

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 84-45

CERTIFICATION, FOR A FOUR-YEAR PERIOD, OF THE REVISED STATE
BOARD OF FORESTRY RULES AS BEST MANAGEMENT PRACTICES

WHEREAS:

1. Section 208 of the Clean Water Act, as amended in 1977 (P.L. 95-217), requires the State to prepare an areawide waste treatment management plan for silvicultural activities in undesignated areas of the State.
2. The State Board is responsible for conducting areawide waste treatment management planning in accordance with the Federal Water Pollution Control Act of 1972 and subsequent amendments.
3. The State Board entered into an Interagency Agreement (No. 1-146-410) with the Board of Forestry to review and revise the rules relating to watercourses and lakes, construction and maintenance of roads and landings, erosion control, erosion hazard rating, silvicultural and cutting methods; provide for increased public notice of timber harvest operations; and to formalize the review team process.
4. The Board of Forestry submitted a set of revised rules and a process to the State Board on October 24, 1983 with a request for State Board certification of the process including their rules as Best Management Practices for silvicultural activities on State and private land.
5. State Board staff reviewed the revised Board of Forestry rules and expressed several concerns regarding the adequacy of the rules in protecting water quality, as expressed in the "Summary Staff Analysis", dated January 20, 1984.
6. The State Board held a public hearing on March 8, 1984 to receive comments on the revised State Board of Forestry rules.
7. Section 4514.3(a)(3) of the Public Resources Code (Forest Practice Act) anticipates an adequate water quality monitoring program. As a condition of certification of Best Management Practices continuation of a monitoring program is an essential element in verifying the effectiveness of BMPs.
8. A number of commenters have expressed concern that if Regional Boards are not adequately involved in regulation of timber harvest operations through the issuance of waste discharge requirements there will not be an adequate forum for public participation and that water quality concerns which might be addressed in this context will not be addressed.

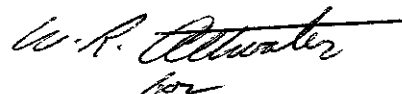
THEREFORE BE IT RESOLVED THAT:

1. The State Board certifies the revised Board of Forestry rules as Best Management Practices for a four-year period beginning when a mutually acceptable written agreement has been approved and executed by both the State Board and the Board of Forestry.

2. The written agreement will set forth mutually acceptable specifications for a four-year monitoring and assessment program designed to determine the adequacy of the revised Board of Forestry rules in protecting water quality.
3. The written agreement will further set forth an administrative procedure for use during the period of certification by which the approval of any Timber Harvesting Plan of special concern to the State Board regarding protecting of water quality will be reviewed, before approval, by the Director of the Department of Forestry.
4. The written agreement shall include all other conditions set forth in Attachment A to this Resolution.
5. The certification will end four years following the date of signature of both Board Chairpersons unless the certification is continued, based on a finding by the State Board at a public meeting that the rules are providing adequate protection of water quality.
6. The State Board may revoke certification or take other appropriate action following a hearing and finding that the revised Board of Forestry rules and/or process are not adequately protecting water quality.
7. In the event that State Board staff or its representatives after consultation with the landowner are unable to obtain timely access to operations selected for review or are precluded from doing adequate monitoring as described in Attachment A to this Resolution, such restrictions shall be evidence that BOF has failed to maintain a water quality regulatory process consistent with the State Board's certification, in accordance with Section 4514.3 (a)(2) of the Public Resources Code. Such evidence will be considered in any hearing which the State Board may hold to consider revocation of certification and will be brought to the State Board's attention by staff whenever denial of access occurs.
8. The State Board directs the Executive Director to submit the revised Board of Forestry rules to the U. S. Environmental Protection Agency, Region 9, accompanied by the State Board's conditions of approval and the approved written agreement between the State Board and the Board of Forestry with a request for a four-year approval by the U. S. Environmental Protection Agency, Region 9.
9. The State Board directs the Executive Director to provide a status report of the monitoring program and its findings at its workshop session six months after the field evaluations begin and each six-month period thereafter until the end of the four-year certification period.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 21, 1984.


for
Michael A Campos
Executive Director