



Inland Empire Waterkeeper
Advocacy • Education • Restoration • Enforcement

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April 15, 2016

Sent Via: commentletters@waterboards.ca.gov

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814

**Public Comment
Revised SWMP for Caltrans
Deadline: 5/2/16 by 12 noon**



Re: Comments on Proposed Revised Storm Water Management Plan for the California Department of Transportation

Dear Ms. Townsend,

Inland Empire Waterkeeper ("Waterkeeper") respectfully submits the following comments on the revised Storm Water Management Plan ("SWMP") for the California Department of Transportation ("Caltrans"). We appreciate the opportunity to submit these comments to the State Water Resources Control Board ("State Board").

The Statewide Permit for Storm Water Discharges from the Caltrans Municipal Separate Storm Sewer System, Order No. 2012-0011-DWQ ("Caltrans Permit"), Provision E.2.d., states: "The Department shall implement the program specified in the SWMP, any documents incorporated into the SWMP by reference, and any additional requirements contained in this Order." Caltrans Permit, 33. This indicates that SWMP's programs and its incorporated documents become the effective mechanisms for compliance enforcement, and thus, change.

Although the SWMP explains that District Work Plans ("DWPs") outline the necessary planned stormwater activities and projects that the Districts will conduct to implement the SWMP for the upcoming fiscal year, the SWMP fails to specifically state that the DWPs are "incorporated documents" that are enforceable by the State Board and the Regional Water Quality Control Boards ("Regional Boards") *See* Caltrans Permit, Section 16.5, and p. H-4. The SWMP requires that the Annual Reports include DWPs and that the DWPs will include specific components. SWMP, 16-5–16-7. The SWMP also requires that DWPs will be drafted in accordance with the Basin Plans and include important information, such as "specific implementation plans and documents." SWMP, 13-1; 16-6.

To allow the Regional Board and State Board to use the required DWPs an effective enforcement methods, Waterkeeper requests the State Board approve a clear and direct statement in the SWMP that DWPs are incorporated documents and enforceable by the State Board and the Regional Boards pursuant to Provision E.2.d. of the Caltrans Permit.

The SWMP states Caltrans' plans to reduce and eliminate the discharge of pollutants to storm drainage systems and receiving waters. Waterkeeper supports the Santa Ana Regional Board's plan to use DWPs as a regulatory mechanism in the future to help reduce or eliminate Caltrans discharges. One receiving water body of the Caltrans' MS4 Permit is Knickerbocker Creek. It is located in Big Bear, California, in the County of San Bernardino. Knickerbocker Creek is a tributary to the Santa Ana River. Waterkeeper's members often use and enjoy the Santa Ana River. Our organization supports efforts to protect and preserve the River's wildlife and beneficial uses. Knickerbocker Creek is on the 303(d) List as impaired for pathogens, and has been identified as a USEPA Vision Priority. Waterkeeper supports Santa Ana Regional Board's plans to use DWPs as a regulatory mechanism for the purpose of addressing Knickerbocker Creek's impairments. Waterkeeper supports exploring and developing this time-efficient mechanism of the DWPs. Waterkeeper is interested in determining whether it can be a supplementary mechanism to a Total Maximum Daily Load in remedying the pollutant problem of Knickerbocker Creek.

Waterkeeper appreciates the opportunity to comment on the Revised SWMP. Please feel free to contact me directly at 714-850-1965 ext. 307 or at jacqueline@coastkeeper.org with any questions of concerns you may have.

Sincerely,

Jacqueline Neumann
Staff Attorney
Inland Empire Waterkeeper