## SUMMARY OF COMMENTS AND WATER BOARD RESPONSES
## TENTATIVE LAKE TAHOE CONSTRUCTION GENERAL PERMIT

| Comment | Commenter | Response |
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| **Permit Effective Date** | | |
| 1) Consider revising the effective date of the updated permit to after the 2011 construction season, which generally ends October 15, 2011. The currently proposed date of September 1, 2011 is problematic for revising contracts and completing projects in the middle of the construction season. | Caltrans District 3<br><br>El Dorado County<br><br>USFS – LTBMU<br><br>City of South Lake Tahoe<br><br>CA State Parks<br><br>CA Department of General Services (DGS) | The permit effective date for new dischargers will remain at April 13, 2012 (if adopted by the Water Board). For those previously enrolled in R6T-2005-0007, the permit will be revised such that dischargers will be required to re-enroll in the updated Tahoe CGP by December 1, 2011. Dischargers should submit permit registration documents (PRDs) by October 15, 2011 to ensure there is sufficient time to process the PRDs and receive coverage under the updated Tahoe CGP before December 1, 2011 when coverage under old permit will be terminated. This change will allow projects that can be completed by the end of the 2011 construction season to avoid re-enrolling in the new permit. For projects that will continue under the updated Tahoe CGP, this will bring all active projects under the same requirements for winterization and monitoring during the winter of 2011/2012 and beyond. |
| 2) DGS has an ongoing project to construct a CCC Tahoe Base Center in Meyers that will be negatively impacted by the adoption of the updated Tahoe CGP. DGS requests that deadline for re-enrolling in the updated Tahoe CGP be extended to May 1, 2012 and that ongoing projects be grandfathered into the requirements of the existing permit (R6T-2005-0007). | CA Department of General Services (DGS) | See response to comment #1. The permit effective date will be revised to allow for uninterrupted coverage under the previous permit through the 2011 construction season. On December 1, 2011, the previous permit will be superseded by the updated Tahoe CGP such that all dischargers will need to comply with the same requirements. This is needed to bring all projects up to the current standards for controlling waste discharges from construction sites. If land disturbing activities will cease by December 1, 2011, the discharger will not need to re-enroll in the updated Tahoe CGP. |
| 3) Project currently underway should be grandfathered into the old permit requirements. | CA State Parks | See response to comments #1 and #2. |

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| **Cost of Additional Requirements** | | |
| 4) Caltrans requests that ongoing projects and those approaching final design be "grandfathered' into the existing permit (R6T-2005-0007) to minimize additional costs and delays that would result from implementing the requirements of the updated Tahoe CGP.<br><br>Caltrans also requests that projects with an approved Environmental Document be exempt from coverage under the Tahoe CGP, which may result in delays from implementing new design features required under the updated Tahoe CGP. At a minimum, Caltrans requests to extend the deadline to enroll the projects described above in the updated Tahoe CGP to June 1, 2012. | Caltrans Division of Environmental Analysis | Water Board staff has considered the cost implications of adopting the updated Tahoe CGP and does not find them to be significant. The key changes and cost items in the updated permit are described in the attached cost assessment table. Based on these considerations, staff believes that the permit implementation schedule is appropriate and accommodates the concerns of the commenter. |
| 5) The training requirement for QSD/QSPs will add costs to County projects and will limit the number of qualified personnel within the County to approve and implement SWPPPs. | El Dorado County | Minimum requirements for those developing and implementing project SWPPPs are needed to ensure work is completed by qualified individuals. The requirements are identical to those under the statewide CGP that apply to construction activities on the west slope of El Dorado County. |
| 6) The requirement to upload monitoring data into the SMARTS appears cumbersome and will increase costs to the County. | El Dorado County | Staff does not consider the procedures for submitting data overly cumbersome (see attached cost assessment table). |
| 7) The County and others are concerned that the additional requirements in the updated Tahoe CGP are unnecessarily adding costs to projects at a time when resources are dwindling. | El Dorado County | See response to comment #4 and attached cost assessment table. |

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| 8) The testing requirements associated with ATS use is cost prohibitive. | CA State Parks | Use of ATSs is not required. If used, the testing requirements are identical to the statewide CGP and are needed to ensure proper operation of ATSs and protection of water quality. |
| 9) The Parks Department will be building parking lots for recreational facilities. The requirement to pretreat runoff from parking areas is too costly. | CA State Parks | The requirement for pretreatment of parking lot runoff is equal to the requirements under the previous permit and is needed for water quality protection. The cost is not different than that under the previous permit. |
| **Numeric Effluent Limits** | | |
| 10) The numeric effluent limit of 20 NTU for discharges to surface water or from ATSs is not achievable. None of the current construction contracts or projects past the 95-percent PS&E phase have BMP requirements to meet the 20 NTU limit. Including a requirement for ATS use may delay PS&E delivery and construction. | Caltrans District 3 | ATS use is not required, but may be used if the discharger chooses. The numeric effluent limits for ATSs were established under the statewide CGP based on performance information for ATSs.<br><br>The numeric effluent limit of 20 NTU for turbidity is required under the previous Tahoe permit and Caltrans projects should have been developed based on this existing criterion. Anti-backsliding NPDES rules do not allow for the updated CGP to have effluent limits that are less stringent than the previous permit. |
| 11) Due to the nature of Caltrans facilities, projects are subject to run-on flows beyond the control of Caltrans. The Tahoe CGP should allow provisions to protect Caltrans from potential liability as a result of uncontrolled run-on flows that would subject Caltrans to violations of the numeric effluent limits. | Caltrans Division of Environmental Analysis | The updated Tahoe CGP includes provisions to consider run-on flows that contribute to an exceedance of a numeric effluent limit. |
| 12) Use of an ATS is needed to comply with the numeric effluent limits. This technology requires additional right-of-way to place | Caltrans Division of Environmental Analysis | Use of ATSs is not required. If used the requirements are identical to those under the statewide CGP and should not be relaxed for a highly sensitive watershed such as Lake |

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| facilities that will capture and treat the 10-year, 24-hour storm event. Caltrans is concerned that the use of ATSs may not be technically feasible due to the limited right-of-way available in the Tahoe Basin. Caltrans is also concerned that about the availability and capability of ATSs to meet the 20 NTU turbidity limit. Caltrans requests that the permit allow the use of ATSs without the requirement to accommodate the 10-year, 24-hour storm volume. | | Tahoe. |
| 13) The permit states that, for purposes of the permit, effluent discharges off the property boundaries constitute a discharge to surface waters. However, not all discharges from construction sites may reach surface waters. In these cases would the Basin Plan limits on discharge to infiltration systems apply? | Caltrans District 3 | It is impossible to track the flow of runoff from each project site for each rain event that may occur. Due to the nature of the watershed, there is always the potential for discharges to reach surface waters depending on the amount and intensity of precipitation events. Therefore, the discharge to surface water limits will apply based on the conservative assessment that discharges off the project site have the potential to reach surface waters. Dischargers may provide documentation to demonstrate that discharges from individual project boundaries does not occur for any claim for relief from the NELs. |
| 14) Are the effluent limits applicable to the NEAT Report's Natural Environment as Treatment (NEAT) and Modified Natural Environment as Treatment (MEAT) designations? | Caltrans District 3 | No. Effluent limits are applicable to short-term construction projects. The NEAT study is applicable to the long-term operation of the Caltrans MS4. The Caltrans MS4 permit requires it to control pollutants in its storm water to the maximum extent possible (MEP). The NEAT study provides a mechanism for Caltrans to prioritize its implementation of storm water controls for its roadways in the entire Lake Tahoe Basin in accordance with the MEP standard. The Lahontan Executive Officer has determined that this is an |

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| | | acceptable approach for meeting its requirements under the current Caltrans MS4 permit. Future updates of the MS4 permit will not require Caltrans to meet the numeric effluent limits, but rather comply with the load reductions defined in the Lake Tahoe TMDL. |
| 15) Why are restoration projects held to the same standard as new development? There should be an opportunity to relax water quality and effluent standards for appropriate restoration projects. | CA State Parks | The Lahontan Basin Plan provides for exemptions to water quality standards and waste discharge prohibitions for restoration project conducted in the Lake Tahoe Hydrologic Unit. The exemptions may be applied to restoration projects depending on Water Board approval. |
| 16) Regarding the Fact Sheet Section IV.A.1., does the statement that NELs for land treatment are being removed mean that land treatment systems are not allowed in the Tahoe Basin? | CA State Parks | No. Land treatment systems are encouraged to be used where appropriate to control pollutants in storm water discharges. |
| 17) The 20 NTU NEL for turbidity is too stringent and Parks requests that this limit be modified. | CA State Parks | See response to comment #10. |
| 18) The Tahoe CGP deviates from the statewide permit by implementing numeric effluent limits rather than BMP-based limits. This will result in additional costs to the Parks Department. | CA State Parks | The updated Tahoe CGP does not deviate from the statewide permit in implementing numeric effluent limits. The permit includes both BMP-based limits and numeric effluent limits, as does the statewide permit. The numeric effluent limit of 20 NTU for turbidity is the same as in the previous permit. Therefore, there is no additional cost over that needed to comply with the previous permit. |
| **QSD/QSP Requirements** | | |
| 19) Professional engineers or resource managers are not required to hold state issued certifications to practice on federal lands. LTBMU suggests that professional federal employees acting within the scope of | USFS - LTBMU | Requirements for QSD/QSP qualifications and certifications are consistent with the statewide CGP, which applies to USFS projets across the state. Staff believes that a minimum level of qualifications for all dischargers is appropriate to protect the water quality in this sensitive |

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| their duties on federal lands should be able to serve as QSD/QSPs without any further certification. QSD/QSPs would attend the required State Board training. | | watershed. The qualification requirements are flexible enough that personnel have the opportunity to demonstrate an appropriate level of expertise through a variety of certifications programs. The requirements are needed to ensure that knowledgeable and appropriately trained professionals are responsible for controlling pollutant discharges from construction projects. |
| 20) QSD/QSP training per the State Water Board CGP requirements will not met the needs for the Tahoe CGP. Does Lahontan plan to develop QSD/QSP training based on the Tahoe CGP? | Placer County | Due to the broad similarities between the statewide CGP and the updated Tahoe CGP, the Water Board plans to utilize the existing training program developed by the State Board. The training covers a wide range of topics including basic erosion and storm water control principles that meet the needs of the updated Tahoe CGP. When opportunities allow, Water Board staff will participate in training programs in the local area, but otherwise, dischargers should read and follow the requirements as laid out in the permit. |
| 21) Is there a requirement to pass a state QSD/QSP training exam and what is the effective date? There appears to be an inconsistency with the compliance dates for the QSP certification and training requirements. | City of South Lake Tahoe | There is a requirement to pass an exam for the state training program. The effective date is April13, 2012 if the permit is adopted on April 13, 2011. There is a mistake in the tentative language regarding the requirements for qualified QSPs. The permit will be revised to address this comment. |
| 22) The QSD/QSP training and certification requirements limit the ability of the agency to conduct this work in-house. Why do the QSD/QSPs need to have the qualifications and attend the State Board (CASQA) training. Why not just the CASQA training? | CA State Parks | See response to comment #19 |
| 23) The QSD/QSP training should be provided by the Water Board rather than by costly outside consultants. | CA State Parks | The Lahontan Water Board does not have the resources to conduct training in a comprehensive manner and is relying on the existing program developed by the State Water |

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| | | Board. |
| **SWPPP Requirements** | | |
| 24) Does the requirement to provide a topographic map of features one-quarter mile beyond the property boundaries of the construction site refer to features shown on a USGS Quadrangle or topographic features to be surveyed? | Caltrans District 3 | Topographic features do not have to be surveyed. A USGS Quadrangle is sufficient. |
| 25) The post-construction requirements to infiltrate the 20-year, 1-hour storm event for state highway departments is not consistent with the Lake Tahoe TMDL. We request that the language be adjusted to clarify the requirements for state highway department projects. | Caltrans Division of Environmental Analysis | Caltrans will be required to implement a load reduction program in lieu of meeting the 20-year, 1-hour storm requirements. The language in the permit will be revised as suggested. |
| 26) The permit should state that the discharger must comply with the SWPPP and SWPPP amendments rather than just the SWPPP. | Placer County | Since the SWPPP is a living document, the reference to the SWPPP includes all amendments that may be added. |
| 27) Does the permit need to include prescriptive requirements for the BMPs and SWPPP? The specific requirements may limit future best management practice changes and best professional judgement in controlling pollutant discharges. The County suggests using the SWPPP language as written in the statewide permit. | Placer County | The permit includes requirements to implement BMPs within general categories of BMP types, similar to the language in the statewide CGP. It is the dischargers choice as to which BMPs are appropriate. The permit does not limit the array of possible BMPs, but provides minimum requirements for BMP implementation. The SWPPP must describe the BMPs that will be used on the project, which are at the discretion of the discharger. |
| 28) The County suggests that the permit should be changed to state that a REAP must be developed "no later than 24 hours" prior to an anticipated rain event. The City of South | Placer County<br>City of South Lake Tahoe | The REAP trigger will be revised to better address thunderstorm activity, which is typical for the construction season in the Lake Tahoe area. The language will be revised such that REAPs must be prepared based on the |

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| Lake Tahoe suggests that the 50 percent chance of rain trigger for the REAP is not protective enough to address thunderstorm activity, which is typical of rain events during the active construction season. The REAP trigger should be modified to account for rapid buildup of thunderstorms and the intensity of such events. | | weather forecasted for the current construction day to account for the potential for rapid formation of thunderstorm activity. |
| 29) The only SWPPP requirement in Section IX.B of the permit is to include a copy of the NOI. Should this be expanded to better describe the SWPPP requirements? | Placer County | The comment appears to be taken out of context. Section IX.B. only addresses the requirement to include the NOI with the SWPPP. The entire section IX. describes in detail the requirements for the SWPPP. |
| 30) Should Section IX.P include O&M requirements on post construction BMPs? Section IX.P should require identification of the responsible party for the maintenance and operation of the permanent storm water controls to assist municipalities in follow-up after coverage under the Tahoe CGP is terminated. | Placer County<br>City of South Lake Tahoe | Section IX. will be revised as suggested to include a provision for O&M of the post construction BMPs. |
| 31) The requirement to prepare a REAP within 24 hours of predicted rain, rather than 48 hours as the statewide permit requires, is too costly. | CA State Parks | See response to comment #28. The cost of preparing the REAP would be the same, whether prepared 48 or 24 hours prior to a rain event. |
| **Monitoring and Reporting Requirements** | | |
| 32) Can a waiver for monitoring severe storms or non-daylight hours be included in the Permit to ensure safety? | El Dorado County<br>Placer County | The permit has a provision to not require monitoring during non-daylight hours. Additional language will be added to state that monitoring is not required during unsafe weather conditions. |
| 33) The County has used a system to notify | El Dorado County | The REAP requirement is needed to ensure all dischargers |

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| its contractors 24 hours in advance of predicted precipitation and require them to implement appropriate BMPs to prevent pollutant discharges. The County requests that the system be used for County projects in lieu of the REAP requirement. | | are prepared for precipitation events and can't be selectively excluded for certain dischargers. However, staff appreciate the proactive nature of the County's staff and the system used by the County is a useful supplement to the REAP requirements in the updated permit. |
| 34) LTBMU recommends that the annual report due date be changed to December 15 of each year to provide adequate time for report preparation. LTBMU also recommends that the due date for a final monitoring report be changed from 30 days after project completion to January 15 after project completion. | USFS - LTBMU | The annual report will be submitted through a reporting module in the SMARTS. All data previously submitted for the year will be stored in the system and will not need to be duplicated, thus, streamlining the reporting process. The reporting due dates are identical to the previous permit and based on the use of the SMARTS reporting tool. Staff believes that the reporting deadlines are appropriate. |
| 35) LTBMU requests that the pH monitoring requirement be changed such that pH monitoring applies only to projects that could affect the pH of effluent from the site. The City of South Lake suggests that pH levels in runoff may be naturally below 6.5, which would be inconsistent with the numeric effluent limits. | USFS – LTBMU<br>City of South Lake Tahoe | The monitoring requirements for pH will be revised based on the suggestions by the commenters. |
| 36) Are daily inspection reports necessary during the active construction season considering the site must be inspected before, during, and after rain events? The statewide CGP only requires weekly inspections. | Placer County | Inspection frequencies are identical to the previous permit. Due to the sensitivity of the watershed, staff believes that the daily inspection requirements are appropriate. |
| 37) The pre- and post-monitoring requirements for restoration projects may | CA State Parks | The pre-and post construction monitoring requirements for restoration projects are identical to those in the previous |

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| have a negative impact on projects. | | permit. The requirements are appropriate to ensure that restoration projects are ultimately successful. |
| 38) The various reporting requirements are more stringent than other permits. | CA State Parks | Comment noted. The permit is consistent with the previous permit and the state-wide CGP. |
| **Other** | | |
| 39) The State Water Board is updating the Caltrans MS4 permit. It is our understanding that Caltrans projects within the Tahoe Basin will not be required to obtain coverage under the Tahoe CGP until it is included in the updated Caltrans MS4 permit. | Caltrans Division of Environmental Analysis | Under the terms of its municipal NPDES permit, Caltrans is required to be in compliance with the Lake Tahoe CGP. Staff understands that Caltrans is also voluntarily planning to comply with the administrative requirements of the permit (e.g., registration through SMARTS). Further discussions may be needed to work through the details of how the process will be implemented pending the update of the Caltrans MS4 permit. |
| 40) Is the fee structure for the updated Tahoe CGP equal to the Statewide CGP? | El Dorado County<br>Placer County | Yes |
| 41) LTBMU requests that forest vegetation management activities should be clearly stated as an activity that is not covered under the updated Tahoe CGP. These activities are typically covered under the Lahontan Timber Waiver. | USFS - LTBMU | The Tahoe CGP identifies construction activities covered by the permit and provides for certain exemptions specified under the Clean Water Act. No further specification of covered activities is planned to be included in the permit. The discharger is required to determine whether proposed projects are construction activities that would require coverage under this General Permit. Vegetation management activities that do not involve construction would not be covered under the updated Tahoe CGP. |
| 42) The statewide CGP includes details on how to calculate the acreage for a linear project. Should this be added to the Tahoe CGP? | Placer County | The calculation of land disturbance acreage should be the same as for all other projects. Specific written guidance on how to calculate land disturbance acreage is not planned to be included in the permit. |
| 43) Should the glossary include the terms "new source performance standards" (NSPS) | Placer County | The glossary will be revised as suggested. |

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| and "effluent limitation guidelines" (ELGs)? | | |
| 44) Can tables in the Fact Sheet FS-1 and FS-2 be combined since they are essentially the same? | Placer County | The tables are presented to show how the application of the effluent limits was modified. Staff believes the information is presented clearly as written. |
| 45) Can the Tahoe CGP include an example of the RUSLE consistent with the statewide CGP? | Placer County | Per conversation with Mary Keller on 3/3/2011, the language is adequate as written. |
| 46) The updated Tahoe CGP includes a list of various receiving water objectives that apply in the Lake Tahoe Hydrologic Unit. It is unclear how these objectives will apply to the practical implementation of the permit requirements and we suggest that the language explain this. | Placer County | The water quality objectives are presented as reference for dischargers. The objectives inform the discharger of the potential liability for violations of water quality objectives if an adverse condition should impact water quality. These are a standard element of NPDES permits. Further explanation in the permit is not planned. |
| 47) The acronym list should also include MATC, MDL, RL, and WQOs. | Placer County | The acronym list will be revised as suggested. |
| 48) The glossary should include SMARTS. | Placer County | The glossary will be revised as suggested. |
| 49) Provide advice on which permit applicants should apply for pending the potential adoption of the updated Tahoe CGP by the Water Board. | City of South Lake Tahoe | Applicants should apply under R6T-2005-007 until the updated Tahoe CGP is adopted by the Water Board. However, staff acknowledges that there will be a transition period (generally between the middle of March and April 13, 2011) when we will have to determine whether applications for the old permit can be processed before adoption of the new permit. Staff will strive to work with individual applicants to determine the best course of action on a case-by-case basis. |
| 50) Flushing of fire hydrants does not appear to be a problem and should not be prohibited. | CA State Parks | Fire hydrant flushing waste contains chlorine, which is toxic to aquatic life. The Basin Plan prohibits these discharges to surface waters and the permit implements this prohibition. Fire hydrant flushing water may be discharged to land. |

**UPDATED TAHOE CGP**
**COST ASSESSMENT OF NEW REQUIREMENTS**

| New Permit Requirement | Description |
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| Electronic Submittal of Project Registration Documents (PRDs) | Enrollment in the previous permit was completed through paper applications. Additional time will be required for dischargers to initially become familiar and electronically submit information through the State Board's SMARTS. This additional effort will fall primarily on the Legally Responsible Person for the project. |
| Training and Qualifications | The permit sets new standards for persons preparing and implementing SWPPPs. Most dischargers have personnel that currently meet the baseline qualifications for Qualified SWPPP Developers (QSDs). Some dischargers may not have personnel that currently meet the Qualified SWPPP Practitioner (QSP) requirements. However, QSPs do not need to meet the minimum requirements until April13, 2012, and the permit provides a range of certifications that QSPs can obtain prior to that date. Costs for the mandatory QSD/QSP State Board training are running between $600 and $700 for QSD training and between $500 and $600 for QSP training. The cost is justified to ensure that appropriate personnel are responsible for controlling pollution form construction sites. |
| Rain Event Action Plan (REAP) | The permit requires QSPs to complete a written REAP and implement it prior to the onset of precipitation events. The requirements is intended to help the QSP ensure that sufficient materials and personnel are on hand to prevent erosion and reduce pollutants in runoff prior to precipitation events. Response to precipitation events is already required under the previous permit and the only change is that the REAP must be written and kept with the SWPPP. A REAP template is provided in the permit for discharger use. Preparation of a REAP should not be a significant cost item if the discharger is already operating in a proactive manner before storms as required under the proposed and previous permit. |
| Field Sampling | The previous permit required samples to be collected and analyzed for TSS by a certified analytical laboratory. The cost of such sampling is dependent on the number of rain events that may occur. Assuming four sampling locations per site, six rain events per season, $30 per TSS analysis, and shipping, staff estimates the annual sampling cost under the previous permit would be approximately $800. The updated permit requires dischargers to analyze samples of runoff in the field using portable turbidimeters. The cost to purchase a turbidimeter ranges between $600 |

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| | and $1,200. Staff estimates that the cost of purchasing a field turbidimeter will be offset by not having to pay for laboratory analyses within the first year of operation. Therefore, the new requirements should result in equal or less cost than the previous permit for most projects. |
| Data Reporting | Results of field samples must be submitted electronically through the SMARTS within five days of receiving sample results. This will add additional time for the QSP to initially register each sampling location and submit data. However, once the initial data submittal is completed, the process is fairly streamlined. The benefit is that the data for the project is automatically stored and will not need to be resubmitted when completing the annual report. |
| Annual Reporting | Both permits require submittal of an annual report. The previous permit required submittal of a paper annual report. Reporting under the updated permit will be through a reporting module in SMARTS. All data previously submitted will be stored as part of the annual report. The annual reporting module asks a series of yes/no questions that streamline the reporting process. Staff believes that the reporting process for the updated permit will be less costly than the previous permit requirements. |