



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

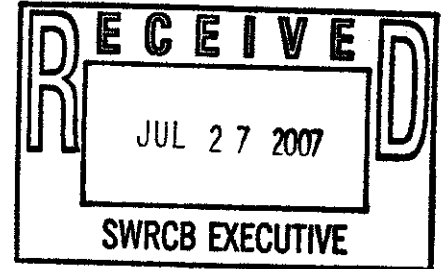
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5/26/07 Scoping Mtg.
CA Ocean Plan Amend.
Deadline: 7/27/07 Noon

TO: Song Her
Clerk to the Board, Executive Office
State Water Resources Control Board



FROM: original signed by
John H. Robertus
Executive Officer
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: July 27, 2007

SUBJECT: California Ocean Plan Amendment

Thank you for the opportunity to comment on the proposed amendment to the Ocean Plan. We are focusing our comments on "Issue 2: Fecal Coliform Standard for Shellfish." Specifically, we urge the State Water Board to adopt Alternative 2 for this issue, which amends the fecal coliform standard for shellfish, while also addressing non-human sources of indicator bacteria for all beneficial uses. This approach is consistent with the National Shellfish Sanitation Program model ordinance which provides that regulatory agencies are "not required to apply the total coliform standard if a detailed study [...] demonstrates that the coliforms [...] are not of direct fecal origin and do not indicate a public health hazard."¹

An approach to indicator bacteria water quality objectives that addresses non-human sources is critical. The San Diego Water Board and other Regional Water Boards have found through participation in rigorous monitoring programs that natural background sources of indicator bacteria cause exceedances of water quality objectives on their own, without contribution from anthropogenic sources. Indicator bacteria water quality objectives that do not provide for these natural background sources will ultimately require dischargers to control these sources in order to meet water quality objectives.

Such an approach is undesirable for several reasons. First, it is not known what environmental impact would result from the removal of most natural background indicator bacteria from receiving waters. Removal of indicator bacteria from receiving waters in such a manner could adversely affect valuable aquatic life and wildlife

¹ National Shellfish Sanitation Program, 2005. Guide for the Control of Molluscan Shellfish. IV. Guidance Documents. Chapter II, Growing Areas. Section C(3).

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beneficial uses. Second, construction of the treatment systems necessary to control natural background indicator bacteria would cause significant impacts to other important environmental resources, such as wildlife habitat, endangered species, etc. Third, it is unlikely that all natural background sources of indicator bacteria can be controlled without massive expenditures by public and private entities. These expenditures would be necessary despite uncertainty regarding their benefit to public health.

Alternative 2 of Issue 2 of the Ocean Plan amendment avoids these likely problems. The alternative will authorize the State Water Board and Regional Water Boards to account for natural background sources of indicator bacteria when implementing indicator bacteria water quality objectives, provided that all anthropogenic sources have been controlled and indicator bacteria densities do not indicate a human health risk. This approach provides flexibility in implementation, while remaining protective of environmental and human health. For these reasons, we support your staff's recommendation that you adopt Alternative 2 of Issue 2 of the Ocean Plan amendment.

Thank you for your consideration of our comments.