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July 28, 2011

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

Re: Comment Letter – Santa Clara River Bacteria TMDL

Dear Ms. Townsend:

The California Department of Transportation (Caltrans) appreciates the opportunity to provide comments on the proposed approval of an amendment to the Water Quality Control Plan (Basin Plan) for the Los Angeles Region to incorporate a Total Maximum Daily Load (TMDL) to reduce indicator bacteria exceedances observed in the Santa Clara River Estuary and Reaches 3, 5, 6 and 7. While Caltrans strongly supports the Los Angeles Regional Water Quality Control Board's (LARWQCB) efforts to protect human health and achieve the highest standard of water quality possible, this TMDL has the potential to impact our ability to manage stormwater program consistently, statewide. Our concerns are as follows:

Consistent Stormwater Program

The requirements in this TMDL for Caltrans are not consistent with those of TMDLs for the same pollutant in other regions of the state. For example, a TMDL established by the San Francisco Bay Regional Water Quality Control Board for Pathogens in Richardson Bay acknowledges that "the source of bacteria in highway runoff is wildlife" and that "the Water Board will not hold discharging entities responsible for uncontrollable coliform discharges originating from wildlife/natural background sources." Other TMDLs for bacterial indicators where the requirements for Caltrans are different include TMDLs for Bacterial Indicators in San Lorenzo River Watershed (Central Coast Region), Coachella Valley Storm Water Channel (Colorado Region), and the San Diego Beaches and Creeks Project I TMDL.

Caltrans is required to maintain a consistent statewide stormwater program. Varying requirements for bacteria TMDLs with our one land use type (roadways) restricts Caltrans' ability to use a uniform statewide approach.

Caltrans requests that the TMDL have consistent requirements as other bacterial indicator TMDLs. The approach taken by the San Francisco Bay Regional Water Quality Control Board is most appropriate to bacterial indicator TMDLs, as it recognizes that sources of these constituents from Caltrans roadways originate from wildlife/natural background sources.

Caltrans' Waste Load Allocation

The Basin Plan Amendment (BPA) assigns Caltrans a waste load allocation (WLA) of zero allowable exceedance days of the single sample targets for both dry and wet weather. This

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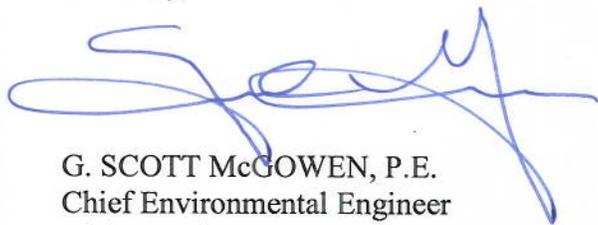
establishes a WLA that is more stringent than the current level of exceedance days at the reference site. The Final Staff Report, dated July 8, 2010, states that Caltrans and other similar entities were assigned these WLAs because "they are not expected to be significant source of indicator bacteria" (p. 53). Caltrans agrees with this. Caltrans facilities typically do not have dry weather discharges. Caltrans conducted field investigations of facilities within the Los Angeles River, Ballona Creek, Santa Monica Bay, Malibu Creek, and Marina Del Rey watersheds to determine if any dry weather runoff occurred from Caltrans facilities and activities, such as landscape irrigation. Over 59 miles of roadway and one maintenance station were inspected over a two-year period from April through October. Areas with landscaping were mapped, and only eight occurrences of dry weather runoff from Caltrans irrigation systems at four locations were identified. Steps were taken to eliminate these discharges, and as is standard practice, maintenance staff continues to inspect and repair broken irrigation lines which will minimize and/or eliminate future discharges. Other observations of dry weather runoff were identified, primarily originating from run-on from commercial and residential facilities. Subsequently, the local MS4 Permittees were informed of the discharges.

In addition, we agree that Caltrans is a very minor contributor and estimate that Caltrans facilities comprise only about 0.2% of the Santa Clara Watershed. Caltrans completed a study in May 2002¹ on the presence of human pathogens in urban storm drains. The study found that highway facilities, including park-and-rides and maintenance stations, do not appear to be a significant source of pathogens in urban drainage. However, natural background sources, such as wildlife and birds, do exist on Caltrans roadways in the Santa Clara River watershed. These sources may create bacterial indicators at levels comparable to those of the reference watershed. We request that, as was done in the Richardson Bay pathogen TMDL, the TMDL recognize that the sources of discharge in Caltrans right-of-way are wildlife and assign WLAs to Caltrans that are equal to existing loads.

We request that the BPA be remanded to the LARWQCB to resolve our concerns.

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

Sincerely,



G. SCOTT MCGOWEN, P.E.
Chief Environmental Engineer
Division of Environmental Analysis

c: Joyce Brenner, Chief, Program Implementation
Jai Paul Thakur, Department of Transportation, District 7
Bruce Fujimoto, SWRCB, bfujimoto@waterboards.ca.gov

¹ Caltrans (2002) *Management of Pathogens Associated with Storm Drain Discharge - Results of Investigations of the Presence of Human Pathogens in Urban Storm Drains*. (CTSW-RT-02-2005). May 2002