

Response to Comments – April 19, 2011

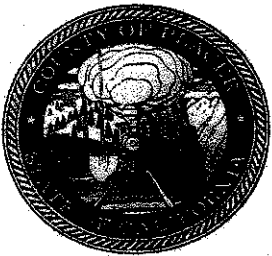
Lake Tahoe TMDL for Sediment and Nutrients

(Comment deadline 12 noon March 18, 2011)

1. Placer County

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)



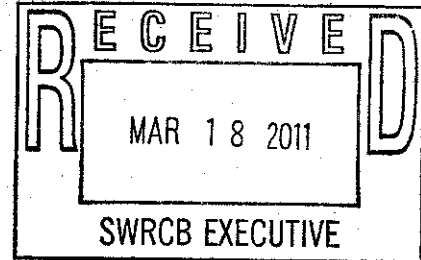
PLACER COUNTY
DEPARTMENT OF PUBLIC WORKS

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

Ken Grehm, Director
Peter Kraatz, Deputy Director

March 16, 2011

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-2000



Subject: Comment Letter- Lake Tahoe TMDL

This letter has been prepared in response to the State Water Resources Control Board's recent "Notice of Opportunity to Comment" on their proposed approval of an amendment to the Lahontan Region Water Quality Control Plan (Basin Plan). The Basin Plan amendment, incorporating Lake Tahoe TMDLs and an implementation plan, was approved by the Lahontan Water Board on November 16, 2010.

Placer County submitted extensive comments and questions in a letter dated September 9, 2010 for consideration by the Lahontan Water Board prior to their action approving the Basin Plan amendment. In general, staff's written responses to Placer County's comments, supplemented by responses to other agency and individual comments and discussion at the November 16 hearing, adequately responded to the majority of our technical and editorial concerns and questions.

However, we continue to have serious concerns about the feasibility and practicality of achieving the stated TMDL load reductions and implementation schedules. Though TMDL supporting documents prepared by the Lahontan Water Board have been referenced as demonstrating the feasibility of achieving stated load reductions and milestones, such conclusions are based on theoretical and historical considerations, as well as numerous generalized assumptions. For example, the March 2008 *Integrated Water Quality Management Strategy*, Page 18, includes the assumption that "Funding in the amount of \$500 million is available and expendable in each 5-year period". This is supported by a statement that reads: "... the assumption is plausible given the capacity that the Basin has gained during the first round of the EIP. This is the extent of the feasibility analysis that was considered for this assumption".

Current fiscal realities being experienced at all governmental levels, and by all entities involved in Lake Tahoe environmental protection, suggest that this, and other TMDL implementation actions are overly ambitious. Historical funding levels are below those needed, and are not likely to increase in today's compromised and struggling economy. Local governments, mandated to comply with the TMDL standards, are experiencing funding and staffing reductions. As such, maintaining local resources needed to sustain the "capacity that the Basin has gained", as mentioned in the previous paragraph, is an unlikely scenario. Feasibility, by definition, relates to the reasonableness and likelihood of achieving stated objectives, as well as the capacity to do so; it could easily be argued that these TMDL implementation objectives are not feasible, particularly at this time.

Comment



PLACER COUNTY DEPARTMENT OF PUBLIC WORKS

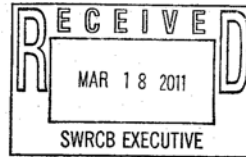
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However, we continue to have serious concerns about the feasibility and practicality of achieving the stated TMDL load reductions and implementation schedules. Though TMDL-supporting documents prepared by the Lahontan Water Board have been referenced as demonstrating the feasibility of achieving stated load reductions and milestones, such conclusions are based on theoretical and historical considerations, as well as numerous generalized assumptions. For example, the March 2008 *Integrated Water Quality Management Strategy*, Page 18, includes the assumption that "Funding in the amount of \$500 million is available and expendable in each 5-year period". This is supported by a statement that reads: "... the assumption is plausible given the capacity that the Basin has gained during the first round of the EIP. This is the extent of the feasibility analysis that was considered for this assumption".

Current fiscal realities being experienced at all governmental levels, and by all entities involved in Lake Tahoe environmental protection, suggest that this, and other TMDL implementation actions are overly ambitious. Historical funding levels are below those needed, and are not likely to increase in today's compromised and struggling economy. Local governments, mandated to comply with the TMDL standards, are experiencing funding and staffing reductions. As such, maintaining local resources needed to sustain the "capacity that the Basin has gained", as mentioned in the previous paragraph, is an unlikely scenario. Feasibility, by definition, relates to the reasonableness and likelihood of achieving stated objectives, as well as the capacity to do so; it could easily be argued that these TMDL implementation objectives are not feasible, particularly at this time.

Placer(StBd)-1: This comment is not new. The Lahontan Water Board responded to Placer County's stated concerns about implementation cost at the November 16, 2010 hearing. With support from the U.S. Army Corps of Engineers, Placer County has been evaluating options for achieving required pollutant load reductions. Preliminary results suggest that initial implementation costs may be much less than the general estimates provided by the TMDL analysis. Until Placer County and other implementation partners complete Pollutant Load Reduction Plans describing how initial load reduction targets will be met, detailed implementation costs can not be determined. Once load reduction plans and costs estimates are prepared, the County can more thoroughly evaluate fiscal and implementation constraints. In response to comments received, 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 Lahontan Board ~~may~~ will consider amending the implementation and load reduction schedules".

Placer County is fully committed to doing its best to implement the Tahoe TMDLs, within the limitations of available staffing and funding resources. It is imperative that stakeholder interests at federal, state and local levels are fully engaged in the TMDL implementation, such that the burden of implementation, including possible enforcement actions, does not rest solely on the California NPDES municipal permittees. The TMDL implementation plan must provide flexibility to account for local resource limitations, which are often constrained or impacted by external factors beyond local government control. This includes funding of capital improvement projects and staffing resources through a variety of federal and state grant programs which are competitive and for which future funding levels are uncertain.

Thank you for the opportunity to provide written comments on this very important matter. Placer County believes in the value and benefit of the Tahoe TMDL approach. We are committed to its implementation, to the best of our ability. However, we request that your board recognize that there are, and will be, conditions that impact resources and schedules that justify flexibility in the TMDL implementation plan. Without such flexibility, there is potential to waste unnecessary State and local resources on enforcement actions that would be better applied to furthering TMDL implementation.

Sincerely,

A handwritten signature in cursive script that reads "Ken Grehm". The signature is written in black ink and is positioned above the printed name and title.

Ken Grehm
Director of Public Works

Comment

Page 2
March 16, 2011

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Sincerely,



Ken Grehm
Director of Public Works

Response

Placer(StBd)-2: The Lake Tahoe TMDL implementation plan requires actions of multiple parties, including all land managers and municipalities in the Lake Tahoe basin, across all four major source categories: urban, forest, atmosphere, and stream channel erosion. The "burden of implementation" does not rest solely on the California permittees.

Placer(StBd)-3: The Basin Plan Amendment includes language stating that the Lahontan Water Board will consider revising the Lake Tahoe TMDL implementation schedule if financial constraints affect the ability to meet load reduction requirements. The TMDL provides municipal stormwater permittee flexibility in prioritizing load reduction actions, by first requiring each permittee to estimate its baseline load then requiring that permittee to develop its Pollutant Load Reduction Plan to meet the load reduction requirements. Therefore, each implementer can weigh cost as a factor when choosing its load reduction actions for each year.