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10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm

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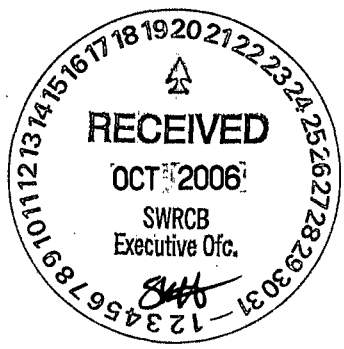
October 20, 2006



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

Subject: Proposed 2006 Federal Clean Water Act Section 303(d) List of Water Quality Limited Segments for California

Dear Ms. Her:

The California Department of Transportation (Department) appreciates the opportunity to provide comments on the Proposed 2006 Section 303(d) List. The Department strongly supports efforts to protect the environment and achieve the best possible water quality. However, the Department has some general and specific concerns regarding this list.

General Concerns

1. **Need for coordinated TMDL completion dates** – The current method of sequentially scheduling TMDL implementations is a major concern. It is extremely difficult to implement feasibility assessments, designs, and installations of appropriate Best Management Practices (BMPs) for impaired waterways in the space-constrained areas adjacent to highways. This difficulty is compounded with the implementation of subsequent TMDLs in the same waterway.

   For example, the Los Angeles River and Ballona Creek Trash TMDLs require 100% control of trash in runoff. The Department designed and began to install treatment units to comply with its assigned allocations. Construction costs for individual installations of these full capture devices, which are the only reliable option, average $211,000 per site. The estimated total construction cost to comply

with these TMDLs at our 2,197 outfalls is approximately $465,000,000. These devices may not be compatible with controls required for subsequent TMDLs in the same waterways. As designs for a treatment BMP are completed to reduce the concentration of one constituent, they must be reanalyzed (and possibly redesigned and/or reconstructed) to address the requirements of subsequent TMDL(s). Completed structural BMPs may be incompatible with controls required for new TMDL plans. The metals TMDL and bacteria TMDL, in particular, will likely require large structural devices to achieve TMDL allocations. Piecemeal issuance of implementation plans requires permittees, such as the Department, to implement controls without knowing all the TMDL requirements for the waterway segment. Such an incompatibility problem can manifest in several ways:

- Structural controls are often needed in constrained urban locations. Space may not be available to add new controls to older ones built for earlier TMDLs.

- Hydraulic constraints may make it difficult to add-on controls for subsequent TMDLs. For example, runoff may have to be pumped and diverted to new treatment BMPs.

- Some controls, such as those for bacteria, may require a consolidated approach. Small-scale disinfection of storm water runoff has not been successfully demonstrated. The most effective control may be to consolidate flow to a large-volume treatment facility. If flows are consolidated for treatment elsewhere, the previously installed end-of-pipe controls may have to be abandoned.

We are concerned that a portion of our ongoing investment in trash controls for the Los Angeles basin may be sunk if new TMDLs require different approaches to address the whole range of pollutants. This problem exists elsewhere in the state where waterways have multiple listings of different TMDLs with variable completion dates. Significant amounts of public funds may be wasted. We propose that the State Board adopt a watershed planning approach and for a particular waterway schedule, all TMDLs to be completed at approximately the same time. With that kind of a schedule, stakeholders can implement the efficient combination of controls necessary to protect water quality.

2. **Consistency** – Three significant pollutants in roadway runoff are copper, lead, and zinc. Almost half of the statewide listings for these metals are in the Los Angeles Region (including the 303(d) list and TMDL-complete list). Three regions have

no listings for these metals. Many of the other listings for these metals are for resource extraction sources. Does this disparity indicate a unique situation in Region 4, or should we expect similar listings elsewhere in the state as more monitoring is completed? We would like clarification regarding this disparity.

The following table shows that of the 145 total listings for these three metals, 69 are in Region 4.

Listed segments for needed or completed TMDLs

Region	1	2	3	4	5	6	7	8	9
Copper	0	1	0	17	19*	2	0	7	10
Lead	0	3	0	24	3*	0	0	2	5
Zinc	0	3	0	9	14*	0	0	1	3
Completed Cu	0	0	0	7	1	0	0	0	1
Completed Pb	0	0	0	8	0	0	0	0	0
Completed Zn	0	0	0	4	1	0	0	0	0
Total	*0*	*7*	*0*	*69*	*38*	*2*	*0*	*10*	*19*

* All resource extraction (mining) except for 5 listings

Specific Concerns

3. **Incorrect dates** – The current schedule shown in Table 9 has numerous TMDLs with completion dates in 2005 that are not complete (e.g., Knickerbocker Creek Bacteria in Region 8, and 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.

4. **Lahontan listings** – The Department is concerned with several listings in the Lahontan region (Bridgeport Reservoir, Eagle Lake, and East Walker River), where "Highway/road/bridge runoff" is listed as one of the potential sources. None of our activities, including deicing, contribute to the nitrogen levels of the watershed. This source identification should be corrected.

5. **Need for non-TMDL solutions** – The Department notes that the 303(d) listing of the Salton Sea for Salinity states "TMDL development will not be effective in addressing this problem, which will require an engineering solution with federal,

local, and state cooperation." The Department believes this to be true of several other listings and/or TMDLs (e.g., the Lake Elsinore Nutrient TMDL).

6. **Unknown sources** – Some of the TMDLs shown on the 2006 list of segments being addressed by USEPA approved TMDLs show the "Potential Sources" as being unknown. We wonder how a TMDL can be complete with waste loads assigned if the source is unknown.

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

Sincerely,

G. SCOTT MCGOWEN
Chief Environmental Engineer