

# COUNTY OF EL DORADO

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November 1, 2011

**DRAFT**

The Honorable Jerry Brown  
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 requires your assistance to ensure that our continuing participation as a partner in the efforts to restore Lake Tahoe's clarity will result in tangible progress. To be successful, our County seeks to provide responsive comments on draft documents that contain the most recent and to-date information, and assistance from your administration to ensure that all federal, state, and local agencies within the Tahoe Basin are required to adhere to the same stringent level of requirements and permitting.

Our County actively engaged and cooperated in the adoption process for the Lahontan Regional Water Quality Control Board's (Lahontan) Basin Plan Amendment (BPA) and the Lake Tahoe Total Maximum Daily Load (TMDL) Report. We continue to submit our comments on the tentative Draft National Pollutant Discharge Elimination System (NPDES) Permit, which includes associated comments and permit modifications from other agencies, including the U.S. Environmental Protection Agency (EPA), yet we are uncertain if the comments we have provided, both in response to edits submitted by the EPA as well as to other sections of the draft permit, have been addressed. Additionally, uncertainty continues regarding the release of the draft permit; when it would be released for public circulation, if its release would be postponed, or if the public circulation period can be extended. The California Regional Water Quality Control Board did release an updated Draft Permit yesterday, October 31, 2011; however, we have not confirmed that this Draft reflects each of the most recent comments and permit modifications. The amount of time that will be afforded to our County to review the updated Draft Permit, in the form released yesterday, also remains uncertain.

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We look to your administration to lead an 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 the agencies that operate within the urban area. The landowners outside of the urban area are responsible for storm water discharge and urban runoff into our County's jurisdictional right-of-way, yet they are not regulated by NPDES Permits. The United States Forest Service, Lake Tahoe Basin Management Unit maintains over 90% of the non-urban lands that drain into Lake Tahoe. The non-urban lands do contribute storm water runoff, with the inherent pollutant loads, into the urban areas of Lake Tahoe. The County of El Dorado believes this contribution from the non-urban lands has not been adequately accounted for within the TMDL modeling efforts. Even if our County were to overcome the resource and financial constraints that substantially limit our ability to comply with the requirements proposed within the recent drafts and modifications suggested for the NPDES Permit, Lake Tahoe's clarity could remain unchanged or decline further due to these unmitigated and non NPDES regulated activities.

To this end, if the Lake Tahoe Clarity Challenge is truly a priority, as demonstrated by the joint signatures on the Lake Tahoe Clarity Commitment, then the County of El Dorado believes that all agencies and jurisdictions (state, federal and local) that operate and perform work in the urban and non-urban areas of Lake Tahoe should be held to the same level of pollutant mitigation requirements, efforts and NPDES Permit.

Respectfully,

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