



COMMUNITY DEVELOPMENT AGENCY LONG RANGE PLANNING

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Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
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Subject: Comment Letter – 1st Draft Amendments to Statewide Water Quality Control Plans to Control Trash

The County of El Dorado (County) appreciates the opportunity to comment on the State Water Resources Control Board's Draft Amendments to Statewide Water Quality Control Plans to Control Trash (Draft Amendments). As an active Permittee of the Construction General Permit, Industrial General Permit and Phase I and II Municipal Permits, the County is committed to continuing to help the State achieve water quality goals. We intend to work with the State to adopt the most appropriate and cost effective procedures for our rural area to prevent trash from entering receiving waters. However, the County has identified several serious concerns and uncertainties within the Draft Amendments that have the ability to significantly derail the County's current Storm Water Management Program. Those concerns and uncertainties are outlined below.

County Concerns, Comments, Questions and Requested Clarification Language:

1. Overall, the requirements outlined in the Draft Amendments will pose a significant fiscal impact on the County, which is a major concern of ours. The County utilizes general fund dollars for its Storm Water Management Program, and with the limited dollars available, the Board of Supervisors has to decide which core services are sacrificed in order to implement the Storm Water Management Program. The fiscal analysis within the Draft Amendment Report estimates that the installation and maintenance costs of this new program could range between \$8 - \$10 per person per year. The County has approximately 180,000 residents, so using that logic – this program could cost the County \$1.8 million per year. That is a completely unsustainable amount of money for the County to spend and would no doubt trump all other water quality priorities that the County has. The ability to develop a property fee to fund this new program is limited by Proposition 218 which requires a two-thirds voter approval. Today's voter climate has demonstrated repeatedly that increased fees are not supported for any program of this nature. Grant funding to satisfy regulatory requirements is also difficult to obtain. The scale of the Draft Amendments should be tailored and scaled to different community types so that a more appropriate level of effort is required that is more financially feasible to achieve.

2. Due to the rural nature of the County, Track 2 appears to be a more appropriate Track for the County to follow. However, many of the requirements for Track 2 require data collection, management, analysis and reporting which will do nothing to directly improve water quality conditions. The staffing required to implement these requirements appears to be substantial based on the current version of the Draft Amendments. Proposed monitoring requirements will generate data that may be difficult to interpret, with the results potentially not being applied in any meaningful way to improve water quality.
3. The County encompasses approximately 1,805 square miles of rolling hills and mountainous terrain, which in many areas includes dense evergreen and deciduous vegetation. Many of the County's urban areas traverse through these woodland and grassland habitats and current storm drain systems/conveyance infrastructure have the potential to become compromised with various types of vegetated litter and debris. Screening drain inlets (DIs) to a 5 millimeter standard will increase that potential which will create significant flooding, nuisance and overflow erosion hazards throughout the County. Maintenance of accessible screened DIs throughout the County would compromise resources and funding dedicated to various obligated urgencies and necessities of the County.
4. Many the central and easternmost portions of the County range in elevations between 2,000 to over 6,000 feet above mean sea level and are subject to snow and ice conditions between the months of December through April. DIs located within these elevations are subject to snow and freezing temperatures and based on experience will most likely be inaccessible for maintenance throughout the winter season. If DIs are screened to a 5 millimeter standard and become obstructed with vegetative litter and debris due to maintenance inaccessibility, runoff throughout the winter months and during the ice and snowmelt periods will produce significant safety hazards, damage to infrastructure and consequential erosion.
5. The Phase I Permit in the Lake Tahoe Portion of the County focuses on a Fine Sediment Total Maximum Daily Load (TMDL). Thus, the number one priority and the majority of the County's financial resources there are dedicated to capturing and removing fine sediment particles prior to their discharge to Lake Tahoe. This is a significant and costly exercise that is of great importance to the preservation of that important natural resource water. If the Draft Amendments are adopted as drafted, resources will need to be diverted from the TMDL to address controlling trash and Lake Tahoe's famed clarity could be jeopardized.
6. The Draft Amendments may be in conflict with the Delta Regional Monitoring Plan (RMP) and the currently in production Municipal Region-wide (Region 5) Storm Water Permit due to the requirement to elevate trash as a priority. The driving force behind the Region-wide Permit is the ability for municipalities to prioritize pollutants and localized areas of water quality concern to develop a

phased program to include evaluation of constituents, corresponding remediation standards and follow up monitoring for those identified priority areas. The Draft Amendments would require participants to redirect efforts and funds to trash, which could eliminate funding for addressing one or all other identified priority pollutants and areas of concern. The ability for the County to prioritize our resources on critical water issues and maximize staff resources will result in achieving the greatest outcome for the environment within and downstream of the County. The County is actively pursuing the possibility of participating in the Region-Wide MS4 Permit and the Draft Amendments will significantly alter the discussions moving forward regarding priorities.

7. The County feels that source control is the best way to deal with trash in our waterways. A focus on source control of plastic trash, especially compared to full capture provisions of the Draft Amendments, is consistent with State legislative and agency goals for reducing solid waste and associated generation of greenhouse gases (GHGs). There should be additional focus on source control added to the Draft Amendments.
8. How will the Draft Amendments provide relief for the County when managing trash resulting from the County's homeless demographic? Known encampments are located on non-County owned property and are typically near surface waters. In 2011, the County conducted a survey and 90 persons were identified as meeting HUD's definition of homelessness and 130 were identified as meeting the expanded definition of homelessness.
9. How will the Draft Amendments provide relief for the County from windblown, vehicle blown, animals, accidents, and/or illegal direct dumping into or near surface waters which all can significantly contribute to trash accumulating in receiving waters? Full capture systems and institutional/source controls will be ineffective for preventing these types of discharges.
10. Due to the Draft Amendments enforcing the issue of trash, how possible would it be to require solid waste providers to share the responsibility for installation, operation, maintenance and enforcement of full capture systems and fee collection?

General Concerns, Comments, Questions and Requested Clarification Language for Proposed Trash Amendments to Water Quality Control Plan for Ocean Waters of California (Appendix D) and Proposed Trash Amendments to Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Appendix E)

1. Chapter II.C.5 / Chapter III.B – The County is in favor of “shall not accumulate” language and is not in favor of a “zero trash limit”. The County feels a zero trash limit establishes unrealistic goals.
2. Chapter III.L.2(2) / Chapter III.B.3.a(2) – The County is in favor of the Track 2

option remaining in place, with modifications. The County does not feel full capture systems are the only approach for effectively managing trash.

3. Chapter III.L.6.b / Chapter III.B.7 – The County would like to see more guidance on the Track 2 monitoring methodology. The County feels there is a need for a standardized methodology for proving effectiveness. Additionally, the County would like to see language in the Draft Amendments to address how the Track 2 Implementation Plans will be evaluated. In what units will trash be measured? The County is unable to accurately estimate what the actual cost of implementation and program maintenance will be based on the current Draft Amendments.
4. Chapter III.L.2(2) / Chapter III.B – The County would like the flexibility to apply to both Tracks 1 and 2, with amendments, due to different land use areas located throughout the County's MS4 boundaries. This would allow the County the ability to reduce monitoring requirements if we find Track 1 to be the best approach in one or more areas of the municipalities.
5. Chapter III.5 / Chapter III.B.6 – The County is in favor of the time extension language provided for regulatory source controls requiring extensive jurisdictional ordinance adoption time.

The County remains committed to enhancing water quality and will work with the State and Regional Water Board to develop regulations that are fiscally responsible and effective for our Storm Water Management Program. If you have questions or concerns, please contact me at (530) 573-7905 or Dave Defanti at (530) 621-5342.

Sincerely,



Brendan Ferry
Storm Water Program Manager