

# COUNTY OF EL DORADO

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SUZANNE ALLEN DE SANCHEZ  
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November 15, 2010

Board Chairman  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

RE: County of El Dorado Comments on Proposed Basin Plan  
Amendment and Final Lake Tahoe Total Maximum Daily Load (TMDL) Report

Dear Mr. Board Chairman:

The County of El Dorado (County) appreciates the opportunity to review and comment on the Lahontan Regional Water Quality Control Board's (Lahontan) proposed Basin Plan Amendment (BPA) and the Final Lake Tahoe Total Maximum Daily Load (TMDL) Report. The adoption of the BPA and the TMDL, along with the upcoming amendments to the next municipal National Pollutant Discharge Elimination System (NPDES) permit, will bring about unprecedented changes in the way that storm water is managed in the Tahoe Basin. The County has submitted various comments during the development of the BPA and TMDL, which your staff has responded to. However, not all the County's comments and concerns related to County's future NPDES Permit responsibilities, County's future NPDES permit liability, and County's future NPDES Permit cost implications have been thoroughly addressed. For these reasons, the County is requesting that the proposed action to adopt the BPA and TMDL under Resolution R6T-2010-(PROP) at the regular Lahontan Board meeting on November 16, 2010, be postponed until the County's comments and concerns have been thoroughly addressed.

In general, the County is supportive of the proposed amendment section which eliminates the numeric effluent limits for Turbidity, Phosphorous, and Nitrogen and replaces said regulations with a more useful and appropriate storm water management system pursuant to an annual average loading requirement. However, the County has some major concerns with respect to the following subjects:

1. Future NPDES Permit Responsibilities

The County is unclear as to the level of responsibility we will be required to undertake for managing storm water within our jurisdictional boundaries.

- a. For instance, within the majority of the subdivision boundaries in Tahoe, there are many parcels that are owned and managed by the State and Federal governmental entities that discharge directly into the County's public rights of way. Will the County be responsible to manage this off-site storm water?
- b. The County is concerned with respect to the level of data collection and reporting requirements identified within the BPA and TMDL documents. Will the County be responsible to report on all storm water activities within our jurisdiction? Will the County be responsible to use the tracking and crediting tools as developed by Lahontan or can the County provide the necessary tracking and crediting data using our own storm water management tools? Who will be the responsible party to gather, house, and evaluate all the data?
- c. The County is concerned with respect to the monitoring responsibilities as identified within the BPA and TMDL documents. Who will be the responsible party to calibrate, update, and disseminate the plethora of data collected as part of the Regional Storm Water Monitoring Program (RSWMP)? Will the County be responsible to comply with all storm water monitoring protocols and reporting as defined within the RSWMP?

## 2. Future NPDES Permit Liability

The County is very concerned with respect to the future liability that will place upon the County under the future NPDES Permit and consequences of non-compliance.

- a. If the County is unsuccessful in obtaining Local, State and Federal funding to comply with the future NPDES Permit conditions, will the County be afforded a variance to the permit conditions commensurate with the available funding?

## 3. Future NPDES Permit Cost Implications

The County is very concerned with respect to the costs associated with the future NPDES Permit conditions under the current BPA and TMDL proposal.

- a. Based on the estimated costs within the "Lake Tahoe TMDL Pollutant Reduction Opportunity Report" as developed by Lahontan and NDEP, the County would need to expend up to \$10 million per year over the course of 15 years in order to comply with the Lake Clarity Challenge numbers for reducing fine sediment, phosphorus, and Nitrogen. This number also includes the operations and maintenance costs associated with the capital improvements. However, this number does not include the costs associated with planning, design, construction, and post construction costs for the capital improvements and the long term costs for the storm water management thereof.
- b. The costs associated with using the specific Lahontan created tools have not

been thoroughly addressed within the BPA and TMDL documents. The County would like a cost analysis completed with respect to the data collection operation, data management, and implementation of the tools so as to understand the cost implications to the County's current Storm Water Management Program.

- c. Will the State provide funding assistance to the County in order to achieve the goals within the BPA and TMDL?
- d. Will the Federal Government through the Environmental Protection Agency (EPA) provide funding assistance in order to achieve the goals within the BPA and TMDL?

Given the difficult economic times that the County, State, and Federal government currently faces, understanding the implementation portion of the new regulations is critical in developing policies so that the County may plan accordingly in order to continue to remain in compliance and provide prioritization guidance of the limited funding to the various County Departments.

The County is committed to continuing its role as a key player in helping to protect Lake Tahoe and will work conscientiously within its resources to remain doing so. However, we are requesting that the three main items be thoroughly addressed, so as to continue our compliance success as part of the future NPDES Permit. Again, we appreciate the opportunity to participate in the TMDL process and we look forward to your responses to our concerns, comments and questions. If you have any questions on this submittal please don't hesitate to call me at 530-573-7918 or 530-621-6577.

Sincerely,

Norma Santiago, Chair  
Board of Supervisors  
County of El Dorado