

This Change Sheet covers the revisions made on the draft Statewide Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California (Waiver). Staff proposes to clarify the draft Waiver, as follows:

**CHANGES TO THE DRAFT WAIVER FINDINGS:**

32. For activities receiving coverage under this Waiver, compliance with the conditions of this Waiver satisfy USFS's obligations toward compliance with the implementation requirements for TMDLs in which it is named, unless the applicable Regional Water Board notifies the USFS otherwise in writing. The written notification shall provide USFS with a statement of reasons for that decision, supported by factual information and reasoned analysis. **In its implementation recommendations for temperature and sediment TMDLs for certain North Coast rivers**, U.S. EPA has ~~determined that identified~~ the NWFP standards and guidelines **are as** potentially sufficient to attain riparian vegetation characteristics (e.g., shade, vegetation diversity) that are consistent with temperature load allocations on NFS lands. U.S. EPA has also cited USFS ongoing efforts for the protection and restoration of refugia watersheds for possible TMDL compliance in certain watersheds.
36. This Waiver does not cover any of the following types of discharges.
- a. Discharges subject to construction or industrial stormwater permits;
  - b. Discharges subject to other NPDES permits under the CWA, including, but not limited to, silvicultural point sources as defined in 40 C.F.R. 122.2;
  - c. Discharges subject to Section 404 dredge and fill permits or 401 Water Quality Certification;
  - d. Discharges subject to pre-existing Waste Discharge Requirements;
  - e. Discharges from abandoned mines or mining waste, except to the extent that the USFS employs management practices that address sediment and temperature from roads, unvegetated soil, and building pads that are associated with mining activity on NFS land.
  - f. Discharges of hazardous waste or human waste.
  - g. Discharges subject to hydropower relicensing.
  - h. Discharges from septic tanks or other wastewater treatment and disposal systems.

When such discharges are a component of a larger project, the remainder of the project may still be covered under the Waiver. **No component of a project will be expected to have coverage under more than one State Water Board permit.**

The Waiver does not obviate the need for USFS to obtain as necessary, and comply with, all other applicable local, state and federal permits from other agencies may be required for a proposed activity, including but not limited to building construction subject to the Uniform Building Code.

50. It is the State Water Board's expectation that the USFS will seek coverage under this Waiver for all new Category B projects that meet the conditions of the Waiver, **except where the project is already covered or is seeking coverage under another State Water Board permit.** New projects are those projects that undergo NEPA review after the adoption of this Waiver. The USFS may seek coverage for ongoing Category B activities at the discretion of the Regional Water Board through submission of an application with environmental and project information sufficient to support an informed and reasoned Regional Water Board decision regarding enrollment. This Waiver specifically contemplates and sets out a process for the USFS to apply for coverage of ongoing grazing activity.