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Comment # ~~300~~ 301

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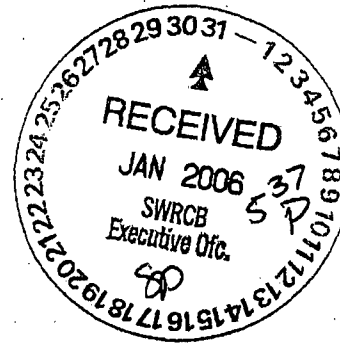
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January 31, 2006

303 (d) Deadline:

1/31/06 **LATE**

Ms. Selica Potter
 Acting Clerk to the Board
 State Water Resources Control Board
 Executive Office
 1001 I Street, 24th Floor
 Sacramento, CA 95814



Subject: Draft, 2006 303(d) List

Dear Ms. Potter:

The California Department of Transportation (Department) appreciates the opportunity to provide comments on the draft, 2006 303(d) list. The Department strongly supports efforts to protect the environment and achieve the best possible water quality. However, the Department does have a few concerns with the development of the 303(d) list.

The Department would like the schedule for TMDL development statewide to be updated and made available to the public. The current schedule shown in Table 9 has numerous TMDLs with completion dates in 2005 that are not complete (e.g., Canyon Lake Bacteria in Region 8, Bacteria Impaired Waters I in Region 9.) The list could be easier to use, perhaps with one column showing those TMDLs completed with the approval date, and another column showing the estimated completion date for those still in development.

The current process of developing TMDLs is a concern, since it is difficult (if not impossible) to begin the process of feasibility assessment, design, and installation of projects containing appropriate structural BMPs within space-constrained areas adjacent to highways and related facilities. Just as project designs are being completed to reduce the concentration of one constituent, it sometimes must be reanalyzed (and possibly redesigned) to address the requirements of subsequent TMDLs. This has happened in the Los Angeles River and the Ballona Creek watersheds, where the Department has built projects with trash removal BMPs (to comply with the Trash TMDL), only to discover the need for a redesign to address the newly approved TMDLs for metals. The Department strongly encourages the State

Ms. Selica Potter
January 31, 2006
Page 2

and Regional Boards to follow a holistic approach to mitigating water quality impairments, so that the ultimate performance requirements of any and all BMPs that must be installed can be considered at the beginning of the planning and design process of projects to meet the conditions of TMDLs. Providing an up-to-date schedule of TMDL development will assist in the implementation of the numerous TMDLs within a single watershed, as we may be able to anticipate future needs when developing plans to meet current TMDLs.

The Department is also concerned with the listing of several waterbodies throughout the state based on a "potential" use. Many of the waterbodies listed for "potential" REC-1 uses are concrete channels that are fenced and access is prohibited. The Department believes that program resources should be focused on impairments for existing uses. Concrete flood control channels would not be considered for REC-1 use, unless the channel cross-section could be substantially modified. In the absence of a plan for such modification, expending resources to provide a potential use is not prudent. In addition, before being listed on the 303(d) list, there should be clear and compelling evidence that a waterbody is impaired.

I hope these comments are helpful. If you have any questions, please call Ivan Karnezis at (916) 653-5417.

Sincerely,



MICHAEL FLAKE
Chief
Office of Storm Water Policy