



August 18, 2008

Dan Sussman
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

RE: CEQA Scoping Comments Regarding Development of a Proposed Basin Plan Amendment to Incorporate the Lake Tahoe TMDL into the Lahontan Region Water Quality Control Plan

Dear Mr. Sussman,

CEQA

Thank you for the opportunity to provide comments on the proposed environmental impacts of the proposed Basin Amendment Plan (BPA). The League to Save Lake Tahoe is concerned that although the intention of the proposed TMDL is to improve water clarity, opportunities exist within the implementation process to negatively impact water quality and other environmental thresholds.

Without thorough guidelines and stringent regulations of pollutant controls there is potential for the installation of stormwater treatment systems that may negatively impact the lake. Treatment systems that employ chemical coagulants are increasing in use. Although these systems can be effective, they pose potential hazards to water quality if a spill or leakage should occur due to mechanical failure or a natural event such as an earthquake or a catastrophic wildfire. Chemical coagulants are toxic to most aquatic life even at low concentrations. Furthermore, many of the common coagulants utilize different forms of sulfur which if added to the lake at high dosages could impact nutrient cycling. Most coagulants will cause substantial changes to pH and some may result in the addition of dissolved aluminum to lake waters. Although, the environmental impacts of the effluent concentrations treated with coagulants may not be harmful, the concern rests in the impact that these coagulants would have should they be released or spilled in full concentration. Additional concerns are that these treatment facilities have large visual footprints and may pose a negative impact to TRPA's scenic threshold. The League encourages the Lahontan Water Board to recommend strategies for sediment control that do not pose a risk to water quality, fisheries, or scenic resources such as sedimentation

basins, wetland restoration and other natural stormwater treatment strategies such as cultured periphyton engineered systems.

The incorporation of TMDLs into the BPA may encourage new types of technology to be employed in the Basin. As part of the CEQA process, Lahontan needs to thoroughly examine the possible environmental consequences of these new technologies. Stormwater facilities that utilize chemical coagulants may have “potentially significant impacts” on the following categories of the environmental checklist: Aesthetics (a, b, c, d), Air Quality (b, c), Biological Resources (a, b, c, d, e, f), Geology and Soils (d, e), Hazards and Hazardous Materials (b), Hydrology and Water Quality (a, c, d, f), Land Use and Planning (c), Noise (a, b, c, d), Utilities and Service Systems (b, c), and Mandatory Findings of Significance (a, b). Therefore, the Substitute Environmental Document (SED) should include an “EIR” level of analysis.

LOAD ALLOCATIONS

The League has some additional concerns about the TMDL documents unrelated to the CEQA process, but would like to take the opportunity to present these concerns here. The League recognizes that an enormous amount of resources and effort from a number of agencies have gone into quantifying pollutant loads from a variety of sources. Our concern rests in the ability to measure, quantify, and allocate load reductions from separate jurisdictions, projects, and sources.

For example, it is referenced throughout the TMDL documents that road abrasives are a major contributor of fine sediments to the lake. However, the percentage of sand placed on a roadway that is ground into fine sediments remains unknown. If, for example, Caltrans chooses to comply with the TMDL reduction and decreases the amount of sand applied for winter maintenance, how will they be credited with a quantifiable reduction of fine sediment if this amount remains unidentified. Furthermore, in chapter four of the IWQMS, Caltrans is recognized as contributing 20% of the upland fine sediment load in the basin, more than any other jurisdiction. However, according to the chapter introduction (p. 61) this measurement of fine sediment does not consider atmospheric sources. This report is implying that fugitive road dust (an atmospheric source) is not included in this 20% allocation to Caltrans and that Caltrans contribution to fine sediment is even higher. If Caltrans makes changes to their sanding practices and reduces both their upland and atmospheric sources how will they be credited? Will they be given one set of credits for their upland reductions and a different set of credits for their atmospheric reduction?

Moreover, other problems may arise in crediting when more than one jurisdiction is involved. For example, Placer County is the lead agency and major funding agency for the Kings Beach Commercial Core Project. The project will reduce lane coverage on a Caltrans roadway resulting in a direct decrease of over 50 tons of applied sanding materials per year. Although Caltrans is the agency applying less pollutant, Placer county is the funding agency, so who will get the credit? Without a precise crediting

system, jurisdictions have little incentive to implement TMDL projects and water clarity goals may never be reached.

Additionally, some projects such as the installing of stormwater detention basins require a large maintenance component. A jurisdiction may be credited with reducing pollutants through the installation of such projects, but if they do not perform proper maintenance and there is no accountability and monitoring program, pollutants will not be reduced, yet jurisdictions will still receive reduction credits. Without a proper maintenance accountability program overseen by a regulatory agency, the crediting program remains flawed. Furthermore, if some projects are easier to quantify and easier to give proper credit to than others, this may discourage jurisdictions from employing projects that have significant but hard to quantify impacts on fine sediment reduction. The League supports the Lahontan Water Board in its efforts to hold each jurisdiction responsible for pollutant load reduction, but without a process that can successfully quantify fine sediment reduction and give proper credit, the system may fail to achieve the clarity challenge.

ADAPTIVE MANAGEMENT

The League recognizes that the estimates and models developed for the TMDL report used the best possible information, data, and expertise available at the time. However, it is imperative in Phase Three of the program that adaptive management is not solely directed at the three numbered items on page 6-5 of the Technical Report,

1. Are the expected reductions of each pollutant to Lake Tahoe being achieved?
2. Is the clarity of Lake Tahoe improving in response to actions to reduce pollutants?
3. Can innovative and new information improve our strategy to reduce pollutants?

but, includes a regimented outline and schedule for when and how new research, data and modeling techniques will be added to improve model and estimate accuracy and certainty. It is crucial that the Watershed Model and Lake Clarity Model (the foundations of the TMDL targets), are viewed as impressive beginnings to quantifying pollutant loads affecting Lake Tahoe clarity, but that these models are simply the first versions of a very complex process and that the models themselves will need constant and critical updating.

Thank you for the opportunity to comment on the environmental impacts of the proposed Basin Plan Amendment. Please do not hesitate to contact the League to Save Lake Tahoe with comments or questions.

Nicole Gergans
Program Advocate
League to Save Lake Tahoe
955 Emerald Bay Rd.
South Lake Tahoe, CA 96159
530-541-5388
nicole@keoptahoebblue.org

