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Santa Ana Regional Water Quality Control Board

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Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814

COMMENTS ON PROPOSED REVISED STORM WATER MANAGEMENT PLAN FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Dear Ms. Townsend:

Thank you for providing Santa Ana Regional Water Quality Control Board staff (Regional Board staff) with the opportunity to comment on the revised Storm Water Management Plan (SWMP) for the California Department of Transportation (Caltrans). To the extent that statements in the SWMP are measureable and verifiable, its contents are enforceable in accordance with Provision E.2.d. of the Statewide Permit for Storm Water Discharges from the Caltrans Municipal Separate Storm Sewer System, Order No. 2012-0011-DWQ (Caltrans Permit).

Provision E.2.d. of the Caltrans Permit states "The Department shall implement the program specified in the SWMP, any documents incorporated into the SWMP by reference, and any additional requirements contained in this Order" (p. 33). Although District Work Plans (DWPs) are mentioned numerous times, Regional Board staff is unable to find any direct statement in the SWMP that plainly incorporates the DWPs by reference.

The statements nearest to resembling incorporation by reference are in Section 16.5 (p. 16-6) and in the glossary. In Section 16.5, the SWMP states "DWPs...outline the planned stormwater activities the Districts will conduct to implement the SWMP for the upcoming fiscal year." In the glossary (p. H-4), the definition of a District Work Plan includes that they contain "descriptions of all activities and projects to be undertaken in the District that are necessary to implement the SWMP." However, these statements fall short of a direct statement that the contents of the DWPs are incorporated by reference. *Regional Board staff requests that the SWMP be revised to include a clear and direct statement that has the effect of making the content of work plans*

commitments that may be enforced by the State or regional boards pursuant to Provision E.2.d.

Fulfillment of this request will support regional boards' efforts to address receiving water impairments through alternate methods aside from development of Total Maximum Daily Loads (TMDLs). It will allow the regional boards to use their role in approving DWPs as a regulatory mechanism for this purpose.

As a matter of background, Knickerbocker Creek, in the City of Big Bear Lake, is listed as an impaired water body on the State's 2010 Integrated Report (303(d) List). The Creek is impaired by pathogens. Knickerbocker Creek receives discharges from Municipal Separate Storm Sewer Systems (MS4s) operated by the City of Big Bear Lake and Caltrans' State Route 18. Regional Board staff has identified Knickerbocker Creek as one of our USEPA Vision Priorities. Consequently, we have elected to address the Creek's impairment through a non-TMDL restoration plan using requirements in the San Bernardino County Phase I MS4 Permit. However, this effort is incomplete because it does not address contributions of pollutants from Caltrans' MS4.

Regional Board staff's review of both the revised SWMP and the latest DWP do not show any efforts to address pathogens discharged from Caltrans' MS4 into Knickerbocker Creek. Our understanding of the relationship between the Caltrans Permit, the SWMP, and the DWP is that revisions to the SWMP and/or the DWP may allow opportunities for regional boards to incorporate enforceable efforts to address the discharge of pollutants into impaired water bodies for which a TMDL has not been prepared or address other local water quality concerns.

If the SWMP does not plainly incorporate DWPs by reference and, as a consequence, DWPs cannot be enforced, the regional boards will be denied an opportunity to employ the Caltrans Permit as an alternative to TMDLs for impaired water bodies that have few responsible dischargers. Without an opportunity to address these pollutants through the DWPs, regional boards may need to request enforceable language in the SWMP. This may not be regarded as an appropriate planning level. *However, in the event that the State Board or Caltrans declines to plainly incorporate DWPs by reference, Regional Board staff requests that the SWMP incorporate specific commitments to implement BMPs to reduce the discharge of pathogens into Knickerbocker Creek.*

If you have any questions regarding the above comments, please contact me at Adam.Fischer@waterboards.ca.gov or at (951) 320-6363.

Adam Fischer, Chief



Inland Storm Water Unit