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September 13, 2010

California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTN: Ms. Stefanie Hada

Re: Comments on a Proposed Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Debris in the nearshore and offshore of Santa Monica Bay

Dear Ms. Hada:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the proposed amendment to the Water Quality Control Plan (Basin Plan) for the Los Angeles Region to incorporate a Total Maximum Daily Load (TMDL) to reduce trash in the impaired waterbodies of Santa Monica Bay. While Caltrans strongly supports the goals of the Los Angeles Regional Water Quality Control Board (LARWQCB) to reduce Trash and to protect human health and achieve the highest standard of water quality possible, this TMDL has the potential to significantly affect Caltrans operations and management. Our concerns are as follows:

Impaired Region Covered by the TMDL

In the Draft Staff Report dated July 30, 2010, the exact boundaries of the areas that are addressed by this TMDL are not clearly evident. For example, Figure 5 on page 13 highlights sub watersheds that appear to have waste load allocations for trash; however, this is not clearly indicated in the figure or accompanying text. In addition, in the same figure, the coastal area between Point Dume and the Ventura County Line is part of the larger Santa Monica Bay watershed but is not shaded. This suggests that the area is not included in the TMDL, although no clarification exists in the report. To clarify which pollutant types are included in each subwatershed, please include a table listing all of the subwatersheds that are covered specifically for trash and for plastic pellets. This information should also be clearly presented and noted in figures.

Caltrans' Area Estimate

Table 9 on page 36 of the Draft Staff Report dated July 30, 2010 includes an estimate of Caltrans point source area of 4.05 square miles. It appears that this number includes only the subwatersheds that are part of the TMDL for trash impairments as illustrated in Figure 5 of the Draft Staff Report. Appendix II includes a table listing the estimates of tributary drainage area for the different land use types throughout the watershed. The transportation land use includes different types of roadways and is not limited to those under Caltrans' jurisdiction. However, these areas were included in the estimate of total drainage area under Caltrans jurisdiction in Table 9. Our estimates show that Caltrans facilities comprise 1.08 square miles of area in the watershed, only about 0.5% of the total watershed area. We request that the Regional Water Board please make a correction for Caltrans facilities area and revise the table.

Caltrans' Waste Load Allocation

The baseline load assigned to Caltrans is based on the Caltrans Phase I Gross Solids Removal Devices (GSRD) Pilot Study conducted for years 2000 to 2002. This loading rate was estimated at locations within the Los Angeles River watershed that have much different characteristics from roadways within the Santa Monica Bay watershed and is not appropriate.

Within the Santa Monica Bay Watershed (excluding Ballona Creek and portions of the Malibu Creek watershed covered in other TMDLs), there are 50 miles of conventional highways and 5 miles of freeways that Caltrans owns and operates. Applying the values from the Phase I GSRD study to the 55 miles of freeways/highways is inappropriate because the Phase I GSRD study collected gross solids from heavily trafficked freeways in highly urbanized areas. In addition, the trash generation rates at the locations monitored are highly variable even at the same location from year to year. The majority of Caltrans-owned freeways and conventional highways in the Santa Monica Bay watershed are less frequently traveled, carry significantly lower volume, and have vastly different characteristics. The loading rates of the conventional highways within the Santa Monica Bay watershed are expected to be consistent with those of the surrounding land uses. As a result, for conventional highways it is more appropriate to use the same loading rate as applied to adjacent land uses. Caltrans freeways within the Santa Monica Bay watershed are expected to have loading rates consistent with those estimated from the Litter Management Pilot Study (LMPS) values, referenced in Table 7 of the Draft Staff Report.

Final Numeric Target

The final numeric target of zero trash in Santa Monica Bay is both unrealistic and unachievable. In particular, the potential for littering will always be present in areas where people are present. Caltrans has no enforcement ability to stop illegal littering and cannot levee fines to individuals that litter. Deposition of litter onto highways or adjacent areas is prohibited by Vehicle Code Sections 23111, and 23112, which are enforceable by the California Highway Patrol. In addition, construction of full-capture devices may not be feasible at every drainage inlet within the watershed. For example, not all drainage inlets have sufficient space to allow for retrofitting with full capture devices.

Funding:

Caltrans does not have the authority to impose user or utility fees to pay for the TMDL implementation. Caltrans requests that language be added to the TMDL to allow for flexibility in implementation during times of funding challenges.

Again, thank you for the opportunity to comment. If you have any questions, please contact Joyce Brenner of my staff at (916) 653-2512

Sincerely,



G. SCOTT MCGOWEN
Chief Environmental Engineer

c: Joyce Brenner, Office Chief, Program Implementation
Paul Thakur Department of Transportation, District 7