

**State Water Resources Control Board
Comment Response Report**

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION,
Proposed Storm Water Management Plan**

July 20, 2016

The State Water Resources Control Board (State Water Board) received two public comment letters on the Proposed Storm Water Management Plan for the California Department of Transportation (Department) NPDES Storm Water Permit¹ (Permit) as listed in item A below. The summarized comments and staff responses are listed in item B below:

A. Comment Letters Received

Letter No.	Affiliation	Representative
1	City of Big Bear Lake	David Lawrence
2	Inland Empire Waterkeeper	Jacqueline Neumann

B. Responses to Comments

1. Comment Letter 1 – City of Big Bear Lake (BBL)

Comment 1.1

The City of BBL supports the comments from Santa Ana Regional Water Quality Control Board (Regional Water Board) that the SWMP must clearly incorporate District Work Plans (DWPs).

Response 1.1

The DWPs outline the Department’s planned storm water activities for the upcoming year for each District office in order to describe how each District will implement the SWMP’s requirements. DWP activities and projects may be altered, displaced, or otherwise affected due to funding shortfalls, emergencies, or other unforeseen events. Moreover, the frequency of DWP submission and the lack of a required review and public participation process (DWPs will be automatically approved unless rejected in writing within 60 days of submission) indicate that it is intended to be a planning document and not subject to enforcement.

Enforceable metrics and requirements are set in the Permit and the SWMP. DWPs must be consistent with those requirements. The Regional Water Boards and/or State Water Board will enforce the provisions and requirements of the Permit and the SWMP where the DWPs do not facilitate implementation of the requirements of the Permit and the SWMP.

Staff will recommend that the Department add a bullet point under Section 16.5 of the SWMP, shown in underline format, to track deviations from the prior year’s DWP and to summarize the deviations and mitigation efforts as follows:

“DWPs will conform to the requirements of applicable RWQCB Basin Plans and will include, at a minimum:

- *....*
- *Proposed measures to be taken to meet Region-specific requirements listed in Section 13; and*

¹ Order 2012-0011-DWQ as amended by Orders WQ 2014-0006-EXEC, WQ 2014-0077-DWQ, and WQ 2014-0036-EXEC

- *An inventory of vulnerable road segments with slopes prone to erosion and sediment discharge; and*
- A list of all deviations from the prior year's DWP that have resulted or will result in Permit or SWMP noncompliance and a summary of all corrective efforts.

Comment 1.2

The latest Caltrans District 8 Work Plan does not show any efforts to mitigate or address the BBL Nutrient TMDL.

Response 1.2

Permit Section E.3.b gives the Regional Water Board Executive Officers 60 days to reject DWPs. Thus, the Santa Ana Regional Water Board Executive Officer can reject the Department's District 8 DWP, and request Caltrans District 8 to include actions to address the BBL Nutrient TMDL.

The BBL Nutrient TMDL is listed in Permit Attachment IV, Table IV.2 which requires the Department to monitor and take the implementation actions specified in Attachment IV, Sections III.A and III.B. In addition, the Department must take into account the approved Caltrans Final TMDL Prioritization of Reaches Inventory to address discharges with the highest impact on water quality.

Comment 1.3

The BBL Nutrient TMDL observes that sediment transports nutrients to the lake. The SWMP and DWP should propose measures to mitigate the erosion and transportation of sediments from earthen berms and unpaved shoulders within the Department's right-of-way around BBL.

Response 1.3

Please see Response 1.2 above. The City of Big Bear Lake may consider a formal request to the Santa Ana Regional Water Board Executive Officer who has the authority to approve District 8 DWPs to ensure that priority projects and activities are adequately addressed.

2. Comment Letter 2 – Inland Empire Waterkeeper

Comment 2.1

Waterkeeper requests State Water Board approve a clear and direct statement in the SWMP that DWPs are incorporated documents and enforceable by the State and Regional Boards pursuant to Provision E.2.d of the Permit.

Response 2.1

See Response 1.1 above.