station their field inspectors in locations that allow them to perform same day field inspections; 2) co-locate RWQCB inspectors with the inspectors of sister agencies, such as CAL FIRE and the California Department of Fish and Game (CDFG); and 3) continue to support and encourage

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interagency training and monitoring with CAL FIRE, DFG, CGS and other Regional Board staff. We recommend these three goals be incorporated in the *Water Quality Enforcement Policy* under **II. B. Compliance Inspections**, beginning on page 5.

As an example, the North Coast RWQCB staff is currently charged with doing inspections in the Klamath Basin, which is located one day's travel away in Santa Rosa. This not only makes it difficult to coordinate with other state agency personnel located in Yreka, it also means that inspections in the Klamath River Basin require a minimum of three days RWQCB work-time. Co-locating North Coast RWQCB inspectors at an existing state office in Yreka would not only make inter-agency coordination easier, it would significantly increase the efficiency of the RWQCB inspectors covering this large area.

In addition to the comments above, on page 5 under **Self-Monitoring Reports (SMRs)** it is stated, "RWQCB staff shall regularly review all discharger SMRs and document all violations and subsequent enforcement response in the Board's enforcement data management system." We recommend adding a statement to the policy requiring the RWQCB to acknowledge to the submitter: 1) receipt of the SMR within a specified number of days; and 2) staff review of the SMR within a specified number of days following acknowledgement of receipt of the document. We also recommend that the RWQCBs provide CAL FIRE with copies of the monitoring reports when the reports indicate there have been violations of the Forest Practice Rules, terms of a timber harvesting plan, conditions of a waiver, or of waste discharge requirements. This will ensure full compliance with all regulations and requirements pertaining to the protection of water quality.

Thank you for this opportunity to comment on the *Water Quality Enforcement Policy*. If you have any questions, please contact Clay Brandow of my staff at (916) 653-0719 or [clay.brandow@fire.ca.gov](mailto:clay.brandow@fire.ca.gov).

Sincerely,



DUANE SHINTAKU  
Assistant Deputy Director, Forest Practice