



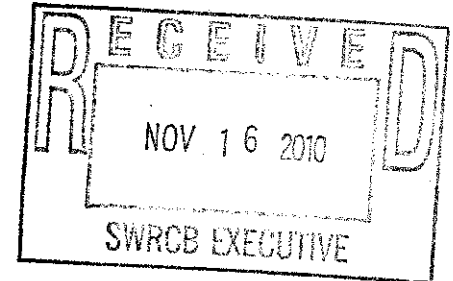
CALIFORNIA FORESTRY ASSOCIATION

PHONE 916.444.6592 • FAX 916.444.0170 • E-MAIL cfa@cwo.com • www.foresthealth.org

1215 K STREET • SUITE 1830 • SACRAMENTO, CA 95814

November 16, 2010

Mr. Charles R. Hoppin, Chairman
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Subject: Draft Policy for Toxicity Assessment and Control

Dear Chairman Hoppin,

The California Forestry Association (CFA) is writing to express our concern about the State Water Resources Control Board's (State Board) development of a new draft policy for toxicity assessment and control.

In reviewing the policy and the accompanying staff report, it appears that the draft policy for toxicity testing arose with issues surrounding water treatment plants in the Los Angeles region. The proposed new draft policy appears to codify and clarify Section 4 of the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California." However, it appears that the new draft policy would possibly extend to all existing Waste Discharge Requirement (WDR) permits and conditional waivers under jurisdiction of the State Board. CFA is deeply concerned with this.

Currently, all timber operations conducted on private lands in California are subject to an extensive inter-agency California Environmental Quality Act permitting and review process in which the appropriate regional water quality control board participates. After the permits (generally Timber Harvesting Plans from CAL FIRE and Streambed Alteration Agreements from the Department of Fish and Game) are granted, the landowners are required to apply for coverage under the General WDRs, or under the "Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities." Included with either the permit or the conditional waiver is a monitoring and reporting program specific to those timber-related permits. CFA believes that the timber-specific permitting and monitoring requirements currently in place by the regional boards are more than sufficient for total oversight, review and monitoring of those timber operations by those regional boards.

Timber harvest activities typically do not include the use of chemical treatments. Generally, the use of any pesticides (if needed for vegetation control) is done well after the harvesting has been completed and through a separate permitting process administered by the Department of Pesticide Regulation with licensed professionals, and under very specific labeling-application requirements to protect water quality and worker safety. In fact, the General WDR for the North Coast (Order # 2004-0030) specifically excludes the regulation of pesticides. The General WDR for the North Coast Region

and the conditional waivers for the Central Valley and LAHONTON Regions require prior notice of pesticide application on an area covered by the General WDR. These chemicals cannot be discharged into the waters of the state without a WDR and the regional boards can require monitoring when they deem necessary.

For these reasons, CFA is hereby requesting that the State Board review the proposed provisions of the draft toxics policy in context of the timber-specific regulatory structure currently in place. We further request that the State Board propose that timber operations subject to General WDR permits and/or Timber Conditional Waivers be specifically exempted from the requirements of this proposed policy.

We appreciate the opportunity to provide comments on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bischel", with a stylized flourish at the end.

David A. Bischel
President