

Response to Comments – April 19, 2011

Lake Tahoe TMDL for Sediment and Nutrients

(Comment deadline 12 noon March 18, 2011)

3. California Department of Transportation

Note: These Responses commonly reference previous Response to Comments from the Lahontan Water Board, which can be found at http://www.waterboards.ca.gov/lahontan/water_issues/programs/tmdl/lake_tahoe/respnse_comments091310.shtm

(If printing Response to Comments, please print double-sided for best viewing)

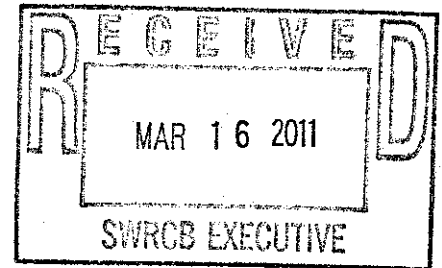
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March 18, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000
1001 I Street, 24th Floor, Sacramento, CA 95812-2000
commentletters@waterboards.ca.gov



Re: Comment Letter- Lake Tahoe TMDL

Dear Ms. Townsend:

The California Department of Transportation (Caltrans) appreciates the opportunity to provide comments on the proposed approval of Lahontan Regional Water Quality Control Board (LHRWQCB) Basin Plan Amendment (BPA) that would establish: (1) An Action Plan for the Lake Tahoe Total Maximum Daily Load (TMDL) addressing Phosphorus, Nitrogen, and fine sediment particle impairments in Lake Tahoe; and (2) An Implementation Plan for the Lake Tahoe Basin and related changes to the Basin Plan. Caltrans supports the State Water Resources Control Board's (State Board's) and LHRWQCB efforts to improve water quality in Tahoe Region; however, Caltrans has major concerns with the TMDL Implementation Plan regarding deadlines for implementation.

TMDL Deadlines

Table 5-18.8 of the BPA establishes the Urban Upland Implementation/Reporting Schedule for stakeholders. The table lays out the requirement for establishment of a baseline load for the stakeholders and provides that the stakeholders including Caltrans must submit these "no later than two years after TMDL approval". As a foot note, full adoption is defined as the date of the approval of the United States Environmental Protection Agency (EPA).

After the LHRWQCB adopted the BPA that included these deadlines, the Regional Board issued a 13267 order (dated February 9, 2011) to the stakeholders including Caltrans, directing each jurisdiction to (1) submit a workplan for the baseline pollutant load estimates no later than April 01, 2011 and, (2) must complete and submit the average annual fine sediment particle, total nitrogen and total phosphorus baseline load estimate no later than September 01, 2011. This is far in advance of the deadline set by the TMDL. By issuing the 13267 letter, the LHRWQCB has aggressively pushed the deadlines forward and made compliance significantly difficult. We request that language be modified in the BPA to clearly allow a 2 year window to the stakeholders to develop, complete and submit the baseload estimates within their jurisdictions.

Comment

Public Comment
Lake Tahoe TMDL
Deadline: 3/18/11 by 12 noon

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr., Governor

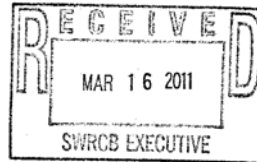
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Response

Caltrans(StBd)-1: Over the past two years, the Lahontan Water Board has been managing a federally-funded Support Services contract to assist the urban jurisdictions in using the stormwater load estimation tools specifically for the purpose of calculating a baseline load. With all the support that has been offered, along with the availability of stormwater load estimation tools, it is not unreasonable to expect baseline load estimates by September 1, 2011.

Meeting the September 1, 2011 deadline will likely not be easy. However, Caltrans committed to meet that deadline in its April 1, 2011 submittal to the Lahontan Water Board, as stated on page 9 of the Caltrans report:

Caltrans will continue to improve the understanding of its impact in the watershed. Caltrans will also continue to collaborate with other stakeholders to refine the model as necessary and improve the representation of water quality processes in the watershed. Caltrans will follow a schedule to complete and submit an estimate of the average fine sediment particle, total nitrogen, and total phosphorus loads during baseline conditions by September 1, 2011.

Ms. Jeanine Townsend
March 18, 2011
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Funding:

It is certain that significant additional resources will be needed to implement the provisions of this TMDL. Caltrans cannot unilaterally impose user or utility "fees" to pay for the TMDL implementation. In response to our earlier comments to the LHRWQCB, the water board states that, "if pollutant load reductions are not achieved due to lack of funding, the water board has discretion to amend the implementation schedule."

Caltrans requests to amend the implementation schedule to provide more flexibility in light of today's fiscal environment and the budget crisis for the state as well as for Caltrans.

We request that the State Water Board resolve our concerns prior to adoption of this BPA.

Again, thank you for the opportunity to comment. If you have any questions, please call Joyce Brenner of my staff at (916)-653-2512.

Sincerely,



G. SCOTT MCGOWEN
Chief Environmental Engineer

c: Joyce Brenner, Office Chief, Program Implementation
Bruce Fujimoto, SWRCB, bfujimoto@waterboards.ca.gov
Doug Coleman, Branch Chief, North Region Office of Environmental Engineering, South

Attachment:

1. Lahontan Water Board November 02, 2010, Responses to Caltrans Comments Dated September 10, 2010
2. LHRWQCB February 09, 2011 13267 Order to Caltrans District 3 Director

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Ms. Jeanine Townsend
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Response

Caltrans(StBd)-2: In response to public testimony about funding constraints voiced by stakeholders at the November 16, 2010 hearing, the Lahontan Water Board changed "may" to "will" in the following sentence of the Basin Plan Amendment text:

Should funding and implementation constraints impact the ability to meet load reduction milestones the Regional Board ~~may~~ will consider amending the implementation and load reduction schedules.

Until Caltrans completes its baseline load estimate and develops its Pollutant Load Reduction Plan describing how it will achieve the first five year load reduction target, the implementation details and costs estimates can not be determined. With load reduction plans and costs estimates in hand, fiscal and implementation constraints can be thoroughly evaluated.