



October 4, 2012

Jeremy Bauer
Office of Water
Office of Wastewater Management
U.S. Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Water Docket ID No. EPA-HQ-OW-2012-0195

Dear Mr. Bauer:

The Council of Western State Foresters (CWSF) respectfully submits the following comments in response to the U.S. Environmental Protection Agency's (EPA's) notice of proposed rulemaking to revise stormwater regulations to clarify that a Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit is not required for stormwater discharges from logging roads. 77 FR No. 171 53834-53838 (Sept. 4, 2012). The CWSF membership includes the directors of state forestry agencies in the seventeen western states and six Pacific Island Territories of the United States. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests. We appreciate the opportunity to provide comment on the proposed rulemaking.

The CWSF supports the intent of the proposed rulemaking to clarify that the EPA never intended to regulate logging roads as industrial facilities under the Clean Water Act. As stated in previous comments (available at http://wflcenter.org/infomaterials/letters_of_comment.php) submitted to the EPA in response to the May 23, 2012 Notice of Intent, the CWSF continues to believe that the long-standing and proven best management practices (BMPs) administered by the states as the most effective way to address stormwater runoff associated with silvicultural activities. We support the EPA's desired effect of the proposed rule; to clarify that, contrary to the decision of the U.S. Court of Appeals for the Ninth Circuit in *NEDC v. Brown*, stormwater discharges associated with silvicultural activities (with the exception of rock crushing, gravel washing, log

sorting, and log storage which are already defined as silvicultural point sources) are not “industrial” and therefore do not require NPDES permits.¹

The CWSF appreciates the efforts of the EPA to provide clarity that discharges from logging roads do not constitute industrial activity under the Clean Water Act. The CWSF continues to support the proven BMP programs administered by the states as the most effective way to address stormwater runoff associated with silvicultural activities. Again, thank you for the opportunity to provide comment on the proposed rule. Please contact CWSF Governmental Affairs Director, Brent Keith (brent.keith@colostate.edu or 303.445.4366), with any questions or to request additional information.

Sincerely,



Bill Crapser
Wyoming State Forester and
Chair, Council of Western State Foresters

¹ We note that legal questions implicated by this rulemaking, such as the Standard Industrial Classification of silviculture activities, are currently awaiting review by the Supreme Court of the United States in *Decker v. NEDC* (No. 11-338, *certiorari granted* 6/25/12).