



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
Lahontan Region

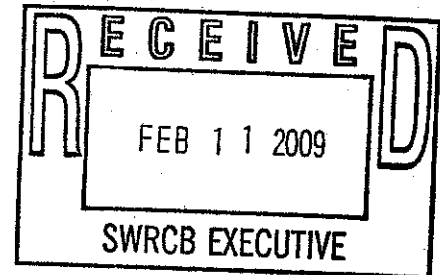
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Arnold Schwarzenegger
Governor

TO: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
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FROM: Harold J. Singer
Executive Officer
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD



DATE: February 11, 2009

SUBJECT: COMMENT LETTER – PROP 84 SWGP GUIDELINES

Thank you for the opportunity to provide comments on the draft guidelines. These storm water grants provide significant opportunities for dischargers to implement projects that improve water quality. It is critical that the guidelines are clear and provide incentives to dischargers to develop projects addressing storm water impacts to impaired water bodies (Section 303(d) listed water bodies).

The guidelines contain two sections that are related yet generate confusion. Section E identifies "Eligible Projects" and Section E specifies "Program Priorities." The guidelines do not provide any information on the relationship between these two sections. Additionally, as currently written it appears that for a project to be eligible, it must meet both criteria – implement LID and other onsite practices and comply with TMDL requirements. This interpretation is based on the word "and" at the end of the first criteria. Many dischargers are implementing projects addressing storm water discharges that are contributing to the impairment of a 303(d) listed water body. It would be unfortunate if these projects were not eligible just because the TMDL for the water body was not yet adopted. The 303(d) listing documents the impairment and the constituent causing the impairment. The TMDL established the level of reduction needed to achieve the water quality standard. In many cases (and specifically for Lake Tahoe) the 303(d) listing clearly identifies storm water as the primary cause and I believe that projects addressing these loads should be eligible for funding. We should support and not penalize project proponents who are implementing projects to address an impairment prior to adoption of a TMDL.

California Environmental Protection Agency