

COUNTY OF EL DORADO

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November 8, 2011

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: Lake Tahoe Clarity Commitment – Draft NPDES Permit CAG616001

Dear Governor Brown,

The County of El Dorado (County) asks your assistance to ensure that the Lake Tahoe Clarity Commitment, signed by you and Nevada Governor Brian Sandoval, at the 2011 Lake Tahoe Summit, be successfully implemented. **The County asks that you consider 1) directing the State Water Quality Control Board, Lahontan Region, to extend the comment period to 90 days to allow for critical analysis of the Environmental Protection Agency's (EPA) newly amended Draft National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R6T-2011-(Draft), NPDES No. CAG616001) requirements; 2) give direction to State and Federal agencies to provide equitable financial responsibility; and, 3) direction to Lahontan that all State and Federal governmental agencies are responsible for equal adherence to strict Permit requirements regarding the lands owned, managed and maintained by them in the Tahoe Basin.**

The requirements within this current Draft Permit will require the County to increase its commitment to a level that exceeds our financial and staffing capabilities. For the County to be successful in achieving this bi-state Lake Tahoe Clarity Commitment, we respectfully seek financial and legislative assistance from your administration.

The County has historically taken a leadership role in the implementation of water quality projects within the Tahoe Basin and has achieved, with great success, agency collaboration related to lake clarity commitments. However, our ability to achieve the level of commitment is being challenged by the amended permit requirements along with the current financial conditions of the County and State and Federal budgets.

Financial assistance from the State has predominantly come from the California Tahoe Conservancy Erosion Control grant program. This program provided adequate financial backing to successfully complete projects over a 20-year water quality collaborative commitment within the Tahoe Regional Planning Agency's Regional Plan and Lahontan Basin Plan. Increased and unfunded state permit requirements have placed an onerous fiscal burden on local jurisdictions which will seriously inhibit if not completely prohibit the County's ability to comply with the Draft NPDES permit requirements. Only through increased State and Federal financial

participation, commensurate with its increased requirements, will the County be able to reasonably meet its clarity commitment responsibilities.

The County has diligently pursued coordination with the State Water Quality Control Board, Lahontan Region, on the Tentative Draft Permit regarding our concerns, however, recent comments and permit modifications by the EPA, coupled with the Total Maximum Daily Load (TMDL) requirements, has made the level of commitment non-obtainable without your assistance.

The County is also seeking assistance from your administration to ensure that all federal, state, and local agencies within the Tahoe Basin be required to adhere to equal levels of permit requirements. Currently, the permit **Section B. Permit Area**, defines (co-permittees) the County of El Dorado, City of South Lake Tahoe, and Placer County jurisdictional responsibilities within each respective legal boundaries. **Section B.2** of the permit provides minimal assurances to the County that other non-permittee agencies (i.e. United States Forest Service) shall comply with our permit requirements. If storm water discharges into the County's drain systems from the areas owned and maintained by the USFS that exceeds the permit requirements, the County will be solely responsible and required to mitigate the impacts. This is an inequitable burden placed upon the County.

Notwithstanding the resource and fiscal constraints that limit the County's ability to comply with the proposed NPDES Permit, Lake Tahoe's clarity will continue to degrade if the USFS lands remain unmitigated and unregulated by the NPDES process.

We ask that you and your administration insist upon equal mitigation efforts on all lands and jurisdictions, including and especially the non-urban lands owned and maintained by the USFS. We look to your administration to lead this effort that will require all landowners and public agencies operating outside of Tahoe's urban area be held to the same level of regulation as stipulated within the permit.

Furthermore, to comply with this updated clarity commitment, the County will provide the necessary detailed comments on the current public Draft Permit documents in circulation as of the date of this letter within the 30-day comment period afforded. The County respectfully requests that the impacted agencies be provided at least a 90-day comment period to allow for critical analysis of the implementation ramifications of the Draft Permit conditions.

In conclusion, the County joins you, and Governor Sandoval, in meeting the objectives of the Lake Tahoe Clarity Challenge. To accomplish that, the County needs your assistance in resolving these issues outlined within this letter, passed and approved at a public meeting by the Board of Supervisors on November 1st, 2011.

Governor Brown, please direct staff to extend the NPDES permit comment period to 90 days and insist upon equal levels of state and federal NPDES permit compliance and continued financial support.

Respectfully,



Raymond J. Nutting
Chairman, Board of Supervisors
County of El Dorado