

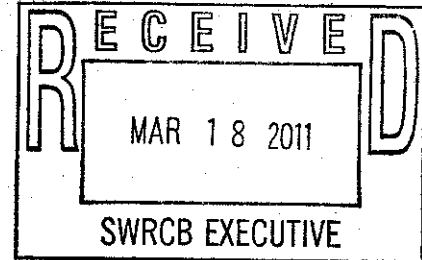
PLACER COUNTY DEPARTMENT OF PUBLIC WORKS

Public Comment
Lake Tahoe TMDL
Deadline: 3/18/11 by 12 noon

Ken Grehm, Director
Peter Kraatz, Deputy Director

March 16, 2011

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-2000



Subject: Comment Letter- Lake Tahoe TMDL

This letter has been prepared in response to the State Water Resources Control Board's recent "Notice of Opportunity to Comment" on their proposed approval of an amendment to the Lahontan Region Water Quality Control Plan (Basin Plan). The Basin Plan amendment, incorporating Lake Tahoe TMDLs and an implementation plan, was approved by the Lahontan Water Board on November 16, 2010.

Placer County submitted extensive comments and questions in a letter dated September 9, 2010 for consideration by the Lahontan Water Board prior to their action approving the Basin Plan amendment. In general, staff's written responses to Placer County's comments, supplemented by responses to other agency and individual comments and discussion at the November 16 hearing, adequately responded to the majority of our technical and editorial concerns and questions.

However, we continue to have serious concerns about the feasibility and practicality of achieving the stated TMDL load reductions and implementation schedules. Though TMDL supporting documents prepared by the Lahontan Water Board have been referenced as demonstrating the feasibility of achieving stated load reductions and milestones, such conclusions are based on theoretical and historical considerations, as well as numerous generalized assumptions. For example, the March 2008 *Integrated Water Quality Management Strategy*, Page 18, includes the assumption that "Funding in the amount of \$500 million is available and expendable in each 5-year period". This is supported by a statement that reads: "... the assumption is plausible given the capacity that the Basin has gained during the first round of the EIP. This is the extent of the feasibility analysis that was considered for this assumption".

Current fiscal realities being experienced at all governmental levels, and by all entities involved in Lake Tahoe environmental protection, suggest that this, and other TMDL implementation actions are overly ambitious. Historical funding levels are below those needed, and are not likely to increase in today's compromised and struggling economy. Local governments, mandated to comply with the TMDL standards, are experiencing funding and staffing reductions. As such, maintaining local resources needed to sustain the "capacity that the Basin has gained", as mentioned in the previous paragraph, is an unlikely scenario. Feasibility, by definition, relates to the reasonableness and likelihood of achieving stated objectives, as well as the capacity to do so; it could easily be argued that these TMDL implementation objectives are not feasible, particularly at this time.

Placer County is fully committed to doing its best to implement the Tahoe TMDLs, within the limitations of available staffing and funding resources. It is imperative that stakeholder interests at federal, state and local levels are fully engaged in the TMDL implementation, such that the burden of implementation, including possible enforcement actions, does not rest solely on the California NPDES municipal permittees. The TMDL implementation plan must provide flexibility to account for local resource limitations, which are often constrained or impacted by external factors beyond local government control. This includes funding of capital improvement projects and staffing resources through a variety of federal and state grant programs which are competitive and for which future funding levels are uncertain.

Thank you for the opportunity to provide written comments on this very important matter. Placer County believes in the value and benefit of the Tahoe TMDL approach. We are committed to its implementation, to the best of our ability. However, we request that your board recognize that there are, and will be, conditions that impact resources and schedules that justify flexibility in the TMDL implementation plan. Without such flexibility, there is potential to waste unnecessary State and local resources on enforcement actions that would be better applied to furthering TMDL implementation.

Sincerely,



Ken Grehm
Director of Public Works