



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Acting Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Edmund G. Brown Jr.
Governor

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Lake Tahoe Basin Vegetation Management Project Implementers:

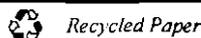
LAWSUIT RULING THAT REQUIRES TERMINATION OF THE 2008 TRPA-LAHONTAN WATER BOARD MEMORANDUM OF UNDERSTANDING AND THE ASSOCIATED WAIVER OF THE NEED FOR PROJECT PERMITTING BY THE WATER BOARD

On July 21, 2011 the Lahontan Regional Water Quality Control Board (Water Board) Executive Officer received the final judgment on the Petition for a Writ of Mandate regarding Board Resolution No. R6T-2008-0038 (Resolution). The Resolution is entitled "Waiver of Filing a Report of Waste Discharge and Waiver of Waste Discharge Requirements for Vegetation Management Activities Regulated by the Tahoe Regional Planning Agency and Authorizing the Lahontan Water Board's Executive Officer to Enter into a Memorandum of Understanding with the TRPA". The El Dorado County Superior Court ruling requires the Water Board to rescind the Resolution and requires the Water Board's Executive Officer to notify project proponents that no discharge or category of discharges will be covered under the waiver authorized by the Resolution after August 13, 2011.

Therefore, pursuant to Section 5 of the Resolution, I am terminating coverage for all projects covered by the Resolution as of August 13, 2011 and will no longer allow projects to be covered by the Resolution after this date.

In May 2009, the Water Board adopted Board Order No. R6T-2009-0029 (2009 Timber Waiver). This Timber Waiver is applicable in the Lake Tahoe Basin and has multiple categories for project enrollment. The different waiver categories are based on a project's potential for water quality impacts and have varied conditions for project eligibility. Some 2009 Timber Waiver categories do not require project implementers to notify or submit any project materials to the Water Board (Categories 1 and 2, some defensible space and hand crew operations) to receive the regulatory coverage that enrollment under the 2009 Timber Waiver provides. The 2009 Timber Waiver also covers projects with greater potential water quality impacts (Categories 3-6). These categories require the project implementer to submit a waiver application to the Water Board and may require some level of monitoring during and after project implementation. There are user friendly application and monitoring forms for each waiver category on the Water Board's web page. The 2009 Timber Waiver and all the application and monitoring forms can be accessed on the internet at the following URL:

California Environmental Protection Agency



http://www.waterboards.ca.gov/lahontan/water_issues/programs/waste_discharge_requirements/timber_harvest/timberwaiver.shtml

If you are currently implementing a vegetation management project in the Lake Tahoe Basin and the project will not be concluded by August 13, 2011, you must, pursuant to California Water Code sections 13260 and 13264, enroll your project under the 2009 Timber Waiver by August 13, 2011, or confirm that your activity has automatic coverage under the 2009 Timber Waiver. If your project does not conform to one of the 2009 Timber Waiver categories, you must submit a Report of Waste Discharge to the Water Board.

If you plan to initiate a project after August 13, 2011, you must, pursuant to California Water Code sections 13260 and 13264, enroll your project under the 2009 Timber Waiver prior to project implementation, or confirm that your activity has automatic coverage under the 2009 Timber Waiver. If your project does not conform to one of the 2009 Timber Waiver categories, you must submit a Report of Waste Discharge to the Water Board.

Please familiarize yourself with the 2009 Timber Waiver to determine which waiver category applies to your active or planned project. 2009 Timber Waiver categories 1-3 do not have any application processing time associated with enrollment. Category 4 and 5 projects may proceed upon Water Board receipt of a complete application by the Water Board, and Category 6 projects may have a 30 day period for Water Board staff to review and approve the application. If you are currently conducting a project that would qualify under Category 6, please contact our office immediately and we will expedite processing your application.

If your project does not meet the 2009 Timber Waiver eligibility conditions or criteria you may submit a Report of Waste Discharge and the Water Board will issue you Waste Discharge Requirements (WDRs). Please be aware that WDRs do have a fee associated with them and may take up to 120 days for approval.

If you have questions about the Water Board's regulatory processes for vegetation management projects please contact Doug Cushman at 530 542-5417 or dcushman@waterboards.ca.gov. Other staff familiar with the vegetation management program are also listed on the web page listed above.

Thank you for your cooperation in this matter. We will assist you in this transition.



Harold Singer
Executive Officer

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