Matthew Rodriquez
Secretary for
Environmental Protection

California Regional Water Quality Control Board
Lahontan Region

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Edmund G. Brown Jr.
Governor

November 4, 2011

John R. Knight, First Vice Chair
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

REQUEST TO DELAY IMPLEMENTATION OF THE NPDES PERMIT ADOPTION PROCESS

I am responding to your letter dated October 25, 2011 (enclosed) requesting the Lahontan Water Board delay the implementation of the National Pollutant Discharge Elimination System (NPDES) permit adoption process due to draft permit language submitted by the USEPA.

The Permit is the vehicle to implement the Lake Tahoe Total Maximum Daily Load (TMDL) requirements which were adopted by the Lahontan Water Board in late 2010 and approved by the USEPA in mid-2011. The current Permit expired in late 2010 and is in need of update.

El Dorado County along with the other two municipalities named in the Permit (City of South Lake Tahoe and El Dorado County) have raised a number of concerns with the August 2011 version of draft Permit beyond those associated with the recent USEPA comments. I am committed to working with the three entities to develop a Permit that is workable from the perspective of the Permittees while implementing the TMDL and federal stormwater program requirements.

In order to facilitate a discussion on the specific Permit conditions that are of concern to the Permittees, I have distributed a revised draft Permit (dated October 30, 2011). This draft incorporates those changes specifically requested by USEPA. This draft also includes changes in response to comments received from both Permittees and other stakeholders. In coordination with Supervisor Santiago, we are planning to meet with both an elected representative and technical staff from each of the three Permittees in mid-November. The intent of this meeting is to have a focused discussion on the draft Permit conditions that are of concern, to develop modified language for those where there is discretion and justification for change, and to explain the rationale for retaining other conditions. I am hopeful that this discussion will resolve many, if not all, of the remaining Permittee concerns.

As I have described to Supervisor Santiago, the agenda for the December 2011 Water Board meeting is not finalized until late November. I intend to brief the Water Board Chairman on the outcome of the mid-November meeting when we discuss the agenda for the December 2011 meeting. As I see it, there are three options:

1. Defer any consideration of the Permit to a future Water Board meeting: This would provide time for resolution of remaining non-policy issues.
2. Notice the Permit for discussion: This would provide an opportunity for the Water Board to hear the remaining concerns of the Permittees and be able to provide direction to its staff, but not as part of an action item.
3. Notice the Permit for possible adoption: This would provide the Water Board with the broadest latitude. The Water Board could adopt the Permit or could provide direction to its staff.

I believe it is premature to make a decision on the need to delay action on the Permit beyond December 2011 until after the mid-November meeting. We have received feedback from your staff that the language suggested by USEPA was not as significant as initially perceived. However, that position does not negate the need for this meeting as I acknowledge the broader technical, legal, and policy concerns of the Permittees and would like the opportunity to address them.

Please contact me at 530/542-5412 or at hsinger@waterboards.ca.gov if you would like to discuss this further.

Harold J. Singer
Executive Officer

cc: The Honorable Jerry Brown, Governor, State of California w/enclosure
Assemblywoman Beth Gaines, California State Assembly w/enclosure
Lahontan Regional Water Quality Control Board Members w/enclosure
Ray Nutting, El Dorado County Board of Supervisors
James R. Sweeney, El Dorado County Board of Supervisors
Ron Briggs, El Dorado County Board of Supervisors
Norma Santiago, El Dorado County Board of Supervisors
Claire Fortier, Mayor Pro Tem, City of South Lake Tahoe w/enclosure
Jennifer Montgomery, Placer County Board of Supervisors w/enclosure
Tom Howard, Executive Director, State Water Board w/enclosure

Enclosure:
Letter from John R. Knight dated October 25, 2011

RWB/clhT:Tahoe muni MS4 NPDES muni permit
Name: EL Do BOS delay request.doc

COUNTY OF EL DORADO

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SUZANNE ALLEN DE SANCHEZ
Clerk of the Board

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October 25, 2011

Mr. Harold Singer
Executive Director
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

RE: Request to Delay Implementation of the NPDES Permit Adoption Process

Dear Mr. Singer:

The Board of Supervisors of the County of El Dorado respectfully requests the Lahontan Regional Water Quality Control Board delay the implementation of the National Pollutant Discharge Elimination System (NPDES) permit adoption process.

In September 2011, the County of El Dorado submitted our NPDES permit which was tentatively approved by Lahontan. Subsequently, the U.S. EPA altered the draft language within our permit. Due to these recent amendments, the County of El Dorado is requesting a delay in the implementation of the scheduled October 31, 2011, NPDES Permit Adoption process to allow for a 60-day circulation period of the amended language. This will result in a total of 90 days for public comment and provide our county sufficient time to fully analyze the U.S. EPA's proposed language and provide our comprehensive response.

If it is truly the intent to attain the level of Total Maximum Daily Load (TMDL) reductions, as defined within the goals of the Lake Tahoe Clarity Challenge, then it is imperative that all agencies within the Lake Tahoe Basin that will be required to meet the performance objectives have a complete understanding of the policies and regulations that will be part of the permit adoption.

Regards,

John R. Knight, First Vice Chair
Board of Supervisors

Cc: Mr. Jack Clark, Chairman, Lahontan Regional Water Quality Control Board
Mr. Douglas Smith, Manager of Planning & Restoration Division, Lahontan Region
Assemblywoman Beth Gaines, California State Assembly
The Honorable Jerry Brown, Governor, State of California