
San Diego Regional Water Quality Control Board

February 17, 2016

Via Email Only

Mr. Clem Brown
Program Manager
City of San Diego
Transportation and Storm Water Department
9370 Chesapeake Drive
Suite 100, MS 1900
San Diego, California 92123

In reply refer to / attn:
CW-794841:CArias

**Subject: San Diego Water Board Notice of Acceptance
San Dieguito River Watershed Management Area Water Quality Improvement Plan**

Mr. Brown:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received the revised final San Dieguito River Watershed Management Area (WMA) Water Quality Improvement Plan (Plan) on September 29, 2015. The revised final San Dieguito River WMA Plan was jointly submitted by the Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach and the County of San Diego (collectively Copermittees) after considering written comments submitted by the public and San Diego Water Board staff on the draft final San Dieguito River WMA Plan. Submittal of the San Dieguito River WMA Plan, as revised in response to comments, is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region* (Order).

Provisions B and D of the Order describe the required elements that must be included in the Plan including the identification of priority water quality conditions in the San Dieguito River WMA and strategies to address them. The Plan put forward by the Copermittees identifies exceedances of indicator bacteria and associated recreational beneficial use impairments along the Pacific Ocean shoreline at the San Dieguito Lagoon mouth as the only highest priority water quality condition in the entire 346 square mile WMA for which a numeric goal has been established. The San Diego Water Board is concerned with the Plan's limited focus on indicator bacteria exceedances when there are equally pressing water quality issues in the upper portions of the WMA that also warrant priority consideration, especially in light of the urgent challenges presented by severe drought conditions to manage and protect scarce water supplies.

The San Dieguito River WMA is hydrologically separated into an upper and lower watershed by a dam on Lake Hodges, a key water supply reservoir linked to the regional imported water system. During Plan development, the Water Quality Improvement Plan Consultation Panel

repeatedly pointed out the need to address long-standing issues regarding Lake Hodges impairments on the 303(d) List of Water Quality Limited Segments for color, nitrogen, and phosphorus, and that multiple sources of nitrogen and phosphorus discharges in the upper portion of the watershed are responsible for the poor water quality conditions and beneficial use impairments in Lake Hodges. These water quality problems are significantly impacting the use of Lake Hodges waters for municipal water supply, restricting water supply blending opportunities, and increasing treatment costs for downstream water supply agencies.

The nutrient impairment issues at Lake Hodges notwithstanding, the San Diego Water Board recognizes that the requirements of the Beaches and Creeks Bacteria Total Maximum Daily Load (Bacteria TMDL) were a significant factor in identifying beach coastal water indicator bacteria exceedances as the highest priority water quality condition for the entire San Dieguito River WMA. Although the Cities of Poway and Escondido are hydrologically disconnected from the beach coastal waters (except for *extreme* wet years, if the dam spills over), they are identified as Responsible Agencies in the Bacteria TMDL and must comply with the required bacteria load reductions. The San Diego Water Board also understands that the Plan strategies seek to achieve multiple pollutant reductions simultaneously and that the Copermittees have projected the strategies will not only achieve reductions in bacteria loads of roughly 12 percent during wet weather, but also achieve similar load reductions for nitrogen, phosphorus, sediment and metals.

The Copermittees have indicated that the status of compliance with the required bacteria load reductions during wet weather has not yet been determined. However, the monitoring component of the Plan requires collection of municipal separate storm sewer system (MS4) outfall water quality data and receiving water data that should yield the information needed to inform the Copermittees of their status of compliance with the Bacteria TMDL. The Copermittees must also concurrently evaluate data from monitoring that will occur in the receiving waters and outfalls in the upper portions of the watershed, pursuant to Provision D of the Order, in determining sources of nutrient discharges to Lake Hodges, including MS4 contributions. All of this data must be used for assessing the San Dieguito WMA as two separate (upper and lower) watersheds, and re-evaluating the highest priority water quality conditions that should be addressed in the next iteration of the Plan. The San Diego Water Board anticipates that the water quality issues in Lake Hodges will be carefully considered by the Copermittees in the re-evaluation process. The San Diego Water Board also anticipates that the re-evaluation documentation and discussion will be a key component included in the Report of Waste Discharge application for Order reissuance that is required to be submitted by December 29, 2017.

Based on all of these considerations, the San Diego Water Board accepts the revised final San Dieguito River WMA Plan dated September 29, 2015 and has concluded that it is in compliance with Provisions B and D of the Order. The Copermittees should continue implementation of the strategies described in the Plan according to the specified schedules. The Copermittees are now authorized to allow exemptions to the Hydromodification Management BMP Requirements that have been identified pursuant to Provision E.3.c.(2)(d)(iii) of the Order, and implement the Alternative Compliance Program for Priority Development Projects provided under provision E.3.c.(3) of the Order, within the San Dieguito River WMA.

The accepted San Dieguito River WMA Plan, dated September 29, 2015 will continue to be available for public review on the San Diego Water Board website. Any person aggrieved by this San Diego Water Board action to accept the San Dieguito River WMA Plan may petition the State Water Resources Control Board to review the action in accordance with Water Code

section 13320 and California Code of Regulations (CCR), title 23, section 2050, et seq. The State Water Resources Control Board must receive the petition by 5:00 p.m. within 30 days after the date of this action except if the thirtieth day falls on a Saturday, Sunday or holiday, the petition must be received no later than 5:00 p.m. on the first business day following. Copies of laws and regulations applicable to petitions are available at http://www.waterboards.ca.gov/public_notices/petitions/water_quality and are available upon request.

Please submit any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. Electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: CW-794841:CArias**.

Should you have any questions or comments on this matter, please contact Christina Arias by phone at (619) 521-3361 or by e-mail at Christina.Arias@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

DWG:js:dtb:law:ca

cc (via email): Mikhail Ogawa, City of Del Mar
Helen Davies, City of Escondido
Steve Strapac, City of Poway
Dan Goldberg, City of Solana Beach
JoAnn Weber, County of San Diego

Tech Staff Info & Use	
Order No.	R9-2013-0001
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