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**Public Comment  
COACHELLA VALLEY BI TMDL  
Deadline: 6/22/11 by 12:00 noon**

June 20, 2011

Jeanine Townsend  
Clerk to the Board  
California State Water Resources Control Board  
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**Re: Comment Letter – Coachella Valley Stormwater Channel Bacteria Indicators TMDL**

Dear Ms. Townsend:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) to reduce indicator bacteria exceedances observed in the impaired water bodies of the Coachella Valley Stormwater Channel Watershed. Caltrans strongly supports the State Water Resources Control Board's (State Board's) efforts to protect human health and achieve the highest standard of water quality possible. Caltrans has reviewed the TMDL and Basin Plan Amendment (BPA) adopted by the Regional Board on June 17, 2010 and the draft agenda item released on May 18, 2011 and has concerns in the following areas:

Caltrans submitted a comment letter to the Colorado River Basin Regional Water Quality Control Board (Colorado Regional Board) on June 3, 2010, that requested several changes to the TMDL. The comments were not addressed by the Colorado Regional Board. The Colorado Regional Board did not release a Response to Comments document with the reasons that the comments were rejected. The notice of the opportunity for comments released on April 20, 2010 by the Regional Board stated that only comments that were related to four proposed revisions to the amendment language at the time would be considered.

***1. Need for Consistent Storm Water Program***

The requirements in this TMDL for Caltrans are not consistent with those of TMDLs for the same pollutant in other regions of the state. For example, the TMDL technical report for Bacterial Indicators in Richardson Bay states that "we [San Francisco Regional Water

Quality Control Board] believe that the source of bacteria in highway runoff is wildlife” and that “the Water Board will not hold discharging entities responsible for uncontrollable coliform discharges originating from wildlife/natural background sources.” Other TMDLs for bacterial indicators where the requirements for Caltrans are different include TMDLs for Bacterial Indicators in San Lorenzo River Watershed (Central Coast Region), Los Angeles River (Los Angeles Region), and the San Diego Beaches and Creeks Project I TMDL.

Caltrans is required to maintain a statewide storm water program approach for transportation throughout the state. Development of a consistent program was the direction from the Environmental Protection Agency’s (EPA’s) Findings of Violation and Order for Compliance (EPA Docket No. CWA-09-2011-0001) Section III.A.1-3 (Administrative Order). Varying requirements for bacteria TMDLs from the same land use type (highway transportation) restricts Caltrans’ ability to use a comprehensive statewide approach.

**Caltrans requests that the TMDL have consistent requirements for bacterial indicator TMDLs for Caltrans throughout the state. The approach taken by the San Francisco Regional Board should be applied for bacterial indicator TMDLs, as it recognizes that sources of bacterial indicators from Caltrans roadways originate from wildlife/natural background sources.**

## **2. *Extent of Watershed***

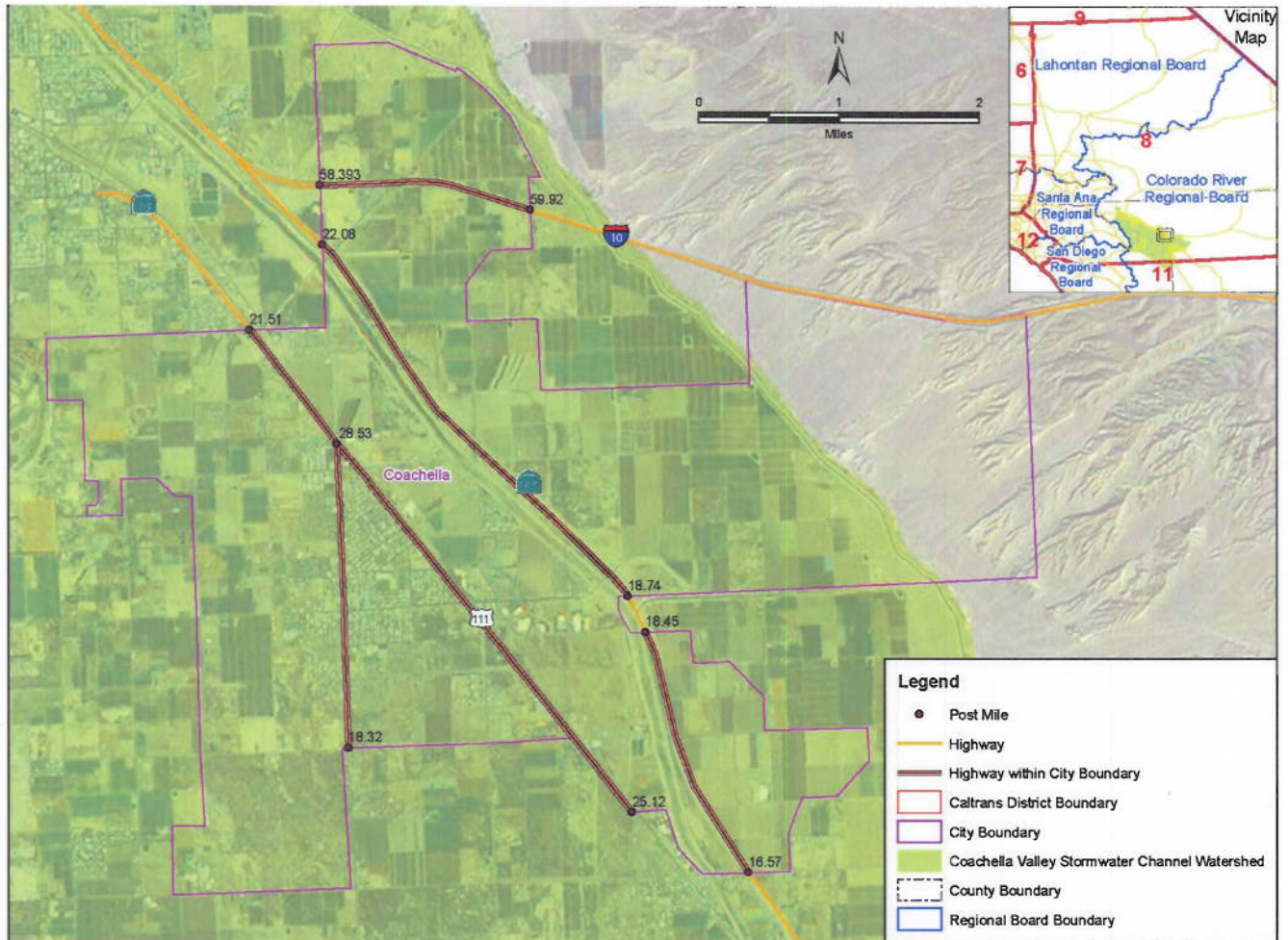
The June 3, 2010 letter submitted by Caltrans included our concern about the extent of the watershed included. The Regional Board did not respond to our concern. The impaired section of the CVSC as defined by the 2006 303(d) List and included in the BPA is the 17-miles of the channel extending south from Indio to the Salton Sea. The BPA assigns waste load allocations to only three point source entities, Caltrans, the City of Coachella, and the Kent Sea Tech Corporation Fish Farm (KSCFF), although there are other municipal separate storm sewer system (MS4) permittees in the greater CVSC watershed. In the CVSC watershed, Caltrans primarily drains to other MS4 facilities or pervious areas, not directly to water bodies.

**It is our understanding that the only Caltrans MS4 facilities included in the TMDL are those located within the boundaries of the City of Coachella. This area is shown in Figure 1. In addition, we understand that Caltrans facilities outside of the City are not covered by this TMDL. Please verify our understanding of the extent of the watershed included in the TMDL.**

## **3. *Complying with Dry Weather Conditions***

The June 3, 2010 letter submitted by Caltrans included our concern that Caltrans already meets dry weather flow waste load allocations and should not be required to implement controls and monitor for dry weather conditions. The Regional Board did not address our concern and left the TMDL requirements unchanged with regard to this subject.

Figure 1: Caltrans Facilities within the City of Coachella



Caltrans facilities typically do not have dry weather discharges. Caltrans conducted weekly field investigations of facilities within the CVSC watershed to document if any dry weather runoff occurred from Caltrans facilities and activities, such as landscape irrigation. Over 130 miles of roadway, a rest area, and a maintenance station were inspected over an eight-week period from August 11 to October 6, 2008. Areas with landscaping were mapped and any instances of dry weather flow were noted. The only dry weather runoff from Caltrans irrigation systems were found at the Whitewater Rest Area. The irrigation schedule was adjusted to eliminate runoff. Other observations of dry weather runoff were identified, primarily from commercial and residential facilities. The local MS4 Permittees were informed of the discharges. A report of the study findings and addendum were submitted to the Regional Board and MS4s on September 9, 2009.

Caltrans' existing program meets dry weather flow requirements, and has insignificant dry weather discharge potential, which should exclude Caltrans from being required to implement controls and monitor for this TMDL. The BPA requires dry weather

monitoring. Caltrans' area is less than 1% of the Coachella Valley Stormwater Channel watershed, and the facilities that would have the potential to discharge bacterial indicators are considerably less, making the dry weather impact insignificant. In addition, Caltrans roadways in most cases drain to areas with high infiltration that are often below the elevation of the Stormwater Channel.

Caltrans has a program in place to follow-up on any observances of dry weather runoff from its facilities and submit notice of observances of dry weather runoff to the appropriate MS4 jurisdictions. Caltrans will continue to perform prompt maintenance on all reported dry weather discharges to quickly address and correct any problems. As a result, Caltrans is currently meeting the waste load allocations during dry weather periods and will continue to perform maintenance as needed to eliminate any non-stormwater discharges.

**Caltrans' existing program already meets dry weather flows, and has insignificant dry weather discharge potential. Therefore, we request to be exempted from implementation and monitoring during dry weather conditions.**

#### ***4. Not a Source of Waste Loads to the Coachella Valley Stormwater Channel***

The June 3, 2010 letter submitted by Caltrans included our concern that any bacterial indicator loads from Caltrans roadways located in the Coachella Valley Stormwater Channel watershed are from natural background sources, such as wildlife and birds. The Regional Board did not address our concerns.

The TMDL Staff Report defines controllable sources of pathogens, as "anthropogenic activities (e.g., domestic wastes), domestic pets (e.g. cats and dogs), and livestock (cows, horses, pigs, etc.)." Caltrans does not have any of these sources in its right-of-way. Furthermore, Caltrans completed a study in May 2002<sup>i</sup> on the presence of human pathogens in urban storm drains. The study found that highway facilities, including park and rides and maintenance stations, do not appear to be a significant source of pathogens in urban drainage. The bacterial indicator loads from Caltrans roadways located in the CVSC watershed are from natural background sources. Furthermore, as noted previously, Caltrans roadways in most cases drain to areas with high infiltration that are often below the elevation of the Stormwater Channel.

**Discharges from Caltrans roadways located in the CVSC watershed are from natural background sources. Caltrans requests that the waste load allocations assigned to Caltrans in the TMDL be set equal to existing loads or that Caltrans be removed as a stakeholder in this TMDL.**

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<sup>i</sup> Caltrans (2002) *Management of Pathogens Associated with Storm Drain Discharge - Results of Investigations of the Presence of Human Pathogens in Urban Storm Drains.* (CTSW-RT-02-2005). May 2002

**The U.S. EPA is currently conducting a review of bacterial indicators and will release new recommendations in 2012. The TMDL should include a requirement for the Regional Board to review the bacterial indicators included in this TMDL once the U.S. EPA recommendations are released.**

**5. High Flow Suspension**

The June 3, 2010 letter submitted by Caltrans included our concern about the potential of integration of a high flow suspension for CVSC. The Regional Board did not address our concern. At the Regional Board Hearing held on September 17, 2008, the agenda (item 8d) included a discussion of the suspension of water contact recreation (REC-1) uses during high flow conditions in the CVSC. During the meeting, Regional Board staff stated that they were reviewing this potential option. In addition, the *California Regional Water Quality Control Board, Colorado River Basin Region, 2007 Triennial Review Final Workplan* includes the impact of critical flow rates in the CVSC and their temporal impact on beneficial uses, as a water quality concern (issue number 4) for investigation and review. However, the current BPA and most recent staff report do not provide any additional information.

The high flow suspension is appropriate since contact recreation activities are not safe during high flow conditions. In addition, recreational uses are prohibited in the CVSC, usage rates of the channel are expected to be low, and activities in the channel are more characteristic of non-contact recreation. As a result, the high flow suspension should be incorporated into the TMDL and BPA.

**Please include a discussion of the status of this issue and how it would be integrated into the TMDL requirements. This issue would have a significant impact on this TMDL and the requirements for compliance, and it should be considered before the TMDL is approved and implementation is required.**

We hope these comments are helpful. If you have any questions or concerns, please contact Keith Jones at (916) 653-4947.

Sincerely,



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