

ITEM: 11

SUBJECT: Development of Non-Point Source Permit for Federal Lands

BOARD ACTION: *Informational Item Only*

BACKGROUND: In 1981, the State Water Board took the following actions to address nonpoint source pollution on U.S. Forest Service lands: (1) certified a plan entitled "Water Quality Management for National Forest System Lands in California"; (2) designated the U.S. Forest Service as a Water Quality Management Agency for specified activities on National Forest System lands in California, including timber management, vegetation manipulation, fuels management, road construction, and watershed management; and (3) executed a Management Agency Agreement (MAA) with the U.S. Forest Service for the purpose of implementing the certified plan and WQMA designation.

In 2004, changes to the Policy for Implementation and Enforcement of the Non Point Source Control Program (NPS Policy) required that nonpoint source discharges of waste be regulated by Waste Discharge Requirements (WDRs), Waivers of WDRs, or prohibitions to ensure compliance with applicable water quality control plans. Based on these changes, the MAA designating the U.S. Forest Service as a WQMA was no longer sufficient to comply with the newly adopted NPS Policy.

In 2009, the State Board adopted a Resolution that, among other things, directed staff to develop and propose a new Statewide Waiver of Waste Discharge Requirements for Certain NPS Activities on Federal Lands in California. The State Board did not adopt that Waiver in December 2011.

Recognizing the need to adhere to state water pollution control laws with respect to nonpoint source activities on federal lands—particularly the Porter-Cologne Act, the Water Quality Management Plan for the Sacramento and San Joaquin River Basins, and the 2004 NPS Policy—the Central Valley Water Board's Forest Activities Program has been working with the USFS and BLM since 2014 to develop a General Order. Currently, staff is adapting the recently adopted MS4 permit's framework to develop a more site-specific, plan-based permit approach for the regulation of project activities conducted by federal agencies.

ISSUES: Grazing, Off-Highway Vehicle Use, Post-Fire Salvage

RECOMMENDATION: Informational Item Only

Mgmt. Review _____

Legal Review ___ASD___

13/14 October 2016 Central Valley Water Board Meeting

Redding City Hall

777 Cypress Ave.

Redding, CA 96001