



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

September 24, 2007

David Van Lennep
Redwood Empire
1395 41st Avenue, Suite D
Capitola, CA 95010

Dear Mr. Van Lennep:

SUBJECT: RESPONSE TO AUGUST 23, 2007 LETTER RE: SUBSTANTIAL DELAYS IN WAIVER APPLICATION APPROVALS

Your August 23, 2007 letter (attached) to the Central Coast Regional Water Quality Control Board (Water Board) reiterated your concerns that the time frame for approval of the General Conditional Waiver of Waste Discharge Requirements for timber harvest activities in the Central Coast Region (General Waiver) is overly burdensome for the regulated community. You offered several suggestions to expedite the process. Your suggestions and staff responses are listed below:

1. Simplification of the Waiver Application and review process.

California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than to a community sewer system, file a report of waste discharge (the Waiver Application) with the appropriate Water Board containing information and data that may be required by the Water Board.

Water Board staff needs the information to determine the potential threat to water quality and to determine appropriate monitoring for each plan. Review of future applications will continue to be streamlined through an initial screening by a student assistant to determine if an application is complete and if the proposed plan is eligible for the General Waiver. Staff will continue to work with the regulated community to make the General Waiver application process as efficient as possible.

2. Modification of the methodology that Staff currently employs in waiver application review.

see 1. above

3. Allocation of additional Staff, or available hours.

California Environmental Protection Agency

Each fiscal year, Water Boards receive resource allocations from the State Water Resources Control Board (which allocates funding among the various water board organizations from the approved State budget). While we have some flexibility within our budget, most funds are allocated to specific programs and we cannot trade budgets among those programs. We could use more staff to meet all the needs of nearly all our individual programs, but the reality is that we must do the best we can with what we do have. Another reality is that we have many water quality problems in the region that are more severe than the problems we are seeing from timber. That should be a good thing from your perspective. We will continue to review the needs of the timber program and methods for using our timber budget most effectively. While both the regulated community and the environmental community agree that the Central Coast Timber Program could use more resources, we must strive to use existing resources as efficiently as possible.

4. Waiver processing concurrent with THP process.

The Water Board does not issue permits for timber harvesting and regulates only the discharges associated with harvesting operations that have received a permit from the California Department of Forestry and Fire Protection (Cal Fire). Therefore, any Discharger seeking enrollment under an Individual or General Waiver for their harvest plan must first receive harvest plan approval from Cal Fire.

At their September 2006 Board Meeting, the Water Board revised the time frame in which a Discharger may submit their Waiver Application. Instead of the date Cal Fire approves the harvest plan, the Discharger may submit their Waiver Application at the end of that process' public comment period. This allows the Discharger to submit their Waiver Application at least ten days sooner than if they had to submit the Waiver Application after Cal Fire's approval.

Allowing the Discharger to submit a Waiver Application before the end of the public comment period or sooner could introduce a significant amount of variability between the information in original Waiver Application and the information in the Cal Fire-approved harvest plan. Tracking these changes would be an inefficient and inappropriate use of staff's limited time. Therefore, processing Waiver Applications concurrent with the THP process is impractical.

5. Changing the date of the Annual Staff Report to the Board to January.

Staff agrees with your suggestion. Changing the date of the annual staff report from July to January (or the first Northern meeting location of the year) would allow staff to work on the reporting aspects of the program during the non-harvest season. In the winter, when timber harvest activities are restricted, staff would be able to spend more time