

**NOTICE OF PUBLIC WORKSHOP  
AND  
PUBLIC HEARING**

Order No. R1-2013-0005

Waiver of Waste Discharge Requirements for Discharges  
for  
Timber Operations on Non-Industrial Timber Management Plans  
in the  
North Coast Region

**NOTICE IS HEREBY GIVEN** that North Coast Regional Water Quality Control Board (Regional Water Board) staff will conduct a public workshop on draft Order No. R1-2013-0005, *Waiver of Waste Discharge Requirements for Discharges for Timber Operations on Non-Industrial Timber Management Plans (NTMPs) in the North Coast Region (NTMP Waiver)*. No action will be taken by the Regional Water Board at the workshop at the regularly scheduled Regional Water Board meeting on January 24, 2013, at 8:30 a.m. at the Regional Water Board's Office, located at 5550 Skylane Boulevard, Suite A, Santa Rosa, CA.

A Public Hearing to consider adoption of the draft Order is scheduled for March 14, 2013, at 8:30 a.m., or as announced in the Regional Water Board's agenda. The meeting will be held at the Regional Water Board's Office, located at 5550 Skylane Boulevard, Suite A, Santa Rosa, California.

The purpose of the workshop is to provide the Regional Water Board, public and interested parties the opportunity to comment on and discuss the draft Order during the comment period, so that revisions could be made and re-issued if significant changes are necessary prior to the March 14, 2013 hearing date.

**Background**

The Regional Water Board renewed the Categorical Waiver in June 2009, including revising specific conditions for Non-industrial Timber Management Plans (NTMPs). In response to concerns of landowners, foresters and the Department of Forestry and Fire Protection (CAL FIRE) that revised conditions in the Categorical Waiver would impose unreasonable burdens on NTMP owners as well as CAL FIRE, the Regional Water Board adopted limited term amendments to the Waiver to temporarily suspend the revised provisions for NTMPs (Order Numbers R1-2011-0038, R1-2012-0010, R1-2012-0085). One of the primary purposes of the amendments was to allow time for Regional Water Board staff to work with NTMP landowners, CAL FIRE and other interested parties to evaluate the adequacy of protective measures designed into NTMPs to achieve compliance with Total Maximum Daily Loads, Basin Plan standards, and rules for protecting water quality included in the Forest Practice Rules.

Since March 2011, Regional Water Board staff has undertaken a variety of investigations and conducted outreach to interested parties to improve mutual understanding as well as to identify solutions to controlling discharges from NTMPs to achieve compliance with Total Maximum Daily Loads, Basin Plan standards, and rules for protecting water quality

included in the Forest Practice Rules. Based on these efforts, Regional Water Board staff are proposing a tiered approach to waiving waste discharge requirements for NTMPs. The draft order allows NTMPs landowners two options for Waiver coverage; those options consist of either a) identifying and treating all sites within an area covered by a Notice of Timber Operations (NTO) that have the potential to adversely impact the beneficial uses of water, concurrent with operations under the NTO, or b) preparing an Erosion Control Plan (ECP) for the entire NTMP area and treating sites according to an implementation schedule that may exceed the five-year timeframe of the waiver.

### **Document Review**

Copies of the draft Order, related documents, and comments received are on file and may be inspected or copied at the Regional Water Board office during normal business hours or viewed at:

[http://www.waterboards.ca.gov/northcoast/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/)

[http://www.waterboards.ca.gov/northcoast/public\\_notices/public\\_hearings/npdes\\_permits\\_and\\_wdrs.shtml](http://www.waterboards.ca.gov/northcoast/public_notices/public_hearings/npdes_permits_and_wdrs.shtml)

For further information, please contact Regional Board staff member Jim Burke (707) 576-2289 or [Jim.Burke@waterboards.ca.gov](mailto:Jim.Burke@waterboards.ca.gov).

### **Public Comment Period**

The draft Order is available for public review prior to the Public workshop beginning on January 8, 2013 and ending at 5:00 p.m. on February 11, 2013. Persons wishing to comment in writing on the draft Order must submit comments to the Regional Water Board no later than 5:00 p.m. on February 11, 2013.

Written comments may be submitted by US mail, email, or fax to Jim Burke at:

North Coast Regional Water Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403  
[Jim.Burke@waterboards.ca.gov](mailto:Jim.Burke@waterboards.ca.gov)  
(707) 523-0135 Fax

### **Public Hearing Procedures**

The public meeting to consider the draft Order has been scheduled for March 14, 2013, in Santa Rosa at 8:30 a.m. The meeting will be held at the Regional Water Board's office located at 5550 Skylane Blvd, Suite A, in Santa Rosa. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Order, or take another action.

In order for the Regional Water Board to consider any evidentiary material concerning this hearing, any documents, including written technical reports and other evidentiary material, must be received by the Regional Water Board no later than 5:00 p.m., on **February 11, 2013**, at 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403. This written

material will be submitted to the Regional Water Board member and all interested persons along with the full agenda materials.

Written material received after the above date will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually allow no more than 15 minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

For directions to the North Coast Regional Water Quality Control Board offices, please refer to: <http://www.waterboards.ca.gov/northcoast/contact.html>. Parking for the meetings is available onsite. Individuals requiring special accommodations are requested to contact Ms. Patti Corsie, Executive Assistant, at (707) 576-2307 or [PCorsie@waterboards.ca.gov](mailto:PCorsie@waterboards.ca.gov) at least five days prior to the meeting. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Ex parte communications are allowed in this matter subject to the disclosure requirements of Water Code section 13287. **Ex parte communications are prohibited for a period beginning 14 days before the board meeting at which the proposed order is scheduled for board action.** For communications concerning any issue in this proceeding, ex parte communications are prohibited starting on March 1, 2013. If the board does not take action on March 14, 2013, the ex parte prohibition will remain in place until the board, the Chair or the Executive Officer directs otherwise. Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the day of the board meeting to which the decision is continued. The board will provide notice via the Lyris and the interested parties email lists for this item if the prohibition is lifted and/or reinstated.