

SAN BERNARDINO COUNTY STORMWATER PROGRAM

A Consortium of Local Agencies

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November 18, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



RE: CONCERNS ABOUT THE PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR NON POINT SOURCE DISCHARGES RELATED TO CERTAIN ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS IN CALIFORNIA

Dear Ms. Townsend:

Thank you for the opportunity to comment on the State Water Resources Control Board's proposed approval of the Waiver of Waste Discharge Requirements for non point source discharges related to certain activities on National Forest System lands in California (WDR waiver).

As a joint party to the Big Bear Lake Total Maximum Daily Load (TMDL) with the United States Forest Service (USFS), the San Bernardino County Flood Control District (District) would like to express concerns regarding the proposed WDR waiver including:

1. Big Bear Lake Nutrient TMDL compliance

The District agrees with several findings in the WDR waiver that activities associated with the multiple uses of USFS lands generate sediment, increase water temperature, and affect other water quality parameters. In the Big Bear Lake watershed, the USFS lands and activities such as access roads, trails, camp grounds, and vegetation thinning, contribute the majority of sediment and phosphorus loadings into Big Bear Lake due to erosion and sediment deposition. The District is concerned the WDR waiver will simply allow the USFS to postpone and prolong their actions in the Big Bear Lake watershed beyond the nutrient TMDL compliance date of 2015 and will force the rest of the stakeholders to take the burden for that lack of participation.

2. Ambiguity in the selection criteria for priority watersheds

The WDR waiver states that the Watershed Improvement Program (WIP) guides watershed restoration activities progressing through the priority watersheds in a stepwise manner, eventually providing assessment and restoration for all the watersheds. The language is ambiguous and does not discuss how the implementation deadlines in TMDLs will be addressed. Again, the District is concerned that stakeholders not covered by the WDR waiver will be required to comply with the current deadlines in the TMDLs and take undue responsibility and financial burden for the prolonged schedules allowed by WIP and the WDR waiver.

3. Discharges from National Forest Land activities and projects into receiving waters listed on the Clean Water Act (CWA) Section 303 (d) List should not be included in the WDR waiver

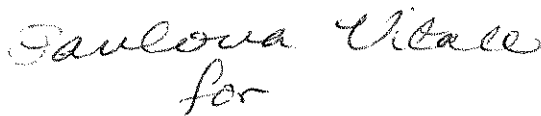
Member Agencies

- | | | |
|-------------------------|----------------------------|--|
| ◆ City of Big Bear Lake | ◆ City of Highland | ◆ City of Rialto |
| ◆ City of Chino | ◆ City of Loma Linda | ◆ City of San Bernardino |
| ◆ City of Chino Hills | ◆ City of Montclair | ◆ City of Upland |
| ◆ City of Colton | ◆ City of Ontario | ◆ City of Yucaipa |
| ◆ City of Fontana | ◆ City of Rancho Cucamonga | ◆ County of San Bernardino |
| ◆ City of Grand Terrace | ◆ City of Redlands | ◆ San Bernardino County Flood Control District |

Non point source discharges into waters on the CWA Section 303 (d) List and subject to TMDLs should not be included in the waiver because the watersheds draining to these waters need more immediate and specific local actions than those being proposed in the WDR waiver. Each water body and associated watershed has unique hydrology, climate, and other factors that directly relate to compliance with the TMDL targets, deadlines, load and waste load allocations and ultimately water quality objectives and beneficial uses. Even though on a programmatic scale, it may seem to make sense to address non point source discharges from USFS on a statewide basis via the WDR waiver, from a compliance standpoint, it creates undue financial burden to the rest of the stakeholders to be forced to address the impacts from these discharges into CWA Section 303 (d) listed water bodies. The WDR waiver allows for the USFS to determine the priority for each watershed and the prioritization is left to the discretion of national forests basing it on the amount of forest land and the ability to effect a change in the watershed condition. The prioritization does not take into account the deadlines, numeric targets and local condition issues related to impaired waters on the CWA Section 303 (d) List. This may either result in prolonged delay in meeting water quality objectives and attaining beneficial uses, or forcing other stakeholders to finance the remediation of these discharges. The WDR waiver may be a better mechanism to address non point source water quality issues in water bodies not on the CWA Section 303 (d) List.

The District sincerely appreciates the opportunity to comment and your consideration of these comments and appreciates the need to find efficient methods to address water quality issues. The District does not object with the WDR waiver provided that the concerns we listed above are addressed. If you have any questions, please contact Pavlova Vitale of my staff at (909) 387-8119 or pavlova.vitale@dpw.sbcounty.gov

Sincerely,



Pavlova Vitale
for

GIA KIM, P.E., Chief
Land Development and Construction Division

GK:PNV:nh/Comments re USFS Waiver