

# Caltrans Comments on the Draft Tentative Order (TO)

California Department of Transportation

July 19, 2011

Caltrans Stormwater Program



# Presentation Overview

- Caltrans Stormwater Program
- Uniqueness of Caltrans
- Need for a Focused and Simplified Permit Approach



# Caltrans Stormwater Program

- Caltrans is committed to Environmental Stewardship
- Stormwater Program (Support) Expenditures for FY10 were \$75 M including 464 PYs
- We implement WQ controls through:
  - SWMP
  - Capital Projects: Federal Funding, SHOPP, Local Programs
  - Meeting TMDL WLA's
- Need for collaboration
  - Ensure Water Quality Benefit
  - Compatible with Caltrans statutory responsibilities
  - State Agency Collaboration



# Caltrans Requests

- The draft TO focus on cost-effective programs that maximize water quality benefits for the dollars spent.
- The TO include a provision limiting the implementation of new development requirements to projects in the initial project development phase.



# Caltrans is a Unique Permittee

- Safety is our number one goal
- Infrastructure is passive and uniform
- Caltrans is generally less than 2 percent of a watershed
- One land use – roads
- No land use or enforcement authority over other Dischargers
- No ability to impose utility fees
- Over 10 years of extensive monitoring data (240,000 data points)
- BMP Implementation (Extensive BMP Pilot Studies)



# Issues with the Tentative Order

- Compliance standards/excessive monitoring
- Run-On Flows
- Stream Stability Analysis
- Post construction treatment
- Others, see our letter...



# Most Comprehensive MS4 Monitoring Program

- 789 Monitored stations by facility type
- 6,821 Monitored events
- 296 Constituents monitored
- 244,872 Values in the database
- 5,567 Toxicity records

We have more than enough data!

Facility	# stations
BMP	275
Construction Site	34
Drain Inlet	35
Highway	330
Maintenance Station	15
Parking Lots (Park & Ride, Rest Area)	33
Right-of-Way	46
Rural Watershed	4
Rural/Urban Watershed	6
Toll Plaza	2
Vehicle Inspection Station	9
<b>TOTAL</b>	<b>789 stations</b>



# How do we compare to Monitoring Requirements of other DOTs?



Type	AZ DOT	WA DOT	ODOT	Caltrans
Discharge	5	11 sites, toxicity 6 sites	Post-construction treatment; ESA, 401	Pool of 1000 sites; sample 100, monitor 50
Receiving Water	N/A	Sediment testing only	N/A	Iterative approach
Characterization or Long Term	N/A	5	N/A	5 sites per year
BMP Testing	N/A	3	N/A	4 sites per District
TMDLs	9 water bodies	9 statewide per MS4 permit, 20+ developing	30 statewide; stakeholder in none; designated management agency in each TMDL watershed	200 mandates; named in 71

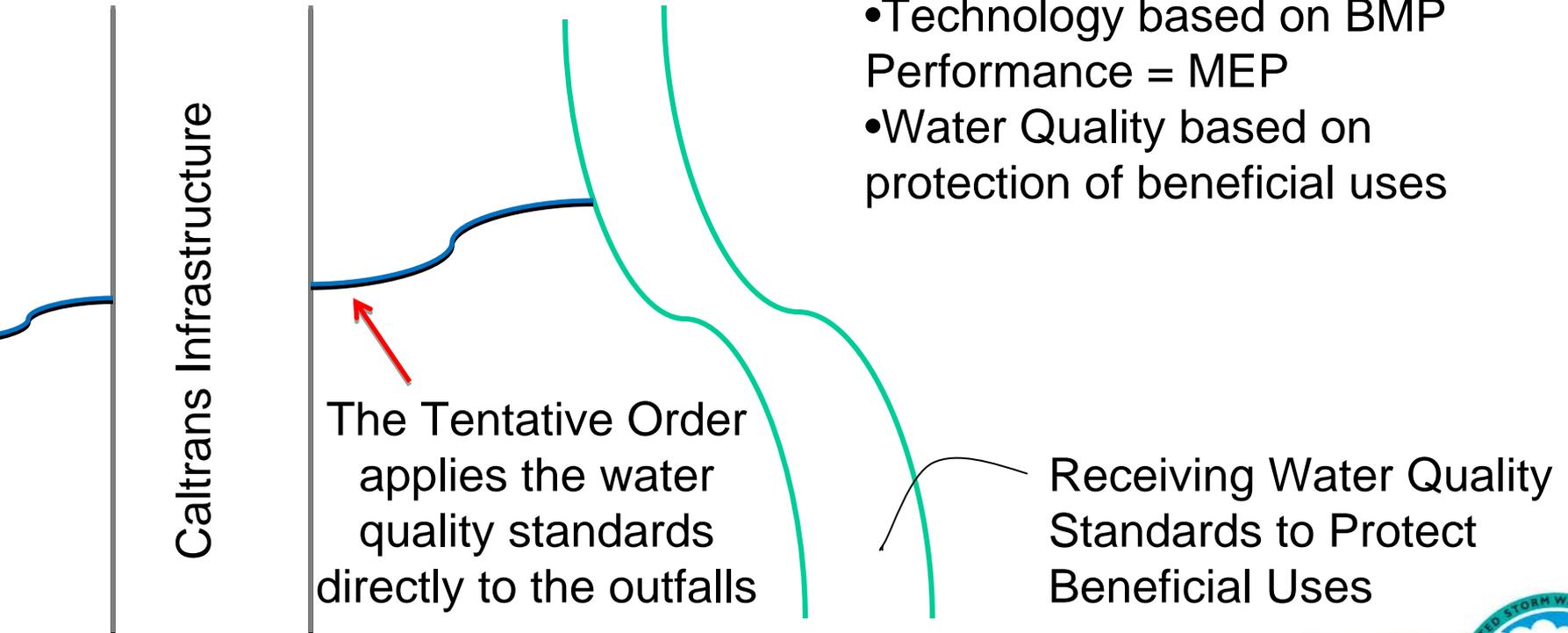


# Caltrans Requests

- That monitoring and corrective measures (i.e., BMP implementation) be conducted only if there is reasonable potential to impact beneficial uses of the receiving water.
- The TO state that exceedances trigger a re-examination of opportunities to reduce pollutant loading, and that a structural retrofit is limited to addressing water quality as identified in TMDLs.
- The TO reduce discharge monitoring program to a maximum of 25 locations throughout the state selected from a pool of candidate sites that Caltrans has previously documented.



# Application of Performance Standards



## Effluent Limits at Outfall

- Technology based on BMP
- Performance = MEP
- Water Quality based on protection of beneficial uses



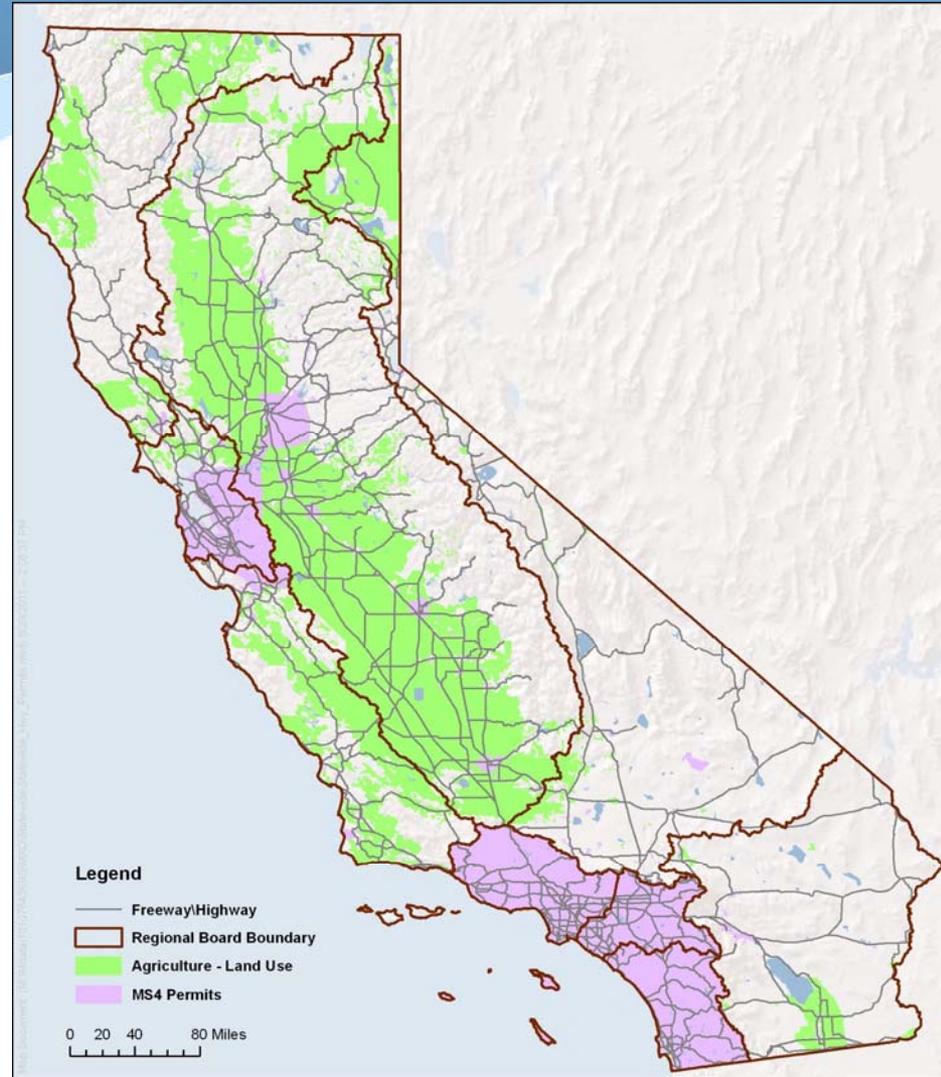
# Caltrans Requests

- The TO reflect the policy stated in the Fact Sheet and current practice by basing compliance on our **response** to the monitoring data, not a numeric exceedence in the effluent or receiving water.



# Run-on Requirements

- Allowed
  - Agricultural run-on with waiver and no pollutants
  - NPDES Permitted run-on
- Prohibited
  - All other run-on



# Caltrans Requests

- The TO not require Caltrans to assume responsibility for non-point sources, or create unlimited enforcement exposure due to stormwater run-on generated outside of the State Highway rights-of-way.



# Level 1 Stream Stability Analysis

- TO requires a Level 1 stream stability analysis at all crossings every two years.
- Approximately 60,000 crossings to be analyzed



# Caltrans Requests

- The TO remove the programmatic requirement to conduct a Level 1 Stream Stability Analysis.
  - Duplicative Regulatory Requirement
    - SB 857 (balancing fish passage with transportation priorities)
    - Streets and Highway Code Section 156 et seq
    - Fish and Game Code 5900 et seq
    - Annual Report to Legislature
  - *Fish Passage Design for Road Crossings (Caltrans, 2009)*



# Tentative Order

- Should recognize what we've learned from our previous efforts
- Greatly expands a monitoring program without a water quality benefit with an integral change in how water quality standards are applied
- Caltrans should not be responsible for runoff pollution from others
- Channels significant resources into activities that do not directly improve water quality



# Collaborative Approach

- Caltrans will:
  - Work towards meeting TMDL obligations
  - Continue monitoring to support specific elements of the stormwater program
  - Continue to improve on current stormwater management program through BMP improvement



# Collaborative Approach

- Caltrans requests the State Board:
  - Work with Caltrans to re-work the compliance standards/monitoring requirements in the Permit
  - Change the language in the Permit to remove Caltrans liability for run-on water quality
  - Re-evaluate the requirement for Level 1 stream stability analysis
  - Work with Caltrans to discuss resolution of our comments



# Next Steps

- Commitment to meet with State Water Board to refine proposal
- Commitment to meet the time-line to adopt the Order



# Caltrans Permit Approach

- Ensure Water Quality Benefit
- Compatible with Caltrans Mission
- Effective use of limited State resources
- Technically & Fiscally Feasible to Comply

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