



August 25, 2008

CWRQCB – Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

RE: Comments regarding the Waste Discharge Requirements/NPDES Permit for the City of South Lake Tahoe, El Dorado County, and Placer County. Board Order No. R6T-2005-0026B.

To Whom It May Concern:

The League to Save Lake Tahoe appreciates the opportunity to provide recommendations and comments to the proposed reissuance of the National Pollutant Discharge Elimination System (NPDES) permit for the Lake Tahoe Hydrologic Unit. The current NPDES permit states that the co-permittees (City of South Lake Tahoe, El Dorado County, and Placer County) must comply with the effluent discharge limits by November 30, 2008. The proposed action would allow the permittees another 20 years to meet the effluent discharge limits, which the League is not fully satisfied with due to the lack of time-sensitive milestones to demonstrate that the permittees are making progress in reaching the requirements of the NPDES permit.

20 Year Permit Extension

The League feels that the additional 20 year extension of the NPDES permit will not encourage the permittees to effectively reach the permit requirements in a timely manner. The current NPDES permit does not include time-sensitive milestones in effluent discharge limits that the permittees must meet. For example, by the first 5 years of the reissued NPDES permit each permittee must attain a discharge rate that is equal to or greater than 25 percent of the effluent discharge permit requirements; by year 10 of the permit period each permittee must attain a rate of effluent discharge equal to 50 percent

or greater of the permit requirement, and so forth. By including such time-sensitive effluent discharge goals, the League feels that the permittee's implementation of their Storm Water Management Plans (SWMPs) will be more effective at meeting the permit requirements and the effluent discharge limits in a timely manner.

It has been demonstrated by the yearly violations of permit requirements (i.e. City of South Lake Tahoe) that the permittees are not taking the requirements of the NPDES permit seriously. The decisions of the Water Board to not impose mandatory fines when permittees are found in violation of the NPDES permit or to not implement a "fix the deficiencies by this date or pay the fine" has led to a lack of responsibility and prioritizing of the permittees operations in relation to the storm water discharge requirements of the NPDES permit. The League recommends that the permittees should be subject to "actual" fines if they cannot meet requirements to "fix" a violation in a specified amount of time.

Pollutants of Concern

The League is concerned with the Water Boards' decision to remove the nutrients of both nitrogen and phosphorus from the description of primary pollutants of concern for Lake Tahoe. Both nitrogen and phosphorus support the growth of algal in Lake Tahoe. The designation of Lake Tahoe as an Outstanding National Resource Water (ONRW) states that in order to prevent the deterioration of Lake Tahoe "that there be no significant increase in algal growth rates" and that "Tahoe's ecological value depends on maintaining the extraordinarily low rates of algal growth which make Lake Tahoe an outstanding ecological resource." Further more, the recent algal blooms throughout Lake Tahoe should signify the continued threat that nutrients such as nitrogen and phosphorus have on the clarity and quality of the waters of Lake Tahoe.

The League feels that the inclusion of the Lake Tahoe TMDL research pointing to stormwater runoff from urban areas as the largest source of fine sediment particles to Lake Tahoe is not strong enough to convey the importance of reducing pollutant reductions in urban areas, nor does the language specify fine sediment load reductions that must meet the Lake Tahoe TMDL requirements. The League recommends that the reissued NPDES permit includes that each permittee must not only meet the effluent discharge goals of the permit, but also meet the discharge requirements of the Lake Tahoe TMDL. This will help to insure that the 34 percent fine sediment load reduction required in the next 15 years to achieve the overall goals of Lake clarity will be reached.

Legal Authority and Enforcement Component

The NPDES permit states that each permittee shall establish, maintain, and enforce adequate legal authority in order to control pollutant discharges **into** and **from** its storm water collection, conveyance, and treatment facilities. This can be done through either ordinance or other regulatory mechanisms. To date, not all of the permittees have met the above legal authority requirement, and the proposed reissuance of the NPDES permit does not state an implementation date for this requirement. The League feels that

adequate legal authority and the ability to enforce storm water discharge violations is essential to protecting the beneficial uses and resources of Lake Tahoe. The proposed NPDES permit should include a time-sensitive date that all permittees must meet and be able to implement the legal and enforcement component in conjunction with their storm water management plans. Overall, the League recommends that the proposed reissuance of the NPDES permit includes a time-sensitive legal authority and enforcement component that must be implemented by a specified date or the permittees will be found in violation of the NPDES permit requirements.

Education Component of the Storm Water Management Plans

The NPDES permit specifies that the Storm Water Management Plans must include a education component to (1) increase the knowledge of the target communities regarding impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience; and (2) encourage the behavior of target communities to reduce pollutant releases to the environment. After reviewing the educational materials and analyzing the accessibility of such educational materials it is apparent that some of the permittees are lacking in educational materials and outreach as specified in the educational component of the NPDES permit. The permittees need to take a more active role in providing educational outreach to both the local communities and permittee departments and personnel. The League recommends that the proposed reissuance of the NPDES permit include a time-sensitive date that the educational component of the permit must be implemented by, or the permittee will be found in violation of the NPDES permit requirements.

Summary

The League feels that the 20 year expansion of the NPDES permit for the City of South Lake Tahoe, and the counties of El Dorado and Placer is inadequate for meeting the storm water discharge requirements of the original NPDES permit and for the clarity and beneficial uses of Lake Tahoe. We recommend that the proposed reissuance of the NPDES permit include date-specific requirements for permit components to be implemented by, including the legal and educational components. The League also would like to recommend that nitrogen and phosphorus are not removed from the “Pollutants of Concern” section of the NPDES permit due to their significant influence on algal production in aquatic ecosystems such as Lake Tahoe. Current research indicates that fine sediments are the primary pollutant impacting the clarity of Lake Tahoe and that stormwater discharges carry the largest loads of fine sediments into the Lake, but this does not justify to removal of the potentially threatening nutrients (nitrogen and phosphorus) that support algal growth. Lastly, the League recommends that the proposed reissuance of the NPDES permit also includes a component stating that the Lake Tahoe TMDL requirements must also be met in order to effectively reduce fine sediment runoff into the Lake.

We appreciate the opportunity to provide comments and if you are in need of further information please contact us at 530-541-5388.

Thank you,

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The League to Save Lake Tahoe